

STATE OF NORTH DAKOTA.

JOURNAL OF THE SENATE

OF THE

Fourth Legislative Assembly

BEGUN AND HELD AT THE

CAPITOL AT BISMARCK,

January 8, 1895, to March 8, 1895.

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BISMARCK, N. D.:
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1895.

MEMBERS AND OFFICERS
OF THE
SENATE OF NORTH DAKOTA
FOR THE
FOURTH LEGISLATIVE ASSEMBLY, 1895.

MEMBERS.

District.	NAME.	Where Born.	Ancestry.	Occupation.	Came to State.	Age.
5	Arnold, H. F., <i>r</i>	Connecticut,	American,	Editor-Farmer,	1880	37
12	Benedict, A. V., <i>r</i>	Illinois,	American,	Physician,	1888	42
20	Brown, C. G., <i>r</i>	Wisconsin,	English,	Bookkeeper,	1883	36
19	Burke, John <i>d</i>	Iowa,	Irish,	Lawyer,	1887	35
4	Clark, Geo., <i>r</i>	Ontario,	Irish,	Farmer,	.....	59
22	Davis, D. T., <i>r</i>	Wales,	Welsh,	Farmer,	1873	50
21	Day, E. P., <i>r</i>	New York,	English,	Farmer,	1882	68
2	Dobie, Jas., <i>Ind.</i>	Quebec,	Scotch,	Farmer,	1883	47
16	Enger, F. G., <i>r</i>	Norway,	Norwegian,	Farmer,	1871	49
23	Fuller, Bailey <i>r</i>	Vermont,	American,	Farmer,	1881	48
29	Gregory, C. E., <i>r</i>	Illinois,	American,	Lawyer,	1882	38
28	Hanscom, A. L., <i>r</i>	Maine,	American,	Merchant,	1881	48
3	Hillier, Wm., <i>Ind.</i>	Ontario,	English,	Farmer,	1880	46
9	Haggart, Jno., <i>r</i>	New York,	American,	Farmer,	1871	48
1	Lamb, J. P., <i>Ind.</i>	Michigan,	Irish,	Merchant,	1882	36
17	LaMoore, J., <i>r</i>	Canada,	French-Irish,	Merchant,	1870	56
27	Little, C. B., <i>r</i>	N. Hampshire,	American,	Banker,	1882	37
13	McCarten, R., <i>Ind.</i>	Wisconsin,	Irish,	Farmer,	1882	36
31	McGillivray, A. C., <i>r</i>	Toronto,	Scotch,	Merchant,	1883	36
18	Plain, Chas. W., <i>d</i>	Illinois,	German,	Farmer,	1888	36
14	Rourke, F. H., <i>r</i>	Pennsylvania,	Irish,	Lawyer,	1882	41
25	Stevens, J. W., <i>Ind.</i>	New York,	English,	Farmer,	1883	71
8	Strom, H. H., <i>r</i>	Norway,	Norwegian,	Farmer,	1878	49
7	Sorley, J. A., <i>r</i>	Iowa,	Scandinavian,	Lawyer,	1889	35
10	Tufts, F. C., <i>r</i>	Maine,	English,	Farmer,	1877	44
6	Viets, F., <i>r</i>	Ohio,	American,	Hotel Proprietor,	1870	58
26	Wishak, J. H., <i>r</i>	Pennsylvania,	French German	Lawyer,	1884	40
24	Valentine, C. N., <i>r</i>	Indiana,	American,	Druggist,	1886	35
11	Young, E., <i>r</i>	Nov. Scotia,	Scotch,	Merchant,	1879	46
15	White, Frank <i>r</i>	Illinois,	English Scotch,	Farmer,	1882	38
30	Parkin, H. S., <i>r</i>	Pennsylvania,	English,	Farmer,	1872	49

r Republican; *d* Democrat; *Ind.* Independent

OFFICERS.



President—LIEUT. GOV. JOHN H. WORST.
President Pro Tempore—JOHN HAGGART.
Secretary—FRED FALLEY.
Assistant Secretary—J. O. SMITH.
Engrossing and Enrolling Clerk—G. S. REISHUS.
Bill Clerk—J. C. WARNOCK.
Stenographer—R. M. TUTTLE.
Sergeant-at-Arms—L. L. WALTON.
Assistant Sergeant-at-Arms—PERRY GILBERTSON.
Doorkeeper—R. D. MARSHALL.
Messenger—G. W. STRONG.
Postmaster—A. A. HALL.
Chaplain—REV. G. A. CHAMBERS.
Janitor—J. P. MCGARVEY.
Clerk, Committee on Judiciary—M. A. SHIRLEY.
Clerk, Committee on Appropriations—LEE MITCHELL.
Journal Clerk—ANNIE NELSON.
Pages—WILLIAM MORRIS, HARRY McLEAN, EDDIE MURPHY.

Journal of the Senate.

FOURTH SESSION.

FIRST DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 8, 1895.

At the hour of twelve o'clock meridian, on Tuesday, the eighth day of January, 1895, being the hour and day designated by law for the assembling of the Legislative Assembly of the State of North Dakota, the members-elect of the Senate for the Fourth Session of the Legislative Assembly of the State of North Dakota, assembled in the Senate Chamber of the Capitol, in Bismarck, and were called to order by Fred Falley, Secretary of the Senate for the Third Session of the Legislative Assembly, who introduced the Hon. J. H. Worst, Lieutenant Governor, as President of the Senate.

The Lieutenant Governor assumed the office of President of the Senate.

After prayers by Rev. G. A. Chambers, the roll was called and the following members-elect responded to their names:

From the—

First District—Judson LaMoure.

Second District—James Dobie.

Third District—William Hillier.

Fourth District—George Clark.
 Fifth District—H. F. Arnold.
 Sixth District—Frank Viets.
 Seventh District—J. A. Sorley.
 Eighth District—H. H. Strom.
 Ninth District—John E. Haggart.
 Tenth District—D. C. Tufts.
 Eleventh District—E. Young.
 Twelfth District—A. V. Benedict.
 Thirteenth District—R. McCarten.
 Fourteenth District—Patrick H. Rourke.
 Fifteenth District—Frank White.
 Sixteenth District—F. G. Enger.
 Seventeenth District—J. P. Lamb.
 Eighteenth District—Chas. W. Plain.
 Nineteenth District—John Burke.
 Twentieth District—C. G. Brown.
 Twenty-first District—E. P. Day.
 Twenty-second District—D. T. Davis.
 Twenty-third District—Bailey Fuller.
 Twenty-fourth District—Chas. N. Valentine.
 Twenty-fifth District—J. W. Stevens.
 Twenty-sixth District—John H. Wishek.
 Twenty-seventh District—C. B. Little.
 Twenty-eighth District—A. L. Hanscom.
 Twenty-ninth District—C. E. Gregory.
 Thirtieth District—H. S. Parkin.
 Thirty-first District—A. C. McGillivray.

The oath of office was administered to the Senators-elect by Hon. W. H. Winchester, Judge of the Sixth Judicial District.

The election of Secretary being in order,
 Mr. Benedict nominated Fred Falley.

No other nominations being made, the roll was called.

The roll being called, those who voted for Mr. Falley were:
 Messrs. Arnold, Benedict, Brown, Burke, Clark, Davis, Day,
 Dobie, Enger, Fuller, Gregory, Haggart, Hanscom, Hillier,
 Lamb, LaMoure, Little, McCarten, McGillivray, Parkin, Plain,

Rourke, Stevens, Strom, Tufts, Valentine, Viets, White, Wishek and Young.

Mr. Falley having received 30 votes, a majority of all votes cast, was declared elected and was sworn in.

Mr. Little moved

That the rules of the last Session be amended in Rule 35, Line 1, by inserting before the word Senate the words "President of," and as so amended be adopted as the temporary rules of the Senate,

Which motion prevailed.

Mr. LaMoire nominated Hon. John E. Haggart for President, pro tem.

The roll being called there were ayes 29, nays 1.

Those who voted for Mr. Haggart were:

Messrs. Arnold, Benedict, Brown, Burke, Clark, Davis, Day, Dobie, Enger, Fuller, Gregory, Hanscom, Hillier, Lamb, LaMoire, Little, McCarten, McGillivray, Parkin, Plain, Rourke, Strom, Tufts, Valentine, Viets, White, Wishek, Young—29.

Mr. Stevens voting no.

Mr. Haggart having received a majority of all votes cast was declared elected.

Mr. Young nominated for Assistant Secretary, J. O. Smith.

There being no other nominations

The roll being called there were ayes 30.

Those voting for Mr. Smith were:

Messrs. Arnold, Benedict, Brown, Burke, Clark, Davis, Day, Dobie, Enger, Fuller, Gregory, Haggart, Hanscom, Hillier, Lamb, LaMoire, Little, McCarten, McGillivray, Parkin, Plain, Rourke, Stevens, Strom, Tufts, Valentine, Viets, White, Wishek and Young.

Mr. Smith having received a majority of all votes cast was declared elected.

Mr. Davis nominated L. L. Walton for Sergeant at Arms.

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

Those voting for Mr. Walton were:

Messrs. Arnold, Benedict, Brown, Burke, Clark, Davis, Day, Dobie, Enger, Fuller, Gregory, Haggart, Hanscom, Hillier, Lamb, LaMoire, Little, McCarten, McGillivray, Parkin, Plain, Rourke, Stevens, Strom, Tufts, Valentine, Viets, White, Wishek, Young—30.

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

Mr. Gregory nominated G. S. Reishus for Engrossing and Enrolling Clerk.

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

Those voting for Mr. Reishus were:

Arnold, Benedict, Brown, Burke, Clark, Davis, Day, Dobie, Enger, Fuller, Gregory, Haggart, Hanscom, Hillier, Lamb, LaMoure, Little, McCarten, McGillivray, Parkin, Plain, Rourke, Stevens, Strom, Tufts, Valentine, Viets, White, Wishek, Young—30.

Mr. Reishus having received a majority of all votes cast was declared elected.

Mr. Fuller nominated J. C. Warnock for Bill Clerk.

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

Those voting for Mr. Warnock were:

Messrs. Arnold, Benedict, Brown, Burke, Clark, Davis, Day, Dobie, Enger, Fuller, Gregory, Haggart, Hanscom, Hillier, Lamb, LaMoure, Little, McCarten, McGillivray, Parkin, Plain, Rourke, Stevens, Strom, Tufts, Valentine, Viets, White, Wishek, Young—30.

Mr. Warnock having received a majority of all votes cast was declared elected.

Mr. Young nominated for Doorkeeper, R. S. Marshall.

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

Those voting for Mr. Marshall were:

Messrs. Arnold, Benedict, Brown, Burke, Clark, Davis, Day, Dobie, Enger, Fuller, Gregory, Haggart, Hanscom, Hillier, Lamb, LaMoure, Little, McCarten, McGillivray, Parkin, Plain, Rourke, Stevenson, Strom, Tufts, Valentine, Viets, White, Wishek and Young—30.

Mr. Marshall having received a majority of all votes cast was declared elected.

Mr. Hanscom nominated Mr. Geo. Strom for Messenger.

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

Those voting for Mr. Strom were:

Messrs. Arnold, Benedict, Brown, Burke, Clark, Davis, Day, Dobie, Enger, Fuller, Gregory, Haggart, Hanscom, Hillier, Lamb, LaMoure, Little, McCarten, McGillivray, Parkin, Plain, Rourke, Stevens, Strom, Tufts, Valentine, Viets, White, Wishek, Young—30.

Mr. Strom having received a majority of all votes cast was declared elected.

Mr. Brown nominated Mr. A. A. Hall for Postmaster.

The roll being called, there were ayes 30.

Those voting for Mr. Hall were:

Messrs. Arnold, Benedict, Brown, Burke, Clark, Davis, Day, Dobie, Enger, Fuller, Gregory, Haggart, Hanscom, Hillier,

Lamb, LaMoure, Little, McCarten, McGillivray, Parkin, Plain, Rourke, Stevens, Strom, Tufts, Valentine, Viets, White, Wishek, Young—30.

Mr. Hall having received a majority of all votes cast was declared elected.

Mr. LaMoure nominated Mr. R. M. Tuttle for Stenographer.

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

Those voting for Mr. Tuttle were:

Messrs. Arnold, Benedict, Brown, Burke, Clark, Davis, Day, Dobie, Enger, Fuller, Gregory, Haggart, Hanscom, Hillier, Lamb, LaMoure, Little, McCarten, McGillivray, Parkin, Plain, Rourke, Stevens, Strom, Tufts, Valentine, Viets, White, Wishek and Young—30.

Mr. Tuttle having received a majority of all votes cast was declared elected.

Mr. Little nominated Rev. G. A. Chambers for Chaplain.

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

Those voting for Mr. Chambers were:

Messrs. Arnold, Benedict, Brown, Burke, Clark, Davis, Day, Dobie, Enger, Fuller, Gregory, Haggart, Hanscom, Hillier, Lamb, LaMoure, Little, McCarten, McGillivray, Parkin, Plain, Rourke, Stevens, Strom, Tufts, Valentine, Viets, White, Wishek and Young—30.

Mr. Chambers having received a majority of all votes cast was declared elected.

Mr. LaMoure nominated Miss Annie Nelson for Journal Clerk.

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

Those voting for Miss Nelson were:

Messrs. Arnold, Benedict, Brown, Burke, Clark, Davis, Day, Dobie, Enger, Fuller, Gregory, Haggart, Hanscom, Hillier, Lamb, LaMoure, Little, McCarten, McGillivray, Parkin, Plain, Rourke, Stevens, Strom, Tufts, Valentine, Viets, White, Wishek and Young—30.

Miss Nelson having received a majority of all votes cast was declared elected.

Mr. Arnold nominated Mr. M. A. Shirley, for Clerk of Judiciary Committee.

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

Those voting for Mr. Shirley were:

Messrs. Arnold, Benedict, Brown, Burke, Clark, Davis, Day, Dobie, Enger, Fuller, Gregory, Haggart, Hanscom, Hillier, Lamb, LaMoure, Little, McCarten, McGillivray, Parkin, Plain, Rourke, Stevens, Strom, Tufts, Valentine, Viets, White, Wishek and Young—30.

Mr. Shirley having received a majority of all votes cast was declared elected.

Mr. Clark nominated Mr. Lee Mitchell for Clerk of Committee on Appropriations.

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

Those voting for Mr. Mitchell were:

Messrs. Arnold, Benedict, Brown, Burke, Clark, Davis, Day, Dobie, Enger, Fuller, Gregory, Haggart, Hanscom, Hillier, Lamb, LaMoure, Little, McCarten, McGillivray, Parkin, Plain, Rourke Stevens, Strom, Tufts, Valentine Viets, White, Wishek and Young.—30.

Mr. Mitchell having received a majority of all votes cast, was declared elected.

Mr. Little nominated for Pages, Robert Morris, Harry McLean and Eddie Murphy.

Mr. Stevens nominated for Page, Howard C. Hines.

The roll being called, Master Morris received 22 votes, McLean received 24 votes, Murphy received 24 votes and Howard C. Hines received 4 votes.

Master Morris, McLean and Murphy having received a majority of all votes cast were declared elected.

Mr. LaMoure nominated Erick Gilbertson for Assistant Sergeant at Arms.

The roll being called there were ayes 26, nays 2.

Those voting for Mr. Gilbertson were:

Messrs. Arnold, Benedict, Brown, Burke, Clark, Davis, Day, Dobie, Enger, Fuller, Gregory, Haggart, Hanscom, Lamb, LaMoure, Little, McGillivray, Parkin, Rourke, Strom, Tufts, Valentine, Viets, White, Wishek and Young—26.

Those voting against Mr. Gilbertson were:

Messrs. Hillier and Stevens—2.

Mr. Gilbertson having received a majority of all votes cast was declared elected.

Mr. Little nominated Mr. D. McGarvey Janitor of the Cloak Rooms.

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

Those voting for Mr. McGarvey were:

Messrs. Arnold, Benedict, Brown, Burke, Clark, Davis, Day, Enger, Fuller, Gregory, Haggart, Hanscom, Hillier, Lamb, LaMoure, Little, McCarten, McGillivray, Parkin, Plain, Rourke, Stevens, Strom, Tufts, Valentine, Viets, White, Wishek and Young.

Mr. McGarvey having received a majority of all votes cast was declared elected.

Mr. Parkin nominated Mr. John C. Leach for Watchman.

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

Those voting for Mr. Leach were:

Messrs. Arnold, Benedict, Brown, Burke, Clark, Davis, Day, Enger, Fuller, Gregory, Haggart, Hanscom, Hillier, Lamb, LaMoure, Little, McCarten, McGillivray, Parkin, Plain, Rourke, Stevens, Strom, Tufts, Valentine, Viets, White, Wishek and Young—29.

Mr. Leach having received a majority of all votes cast was declared elected.

Mr. LaMoure moved

That a committee of seven on rules be appointed by the President,

Which motion prevailed.

Mr. McGillivray moved

That Katie Allen, C. W. Getchell, Lou Dobson, Geo. B. Crum, A. W. Clyde, A. Lindelie and C. S. Cassel be elected Enrolling and Engrossing Clerks,

The roll being called, there were ayes 27, nays 2.

Those who voted in the affirmative were:

Messrs. Arnold, Benedict, Brown, Clark, Davis, Day, Enger, Fuller, Gregory, Haggart, Hanscom, Hillier, Lamb, LaMoure, Little, McCarten, McGillivray, Parkin, Plain, Rourke, Stevens, Strom, Tufts, Valentine, Viets, White, Wishek and Young—27.

Those who voted in the negative were:

Messrs. Burke and McCarten.

So the motion prevailed.

Mr. Hillier moved

That a committee of three be appointed to investigate and report to the Senate the amount of work to be done and the number of clerks needed.

The roll being called there were ayes 15, nays 14.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hillier,	Stevens,
Burke,	Lamb,	Strom,
Clark,	LaMoure,	Tufts,
Davis,	McCarten,	White,
Dobie,	Plain,	Young.
Haggart,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Benedict,	Gregory,	Rourke,
Brown,	Hanscom,	Valentine,
Day,	Little,	Viets,
Enger,	McGillivray,	Wishek.
Fuller,	Parkin,	

So the motion prevailed.

Mr. Little moved

That a committee of three be appointed by the President to wait on the Governor and inform him that the Senate is organized and ready to transact business,

Which motion prevailed.

Mr. LaMoure moved

That a committee be appointed to inform the House that the Senate is organized and ready to transact business,

Which motion prevailed.

J. O. Smith, R. M. Tuttle, J. C. Warnock, L. L. Walton, Anna Nelson, John C. Leach, Ed. Murphy, Robert Morris, Harry McLean, G. A. Chambers and M. A. Sherley, were sworn in by Judge Winchester.

The President appointed the following Committee on Rules:

Messrs. LaMoure, White, Hillier, Burke, Wishek, Strom and Benedict.

The President appointed as a committee to wait on the Governor, Messrs. Little, Burke and Stevens.

The President appointed as a committee to wait on the House, Messrs. Arnold, Rourke and McCarten.

Mr. Haggart asked unanimous consent to introduce the following resolution,

Which consent was granted.

CONCURRENT RESOLUTION.

Resolved by the Senate of the State of North Dakota, the House of Representatives concurring,

That the Legislative Assembly of the State of North Dakota adjourn not later than the Twenty-Second Day of February, Eighteen Hundred and Ninety-Five.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
January 8, 1895.

MR. PRESIDENT:

I have the honor to inform the Senate that the House has organized by the election of the following officers, and is ready to receive any communication the Senate may have to present:

Speaker—James C. Gíll.

Chief Clerk--J. M. Devine.

Assistant Clerk—H. E. Lavayea.

Chief Enrolling and Engrossing Clerk—Jorgen Howard.
Bill Clerk—Vivian Morgan.
Sergeant at Arms—Fred Snore.
Messenger—O. A. Boynton.
Postmaster—David Miller.
Stenographer—Bessie Waggoner.
Chaplain—A. Durrie.
Watchman—Thos. Farrington.
Doorkeeper—Herbert Bartrom.
Journal Clerk—Chas. S. Buck.

Respectfully,
J. G. HAMILTON,
Acting Clerk.

Senator Little reported to the Senate that the Governor will be ready to deliver his Message to the Legislature on the 9th inst. at 2:00 o'clock P. M.

Mr. Arnold reported that the committee to wait upon the House have informed the House that the Senate was ready for business.

Mr. Little moved

That the Senate adjourn until 1:30 to-morrow,

Which motion prevailed.

And the Senate adjourned.

FRED FALLEY,
Secretary.

SECOND DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 9, 1895.

The Senate was called to order by the President.

Prayer by the Chaplain.

Roll called.

All members present except Mr. Sorley.

The President administered the oath of office to R. D. Marshall,
Doorkeeper.

Mr. Gregory introduced the following concurrent resolution:

CONCURRENT RESOLUTION.

Resolved by the Senate, the House concurring,

That a joint committee of nine (9), four from the Senate and five from the House, be appointed by the President of the Senate and the Speaker of the House, to which shall be submitted the bills prepared by the Revising Commission.

Mr. Gregory moved

To adopt the resolution,

Which motion prevailed, and

The resolution was adopted.

Mr. LaMoure moved

That the President appoint a committee of three to revise and correct the Journal,

Which motion prevailed, and

The President appointed as such committee, Messrs. LaMoure, Viets and Fuller.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
January 9, 1895. }

MR. PRESIDENT:

I have the honor to announce that the House is prepared to receive the Senate in Joint Session for the purpose of receiving the Message of the retiring Governor, Hon. Eli C. D. Shortridge, and the Inaugural Address of the Governor-elect, Hon. Roger Allin.

Respectfully,
J. G. HAMILTON,
Acting Chief Clerk.

Mr. Little moved

That the Senate do now adjourn to the House to hear the Message of the Governor,
Which motion prevailed.

At the conclusion of the Joint Session the Senate reassembled, the President presiding.

Senator Haggart moved

That the courtesy of the floor be extended to Hon. M. A. Hildreth,

Which motion prevailed.

Mr. Gregory introduced the following report of the Revising Commission:

REPORT OF REVISING COMMISSION.

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

We have the honor to submit to you herewith our report in the form of seven bills to establish a system of codes for this State and specifically repeal statutes inconsistent therewith. We have felt obliged to present our work in this form by reason of Sections 61 and 64 of the Constitution, which provide:

No bill shall embrace more than one subject, which shall be expressed in its title, but a bill which violates this provision shall be invalidated thereby only as to so much thereof as shall not be so expressed."

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."

Each of the codes, as they were originally adopted in 1877, constituted a separate act with a specific name and title. Since their adoption, however, a large number of acts have been passed which in effect amended the codes, but which were passed not as amendments, but as independent acts. To illustrate, Chapter 112 of the laws of 1883, providing for the organization of civil townships, was in effect an amendment of the political code, but was passed without reference to that code as an independent act. Many of these acts were as much in need of amendment as the original codes. For the purpose of amendment, however, each act amended constitutes a *subject*,

and a bill purporting to amend two or more independent acts would be in conflict with Section 61 of the Constitution, which provides that no act shall embrace more than one subject. The Commission was, therefore, reduced to the alternative of preparing a multitude of bills, one for each act amended, or preparing a system of codes which should embrace all the law, both new and old. The latter seemed by far preferable. It presented the law as an entirety so that the different parts could be considered in their relations. It was less expensive. There was less liability of important parts failing of enactment, and so leaving the law in a fragmentary state for ultimate compilation. Finally, the form in which we have prepared the work is free from constitutional doubts, as the Supreme Courts of several States having the same constitutional provisions as North Dakota have decided that an act establishing a code, though the code embraced many subordinate subjects, was not in conflict with the constitutional provisions which we have quoted.

It would serve no good purpose for us to attempt to review at length the changes which we have proposed or to assign reasons therefor. The work itself will best present these matters. In revising the laws we have been guided by the following rules:

1. To remove conflict and uncertainty from existing laws.
2. To present such new provisions as the Constitution and a complete system of codes require.
3. To introduce no extreme or radical changes, believing that such measures should have their initiative in the Legislative Assembly.

We submit also a memorandum indicating the sections of the codes which are left unchanged, and those which have been re-drafted or amended.

Very respectfully yours,

BURKE CORBET,
CHARLES F. AMIDON,
GEO. W. NEWTON,
Revising Commission.

C. J. Fisk, Secretary.

Mr. LaMoure moved

The adoption of the report of the Commission,
Which motion prevailed.

Mr. Little moved

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

FRED FALLEY,
Secretary.

THIRD DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 10, 1895.

The Senate was called to order by the President.

Prayer by the Chaplain.

Roll called.

All members present except Mr. Sorley.

G. S. Reishus, Chief Engrossing and Enrolling Clerk; Geo. W. Strong, Messenger, and Erik Gilbertson, Assistant Sergeant at Arms, were sworn in by the Lieutenant Governor.

Mr. Parkin moved

That a committee of three be appointed to revise and correct the Journal,

Which motion prevailed.

Mr. Haggart made the following statement and motion:

Mr. President:

From an advanced copy of the Public Examiner's report, reference to which was made by the out-going Governor, E. C. D. Shortridge, in his message of yesterday, I learn that certain abuses, irregularities and misdemeanors are alleged to have been committed in the management of the State Penitentiary; in fact, that very grave charges have been made in regard to the management and conduct of that institution.

It came to my knowledge three weeks ago that matter would be embodied in that report that would reflect seriously on the conduct of some of my friends, who have hitherto borne excellent reputations. In the interest of justice and to the end that the truth or falsity of the charges may be known, I now demand an investigation, and move that a committee be appointed by the Chair to investigate the charges contained in said Public Examiner's report in reference to our Penitentiary.

To show that I desire to be fair, and that I do not believe in the truth of these charges, I ask that the committee consist of three members of the Senate, and that all three of them be chosen from Senators representing the political party from which these charges come.

Mr. LaMoure moved

To amend the motion by leaving the appointment of the committee to the President.

Mr. Hillier moved

To amend the amendment by providing that the committee be composed of one member of the Republican party, one member of the Democratic party and one member of the Independent party,

Which motion was lost.

Mr. Hillier moved

To amend the amendment so that the committee shall be composed of five members—three to be from the Republican party, one from the Democratic party and one from the Independent party,

Which motion prevailed.

Mr. LaMoure moved

To reconsider the vote by which the amendment to the amendment prevailed.

Roll call demanded.

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

Those who voted in the affirmative were:

Messrs—

LaMoure,
Little,

Messrs—

McGillivray,
Tufts,

Messrs—

Valentine,
Wishek.

Those who voted in the negative were:

Messrs—

Arnold,
Benedict,
Burke,
Clark,
Davis,
Day,
Dobie,
Enger,

Messrs—

Fuller,
Gregory,
Haggart,
Hanscom,
Hillier,
McCarten,
Parkin,

Messrs—

Plain,
Rourke,
Stevens,
Strom,
Viets,
White,
Young.

So the motion to reconsidered was lost.

The question being upon the motion of Mr. Haggart,
As amended

The motion prevailed.

The Committee appointed to revise and correct the Journal of the first day reported in favor of correcting the roll call on President pro tem, by recording the vote of Mr. Stevens "no."

INTRODUCTION OF BILLS.

Mr. McCarten introduced

Senate Bill No. 3,

A Bill for an act to amend Section 121, Chapter 62, of the Session Laws of 1890, entitled "an act to provide for a uniform system of Free Public Schools throughout the State, and to prescribe penalties for violating the provisions thereof,"

Which was read the first and second times, and

Referred to the Committee on Education.

Also,

Senate Bill No. 4,

A Bill for an act to amend Section 130, Chapter 62, of the Session Laws of 1890, entitled "an act to provide for a uniform system of Free Public Schools throughout the State, and to prescribe penalties for the violation of the provisions thereof",

Which was read the first and second times, and

Referred to the Committee on Education.

Mr. Haggart introduced

Senate Bill No. 5,

A concurrent resolution to amend the Constitution.

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

That the following amendment of the Constitution of the State of North Dakota be adopted and agreed to, to-wit:

AMENDMENT.

This Constitution is amended by striking out and repealing therefrom Article twenty (20), being Section two hundred and seventeen (217) thereof, which reads as follows, to-wit:

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

Which was read the first and second times, and

Referred to the Committee on Temperance.

Also,

Senate Bill No. 6,

A Bill for an act entitled "an act to provide for the inspection of Steam Boilers and Licensing of Steam Engineers,"

Which was read the first and second times, and

Referred to the Committee on State Affairs.

Also,

Senate Bill No. 7,

A bill for an act to amend Section one (1) of Chapter nine (9) of the Laws of 1891, providing clerk hire for the various State offices and making an appropriation therefor,

Which was read the first and second times, and

Referred to the Committee on Appropriations.

The committee appointed to revise and correct the Journal of the second day reported as follows:

Mr. President:

Your committee appointed to examine Journal of second day beg leave to report they have completed their labors and found the Journal correct.

H. G. PARKIN,
P. H. ROURKE,
A. V. BENEDICT,

Which report was adopted.

The Senate returned to the Eighth order of business.

Mr. Arnold moved

That the President appoint a Committee of three to secure Committee rooms,

Which motion prevailed.

Mr. President appoints as such Committee Senators Viets, Hanscom and Davis.

Mr. Little moved

That the President appoint a Janitor for the Gallery,

Which motion prevailed.

Mr. President appointed as Janitor for the Gallery William Beard,

Who was sworn in by the President.

Mr. Haggart moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

FRED FALLEY,
Secretary.

FOURTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 11, 1895.

The Senate was called to order by the President.

Prayer by the Chaplain.

Roll call.

All members present, except Mr. Sorley.

The Journal was read and approved.

The President named the following as a Committee on Investigation of acts of the Penitentiary Board, Senators Burke, Gregory, McGillivray, Fuller and Lamb.

REPORTS OF STANDING COMMITTEES.

The Committee on Rules presented the following report:

MR. PRESIDENT:

Your Committee on Rules desire to make the following report:

We recommend the adoption of the rules of the Senate of 1893, with the following amendments:

Amend the third order of business by inserting after reading, "and approval."

Amend Rule 30 by adding, "except the seven bills containing the seven Codes prepared by the Compilation Committee, which said bills may be taken out of their order and passed without having been printed."

Amend Rule 31 by striking out Robert's Rules of Order and inserting Reed's Parliamentary Rules.

Amend Rule 35 by inserting the words, "President of the" after the word the in the first line.

Also by adding the following as Rule 41: All reports of committees and motions to discharge a committee from the consideration of a subject, and all subjects from which a committee shall be discharged shall lie over for one day for consideration unless, by unanimous consent the Senate shall otherwise direct.

And as so amended we recommend their adoption as the Standing Rules of this Senate.

JUDSON LAMOURE,
Chairman.

Mr. Little moved
That the report of the Committee be adopted,
Which motion prevailed.

REPORT OF SELECT COMMITTEE.

MR. PRESIDENT:

Your committee appointed to select committee rooms report
That the committee rooms used by the previous Senate may be secured at the same terms,
Which report was accepted.

Mr. Little moved
That the Secretary of State be requested to furnish the Senate with the Session Laws of 1893, and others preceding, if possible,
Which motion prevailed.

Mr LaMoure moved
That the investigating committee be empowered to send for persons and papers,
Which motion prevailed.

Mr. LaMoure moved
That the President appoint a Janitor for the committee rooms,
Which motion prevailed.

INTRODUCTION OF BILLS.

Mr. Little introduced—
Senate Bill No. 8,
A Bill for an act to increase the State debt limit; an act proposing an amendment to Section 182 of Article 12 of the Constitution of the State of North Dakota,
Which was read the first and second times, and
Referred to Committee on Judiciary.

Mr. Enger introduced—
Senate Bill No. 9,
A Bill for an act repealing an act entitled, "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 and second times, and
Referred to Committee on Counties.

Mr Valentine introduced—
Senate Bill No. 10,
A Bill for an act to amend Section 2 of Chapter 110 of Session Laws of 1890, entitled "an act to prescribe penalties for the

unlawful manufacture, sale, barter and giving away of such liquors for medicinal, scientific and mechanical purposes,"

Which was read the first and second times, and

Referred to Committee on Temperance.

Mr. Wishek introduced—

Senate Bill No. 11,

A Bill for an act to amend Section 379 of the Code of Civil Procedure, 1877, being Section 5189 of Compiled Laws of Territory of Dakota, 1887, and to repeal Section 387 of the Code of Civil Procedure, being Section 5197, Compiled Laws of 1887,

Which was read the first and second times, and

Referred to Committee on Judiciary.

Mr. Wishek introduced—

Senate Bill No. 12,

A Bill for an act to exempt certain personal property from levy and sale on execution, attachment and other final process,

Which was read the first and second time, and

Referred to Committee on Judiciary.

Senator Gregory was called to the chair by the President.

Mr. Arnold introduced—

Senate Bill No. 13,

A Bill for an act providing for and regulating the redistricting of counties into commissioner districts,

Which was read the first and second times, and

Referred to Committees on Counties.

SECOND READING OF SENATE BILLS.

The Lieutenant Governor presiding.

Senate Bill No. 1, Concurrent Resolution,

Was read the second time, and

Referred to Committee on Judiciary.

The Senate returned to the fifth order of business.

PRESENTATION OF PETITIONS AND MEMORIALS.

Mr. LaMoure presented the following petition, signed by Felix Yell and 200 others.

Which was referred to the Committee on Temperance.

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

We, the undersigned residents of Pembina County and State of North Dakota, respectfully pray your honorable body to enact the following law, namely: That the prohibition law, now in force in the State of North Dakota, shall be resubmitted to a vote of the people of said State at the next general election.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
 January 11, 1895. }

MR. PRESIDENT:

I have the honor to transmit herewith a Concurrent Resolution for the appointment of a Joint Committee from the Judiciary Committees of the respective Houses when named, to whom shall be referred the reports of the Commission to revise and codify the laws of the State, which the House has passed, and your concurrence therein is respectfully requested.

Very respectfully,
 J. G. HAMILTON,
 Acting Clerk.

Mr. Haggart moved

That Messrs. Thos. Klanigle, E. M. Robinson, Geo. H. Phelps, W. A. Scott, R. E. Fleming, Wm. Sauter, J. O. Jewett be extended the courtesies of the floor,

Which motion prevailed.

Mr. Tufts moved

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

FRED FALLEY,
 Secretary.

FIFTH DAY.

SENATE CHAMBER,
 BISMARCK, NORTH DAKOTA,
 January 12, 1895.

The Senate was called to order by the President.

Prayer by the Chaplain.

Roll called.

All members present except Mr. Sorley and Messrs. Parkin, Tufts, Viets and Young, who were excused.

The Journal was read and approved.

MOTIONS AND RESOLUTIONS.

Mr. Little moved

That the courtesies of the floor be extended to Hon. J. A. Field and Joseph Hare,

Which motion prevailed.

Mr. Gregory moved

That the Senate concur in resolution of the House to appoint a Joint Compilation Committee,

Which motion prevailed.

Mr. Burke moved

That the Judiciary Committee be enlarged from nine to eleven members,

Which motion prevailed.

C. W. Getchell, Kate E. Allen A. Lindellie, Miss Lou Dobson, Geo. B. Crum and A. N. Clyde were sworn in as enrolling and engrossing clerks.

INTRODUCTION OF BILLS.

Mr. Hanscom introduced

Senate Bill No. 14,

A Bill for an act to reduce the salaries of Railroad Commissioners of the State of North Dakota from two thousand dollars per year to one hundred dollars per year from and after December 31, 1896,

Which was read the first and second times, and

Referred to the Committee on Judiciary.

Mr. Brown introduced

Senate Bill No. 15,

A Bill for an act to amend Subdivision 11 of Section 1, of Chapter 100, Session Laws of 1891,

Which was read the first and second times, and

Referred to the Committee on Ways and Means.

Mr. Strom introduced

Senate Bill No. 16,

A Bill for an act for the establishment of Courts of Conciliation, and prescribing the mode of procedure of the same, and to repeal Chapter 45, of the Laws of 1893,

Which was read the first and second times, and

Referred to the Committee on Judiciary.

Mr. Plain introduced

Senate Bill No. 17,

A Bill for an act to amend Section 290 of the Penal Code, being Section 6490 of the Compiled Laws relating to the punishment of robbery when committed by two or more persons conjointly,

and when two or more persons are present and aid in committing the crime of robbery,

Which was read the first and second times, and

Referred to the Committee on Judiciary.

The Senate returned to the eighth order of business.

Mr. Little moved

That the Secretary of the Senate be instructed to secure all the Session Laws since Statehood.

Which motion prevailed.

Mr. Little moved

That Rule 22 be amended so as to read as follows:

No Bill or Joint Resolution shall be committed or amended until it shall have been twice read; nor shall any such Bill or Joint 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 has been referred. *Provided*, That any Bill or Joint Resolution may have its third reading and be put upon its final passage on the day the same is reported back, when so ordered by two-thirds of the members of the Senate present.

The roll being called, there were ayes 22, nays 0.

Those who voted in the affirmative were:

Messrs—

Arnold,
Benedict,
Brown,
Burke,
Clark,
Davis,
Day,
Dobie,

Messrs—

Enger,
Gregory,
Haggart,
Hanscom,
Hillier,
Lamb,
LaMoure,

Messrs—

Little,
McCarten,
Rourke,
Stevens,
Strom,
Valentine,
Wishek.

Absent and not voting:

Messrs—

Fuller,
McGillivray,
Parkin,

Messrs—

Plain.
Sorley.
Tufts,

Messrs—

Viets,
White,
Young.

So the amendment was agreed to.

Mr. Little moved

That a Committee of three be appointed by the President on Mileage,

Which motion prevailed, and

The President appointed as such Committee, Messrs. Little, McCarten and Wishek.

The President appointed Joseph Monrean as Janitor of Committee Rooms, who was sworn in.

Mr. Haggart moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

FRED FALLEY,
Secretary.

SEVENTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA.
January 14, 1895.

The Senate was called to order by the President.

Prayer by the Chaplain.

Roll called.

All members present

Except Messrs. Arnold, Benedict, Parkin, Tufts and Viets.

Who were excused.

The Journal was read and approved.

STANDING COMMITTEES.

The President of the Senate announced the appointment of the following committees:

JUDICIARY—Messrs. Little, Chairman; Gregory, Sorley, Burke, Rourke, Wishek, McGillivray, Arnold, Brown, White, Viets.

EDUCATION—Messrs. Benedict, Chairman; Valentine, Arnold, White, Hillier, McCarten, Brown.

ELECTIONS—Messrs. Sorley, Chairman; Day, Hillier, LaMoure, Strom, Tufts and Plain.

APPROPRIATIONS—Messrs. Haggart, Chairman; Young, Arnold, White, Little, Day, Valentine, Strom, Wishek.

FEDERAL RELATIONS—Messrs. Valentine, Chairman; Strom, Haggart, Hanscom and Plain.

INSURANCE—Messrs. Plain, Chairman; White, Enger, Little and Burke.

PUBLIC HEALTH—Messrs. Clark, Chairman; Benedict, Stevens, Fuller and Dobie.

PUBLIC PRINTING—Messrs. Wishek, Chairman; Arnold, McGillivray, Lamb and Plain.

TEMPERANCE—Messrs. Enger, Chairman; Sorley, Stevens, Young, Hanscom, Wishek and Benedict.

MINES AND MINING—Messrs. McGillivray, Chairman; Fuller, Gregory, Parkin and Tufts.

RULES—Messrs. LaMoire, Chairman; White, Hillier, Burke, Wishek, Strom and Benedict.

IMMIGRATION—Messrs. Hillier, Chairman; Stevens, Enger, Haggart and McCarten.

HIGHWAYS, BRIDGES AND FERRIES—Messrs. McCarten, Chairman; Lamb, Burke, Hanscom and Plain.

IRRIGATION—Messrs. Dobie, Chairman; McGillivray, McCarten, Valentine, Hillier, Plain and Brown.

APPORTIONMENT—Messrs. Davis, Chairman; White, Gregory, Lamb, Benedict, Strom and Wishek.

CORPORATIONS OTHER THAN MUNICIPAL—Messrs. Tufts, Chairman; Burke, Stevens, McGillivray, Strom, Davis and Rourke.

MILITARY—Messrs. White, Chairman; Dobie, Clark, Little and LaMoire.

RAILROADS—Messrs. Parkin, Chairman; Gregory, LaMoire, McGillivray, Rourke, Hanscom, Valentine, Veits, Tufts.

STATE AFFAIRS—Messrs. Rourke, Chairman; Hanscom, Sorley, Young, Lamb, Strom and Gregory.

PUBLIC LANDS—Messrs. Burke, Chairman, Hillier, Stevens, Haggart, Day, Fuller and Tufts.

WAYS AND MEANS—Messrs. Gregory, Chairman; Haggart, Burke, Clark, Viets, Rourke and Davis.

AGRICULTURE—Messrs. Strom, Chairman; Day, Enger, Hillier, McCarten, Dobie and Clark.

WAREHOUSE, GRAIN AND GRAIN GRADING—Messrs. Day, Chairman; Sorley, Enger, Lamb, McCarten, LaMoire, Clark, Tufts and Davis.

COUNTIES—Messrs. Arnold, Chairman; McGillivray, Gregory, Burke, Little, Parkin, Wishek.

ENGROSSED AND ENROLLED BILLS—Messrs. Young, Chairman; Little, Arnold, Burke and Parkin.

BANKS AND BANKING—Messrs. Viets, Chairman; Little, Arnold, Gregory, Stevens, Strom and Dobie.

CITIES AND MUNICIPALITIES—Messrs. Fuller, Chairman; Young, Haggart, Hillier, Lamb, Viets and Wishek.

INDIAN AFFAIRS—Messrs. Brown, Chairman; McCarten, Burke, Clark and Davis.

STATISTICS—Messrs. Lamb, Chairman; Stevens, Brown, Dobie and Tufts.

STOCK—Messrs. Hanscom, Chairman; Stevens, McGillivray, Gregory and Parkin.

WOMAN'S SUFFRAGE—Messrs. Stevens, Chairman; Burke, Clark, Viets and Parkin.

JOINT SENATE COMMITTEES.

PUBLIC BUILDINGS—Messrs. McGillivray, Chairman; Haggart, Little, Stevens, LaMoire.

CHARITABLE INSTITUTIONS—Messrs. Young, Chairman; Fuller, Day, White, McCarten.

PENAL INSTITUTIONS—Messrs. Little, Chairman; Rourke, Parkin, Wishek, Clark.

EDUCATIONAL INSTITUTIONS—Messrs. Valentine, Chairman; Sorley, Lamb, Strom, Hillier, White, Veits.

STATE LIBRARY—Messrs. Gregory, Chairman; Arnold, LaMoure, Little, Valentine.

JOINT RULES—Messrs. LaMoure, Chairman; White, Hillier, Benedict, Strom, Wishek, Burke.

Mr. Little moved

That Mr. Sorley be excused for the time that he has not been present,

Which motion prevailed.

MOTIONS AND RESOLUTIONS.

Mr. McCarten moved

That the privilege of the bar of the Senate be allowed to the Deputy State Examiner to make certain explanations.

Roll call demanded.

The roll being called there were ayes 14, nays 11.

Those who voted in the affirmative were:

Messrs--	Messrs --	Messrs --
Brown.	Enger,	Plain,
Burke,	Hanscom,	Rourke,
Clark,	Hillier,	Stevens,
Day,	Lamb,	Strom,
Dobie,	McCarten,	

Those who voted in the negative were:

Messrs --	Messrs—	Messrs---
Fuller,	Little,	White,
Gregory,	McGillivray,	Wishek.
Haggart,	Sorley,	Young.
LaMoure,	Valentine,	

Absent and not voting:

Messrs---	Messrs	Messrs --
Arnold,	Davis,	Tufts,
Benedict,	Parkin,	Viets,

Who were excused.

So the motion prevailed.

Mr. LaMoure moved

That a committee of three be appointed by the President of the Senate to investigate the expenditure of \$800 by the Mandan Reform School Board, and that the Attorney General be instructed to prosecute the parties who have broken the law, if such be found to be the fact,

Which motion prevailed, and

The President appointed on such committee Senators Wishek, Dobie and Little.

Mr. Plain presented the following petition:

LANGDON, N. D., January 8, 1895.

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

GENTLEMEN:

We, your petitioners, who are members of the Board of County Commissioners of Cavalier County, N. D., would respectfully ask your Honorable Body to repeal Sub-division eleven (11) of Section 5, Chapter 132 of the Laws of 1890, as amended by Section 1, Chapter 100 of the Laws of 1891, being the law exempting \$200 worth of personal property from taxation.

We would further state as our reason for petitioning you to repeal this law is, that there is almost no revenue for County of State purposes derived from the taxing of personal property on account of the fraudulent methods used to evade the law.

GEORGE WEIR, Chairman.
HARRY DUNFORD, Co. Com.
P. MCHUGH, Co. Com.
HENRY PORTER, Co. Com.

Mr. Haggart offered the following resolution:

Resolved, That the State Auditor and State Treasurer be requested to inform the Senate as follows:

The amount of money in the general fund.

The probable income of said fund during the ensuing two years.

The amount of money needed during the ensuing two years to pay State interest, and salaries of the officers provided by the Constitution.

The per cent. of real estate from which no revenue can be expected during the ensuing two years by reason of its having been purchased for the State at delinquent sale, by counties.

Mr. Haggart moved

The adoption of the resolution,

Which motion prevailed.

INTRODUCTION OF BILLS.

Mr. Arnold introduced

Senate Bill No. 18,

A Bill for an act to amend an act entitled "an act to amend Section 1, Chapter 25, of the General Laws of 1881, being Section 4383 of the Compiled Laws,"

Which was read the first and second times, and

Referred to the Committee on Judiciary.

Mr. Strom introduced

Senate Bill No. 19,

A Bill for an act to provide a procedure for the condemnation of public warehouse sites on the right of way of Railways,

Which was read the first and second times, and

Referred to the Committee on Railroads.

Mr. Plain introduced

Senate Bill No. 20,

A Bill for an act to amend Section 3 of Chapter 31 of the Session Laws of 1891, for the purpose of including all lands in its provisions and requiring a judgment to be obtained to make the expense a tax lien on the land,

Which was read the first and second times, and
 Referred to the Committee on Ways and Means.

Mr. Haggart introduced
 Senate Bill No. 21,

A Bill for an act providing for the appropriation of additional
 buildings, and for the payment of the contingent expenses of the
 North Dakota Agricultural College and Experimental Station of
 Fargo,

Which was read the first and second times, and
 Referred to the Committee on Appropriations.

Mr. Wisbek introduced
 Senate Bill No. 22,

A Bill for an act to amend Section 21, Chapter 39, of the Political
 Code of 1877,

Which was read the first and second times, and
 Referred to the Committee on Judiciary.

Mr. Strom introduced
 Senate Bill No. 23,

A Bill for an act to prohibit managers, officers and employes of
 State Institutions from being interested in contracts, purchases
 or sales for or on account of said institutions,

Which was read the first and second times, and
 Referred to the Committee on State Affairs.

Mr. McGillivray introduced
 Senate Bill No. 24,

A Bill for an act to increase the revenues of the State by
 changing, and increasing the boundaries of the counties of Bill-
 ings, Stark and Mercer,

Which was read the first and second times, and
 Referred to the Committee on Counties.

Mr. Fuller introduced
 Senate Bill No. 25,

A Bill for an act for an appropriation for current and con-
 tingent expenses of the Hospital for the Insane at Jamestown,

Which was read the first and second times, and
 Referred to the Committee on Appropriations.

Mr. White introduced
 Senate Bill No. 26,

A Bill for an act providing for an appropriation for the main-
 tenance of the State Normal School at Valley City,

Which was read the first and second times, and
 Referred to the Committee on Appropriations.

The Senate returned to the tenth order of business.

Mr. Little moved

That the Senate do now concur in the House resolution providing for a committee to confer with a committee of the Minnesota Legislature, and that the President appoint a committee,
Which motion prevailed.

Mr. Hillier moved

That the Senate now hear the explanations of the Deputy State Examiner,

Which motion prevailed, and

A hearing was given to the Public Examiner.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
January 14, 1895. }

MR. PRESIDENT:

I have the honor to inform the Senate that Hon. J. M. Devine has qualified and entered upon his duties as Chief Clerk of the House.

Respectfully,
J. G. HAMILTON,
Acting Chief Clerk.

MR. PRESIDENT:

I have the honor to transmit herewith a concurrent resolution providing for the appointment of a committee that shall confer with a like committee from the Legislative Assembly of the State of Minnesota to secure suitable legislation as regards freight rates upon grains and coal, which the House has passed, and your concurrence therein is respectfully requested.

CONCURRENT RESOLUTION.

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

That a Committee, consisting of three members of the House of Representatives and two members of the Senate, be appointed to confer with a similar committee to be appointed by the Legislative Assembly of the State of Minnesota, with a view of proposing suitable legislation for the purpose of securing lower freight rates upon grains and coal.

Resolved, further, That a copy of these resolutions be transmitted to the Governor and Legislative Assembly of the State of Minnesota.

J. M. DEVINE,
Chief Clerk.

MR. PRESIDENT:

I have the honor to transmit herewith a concurrent resolution providing for the appointment of a joint committee from the Senate and the House to consider and report upon the cactus

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

Respectfully yours,
J. M. DEVINE,
Chief Clerk.

Mr. Haggart moved

That the Senate do now concur in the House resolution to appoint a Russian Cactus Committee,

Which motion prevailed.

The President swore in T. J. Lamb as one of the clerks, and C. W. Blunt as Keeper of the Bill Room.

The President announced the death of Mrs. Senator Hansbrough, which occurred this morning at Washington, D. C.

Mr. Gregory moved

That a committee be appointed by the President to draft suitable resolutions.

The motion was seconded by Messrs. LaMoure and Haggart,

Which motion prevailed, and

The President appointed as such committee,

Messrs. Gregory, McCarten and Burke.

Mr. Gregory moved

That as a mark of respect to the memory of Mrs. Hansbrough,

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

FRED FALLEY,
Secretary.

EIGHTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 15, 1895.

The Senate was called to order by the President.

Prayer by the Chaplain.

Roll called.

All members present except
Messrs. Arnold, Benedict and Tufts,
Who were excused.

The Journal was read and approved.

UNFINISHED BUSINESS.

The President appointed the following committees:

CACTUS COMMITTEE—Messrs. McCarten, Stevens, Valentine and Rourke

COMMITTEE ON FREIGHT RATES TO CONFER WITH THE MINNESOTA LEGISLA-
TURE—Messrs. Little and Burke.

COMMITTEE ON REVISION—Messrs. Gregory, Burke, Rourke and Sorley.

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. 7,

A Bill for an act to amend Section one (1) of Chapter nine (9),
of the Laws of 1891, providing clerk hire for the various State
offices and making an appropriation therefor,

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

JOHN E. HAGGART,
Chairman.

Mr. Haggart moved
To adopt the report of the committee,
Which motion prevailed.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred
Senate Bill No. 14,

A Bill for an act to reduce the salaries of Railroad Commissioners of the State of North Dakota from two thousand dollars per year to one hundred dollars per year from and after December 31, 1896,

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

By striking out the word "hundred" in line (3) three of the printed bill and inserting in lieu thereof the word "thousand."

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

Also,
Concurrent Resolution No. 1,
A Concurrent Resolution.

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

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

Also,
Senate Bill No. 8,

A Bill for an act to increase the State Debt Limit; an act proposing an amendment to Section 182 of Article 12 of the Constitution of the State of North Dakota.

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

By striking out the word "second" in line three (3) of the printed bill and inserting in lieu thereof the word "fifth."

And that it be further amended as follows: Beginning with the words "the Constitution" in line five (5) of the printed bill.

The Constitution of the State of North Dakota is hereby amended to read as follows: "The State may, to meet casual deficits or failure in the revenue, or in case of extraordinary emergencies, contract debts, but such debts shall never in the aggregate exceed the sum of five (5) mills on the dollar of the assessed valuation of all taxable property in the State to be ascertained by the last assessment made for the State and county purposes, exclusive of what may be the debt of North Dakota at the time of the adoption of this Constitution. Every such debt shall be authorized by law for certain purposes to be definitely mentioned therein, and every such law shall provide for levying an annual tax sufficient to pay the interest semi-annually, and the principal within thirty years from passage of such law, and shall specially appro-

appropriate the proceeds of such tax, to the payment of said principal and interest, and such appropriation shall not be repealed nor the tax discontinued until such debt, both principal and interest, shall have been fully paid. No debt in excess of the limit named shall be incurred except for the purpose of repelling invasion, suppressing insurrection, defending the State in time of war, or to provide for public defense in case of threatened hostilities; but the issuing of new bonds to refund existing indebtedness shall not be construed to be any part or portion of said indebtedness.

C. B. LITTLE,
Chairman.

Mr. Little moved that the report of the committee be adopted,
Which motion prevailed.

The courtesy of the floor was extended to Hon. E. H. Lunn.

Mr. Stevens offered the following resolution:

WHEREAS, On Jan. 10th, the third day of this session, a motion was made and carried for the appointment of a committee to investigate the charges contained in the Public Examiner's report, touching the management of the North Dakota Penitentiary, and,

WHEREAS, It is clearly the duty of the Senate to thoroughly investigate any and all charges that may be made against any of our public institutions, and,

WHEREAS, The charges against the management of the Penitentiary have become a matter of deep public interest,

Be it Resolved. That the powers of the said committee be extended so that it shall be its duty to investigate thoroughly the management of our Penitentiary during the past four years.

Mr. Stevens moved
The adoption of the resolution.

Roll call demanded.

The roll being called there were ayes 15, nays 11.

Those who voted in the affirmative were:

Messrs--	Messrs--	Messrs--
Burke,	Fuller,	Stevens.
Clark,	Hillier,	Strom,
Day,	McCarten,	Viets,
Dobie,	Plain,	White,
Enger,	Rourke,	Young.

Those who voted in the negative were:

Messrs--	Messrs--	Messrs--
Brown,	LaMoure,	Sorley,
Davis,	Little,	Valentine,
Gregory,	McGillivray,	Wishek.
Hanscom,	Parkin,	

Absent and not voting--

Messrs--	Messrs--	Messrs--
Arnold,	Haggart,	Tufts.
Benedict,		

So the resolution was adopted.

Mr. White offered the following Concurrent Resolution:

Be it Resolved by the Senate, the House Concurring, That a Joint Committee of five, composed of members from counties not having State institutions, two from the Senate and three from the House, be appointed by the President of the Senate and Speaker of the House to visit the State University at Grand Forks, the Agricultural College at Fargo, and the State Normal Schools at Mayville, Valley City, and the Deaf School at Devils Lake, and report to the Assembly upon the following particulars:

1. Condition of all State buildings, manner and quality of construction, state of repairs, sanitary condition, etc.
2. Condition of schools, number of students in actual attendance in the different departments now, and at the end of last term; average age of students, quality and character of work done.
3. Employes, number of instructors, classes taught by each daily, salaries of each, all other employes' duties, wages paid and time employed.
4. Fuel, kind and quality, amount used and price paid.
5. Recommendations.

Mr. White moved
The adoption of the resolution,
Which motion prevailed.

Mr. Gregory for the Committee on Resolutions concerning the death of Mrs. Senator Hansbrough reported; recommending that a committee be appointed to ascertain the date of the funeral, and that a joint meeting of the Legislative Assembly be held on that day, to take action.

The report was accepted, and
The original committee was continued.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Hanscom introduced
Senate Bill No. 27,

A Bill for an act to amend Section 24 of Chapter 56 of the Session Laws of 1891, entitled "an act to provide for a uniform system for free public schools throughout the State and prescribe penalties for the violation thereof,"

Which was read the first and second times, and
Referred to the Committee on Judiciary.

Mr. Little introduced
Senate Bill No. 29,

A Bill for an act providing for an appropriation for the penitentiary at Bismarck and for making needed permanent improvements thereat,

Which was read the first and second times, and
Referred to the Committee on Appropriations.

Mr. Strom introduced
Senate Bill No. 30,

A Bill for an act defining the duties of engrossing and enrolling clerks of the Legislative Assembly and providing necessary assistance for the engrossment and enrollment of bills.

Which was read the first and second times, and
Referred to the Committee on Judiciary.

Also,

Senate Bill No. 31,

A Bill for an act to amend Subdivision 16 of Section 1 and 2 and Subdivision 15, Sections 3 and 4 of Chapter 86 of Laws of 1890, relating to compensation of clerks,

Which was read the first and second times, and
Referred to the Committee on Judiciary.

Mr. Rourke introduced

Senate Bill No. 32,

A Bill for an act providing for an appropriation for the current and contingent expenses, furnishing maintenance and making needed improvements and repairs for the Soldiers' Home at Lisbon,

Which was read the first and second times, and
Referred to Committee on Appropriations.

Also,

Senate Bill No. 33,

A Bill for an act to repeal an act, entitled "an act providing for the establishment of Courts of Conciliation and prescribing the mode of procedure of the same

Which was read the first and second times, and
Referred to the Committee on Judiciary.

Mr. Stevens introduced

Senate Bill No. 34,

A Bill for an act to require railway companies to keep their right of way free from dead grass and other combustible material so as to prevent the starting of running fires from the operation of their railway,

Which was read the first and second times, and
Referred to the Committee on Railways.

Mr. Day introduced

Senate Bill No. 35,

A Bill for an act providing for an appropriation for the maintenance and the current and contingent expenses of the School for the Deaf of North Dakota at Devils Lake for deficiency and for making needed improvements thereat,

Which was read the first and second times, and
Referred to the Committee on Appropriations.

Also,

Senate Bill No. 36,

A Bill for an act to amend Section 16, Chapter 27, of the Political Code, being Section 1455 of the Compiled Laws of 1887.

Which was read the first and second times, and
Referred to the Committee on Judiciary.

Also,
Senate Bill No. 37,
A Bill for an act to amend Section 2 of Chapter 69 of the Laws
of 1891, entitled "an act for the protection of game,"
Which was read the first and second times, and
Referred to the Committee on State Affairs.

Mr. Valentine introduced
Senate Bill No. 38,
A Bill for an act to provide free and uniform text books
throughout the several counties of the State,
Which was read the first and second times, and
Referred to the Committee on Education.

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

FRED FALLEY,
Secretary.

NINTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 16, 1895.

The Senate was called to order by the President.
Prayer by the Chaplain.
Roll called.
All members present except
Mr. Benedict, who was excused.
The Journal was read and approved.

Lee Mitchell was sworn in as Clerk of the Appropriation Committee, and C. S. Caswell as clerk on the Engrossing force.

The President called Mr. LaMoure to the chair.

A. A. Hall was sworn in as Postmaster, and J. P. McGarvey as Janitor of the cloak room on the first day of the session.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

Mr. LaMoure offered the following petition,

Which was referred to the Committee on Temperance :

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

We, the undersigned, believing that it is for the best interests of our citizens that our prohibitory law should remain entrenched in our Constitution and laws, would respectfully petition your honorable body to use your votes and influence against the resubmission of the question of prohibition at this time, and we will ever pray.

DRAYTON, N. D., January 14, 1895.

At a meeting held in the Presbyterian Church, in Drayton, N. D., January 14, 1895, at which one hundred and sixty were present, all, by rising vote, expressed themselves as unanimously in favor of the above.

G. P. SCHELL,
Chairman.
J. M. WYLLIE,
Secretary.
J. D. WALLACE,
A. C. WELKINS,
ROBT. G. KERFOOT,
JAMES BELL,
A. P. DAYMAN,
J. H. HUNTINGTON,
J. R. JOHNSTON,
WESLEY VAN CAMP,
H. P. COOPER.
N. J. FERGUSON.

The above represents most of our leading citizens.

Mr. McGillivray moved

That on adjournment to-day that the Senate take a recess until Monday.

Mr. White raised the point that a recess for four days cannot be taken without the consent of the House.

Roll call demanded.

The roll being called there were ayes 19, nays 11.

Those who voted in the affirmative were:

Messrs--

Arnold,
Brown,
Burke,
Clark,
Day,
Fuller,
Gregory,

Messrs--

Hanscom,
LaMoure,
Little,
McGillivray,
Parkin,
Plain,

Messrs--

Rourke,
Sorley,
Valentine,
Viets,
Wishek,
Young.

Those who voted in the negative were:

Messrs—

Davis,
Dobie,
Enger,
Haggart,

Messrs—

Hillier,
Lamb,
McCarten,
Stevens,

Messrs—

Strom,
Tufts,
White,

Absent and not voting—

Mr. Benedict,
Who was excused.

So the motion prevailed.

Mr. Burke moved
That the vote to adjourn be reconsidered.Mr. Little moved
To lay the motion on the table.
Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Tufts introduced
Senate Bill No. 39,

A Bill for an act to amend an act entitled "an act prescribing the mode of making assessment and the levy and collection of taxes and for other purposes relative thereto,"

Which was read the first and second times, and
Referred to the Committee on Ways and Means.Mr. Day introduced
Senate Bill No. 40,

A Bill for an act to amend Section 2 of Chapter 107 of the Session Laws of 1890 entitled "an act to provide for the inspection of illuminating oils manufactured from petroleum or coal oils for the purpose of raising the test of oils; also as amended in Chapter 77 of the Session Laws of 1893,"

Which was read the first and second times, and
Referred to the Committee on Judiciary.Mr. Strom introduced
Senate Bill No. 41,

A Bill for an act to repeal Chapter 123 of the Laws of 1890 entitled "an act to facilitate the shipment of grain, live stock and other commodities, and to repeal the amendment to the above act, approved June 3, 1892, entitled 'an act to amend Sections 1 and 2 of Chapter 123, Laws of 1890, and provide in lieu thereof that any railroad in the State shall build and maintain suitable platforms at every station or siding in the State from which grain is shipped, or where there is an established elevator or warehouse for the receiving of grain; such platforms to be for the public convenience to facilitate the loading of, grain and other commodities from wagons into cars for shipment,"

Which was read the first and second times, and
Referred to Committee on Warehouses and Grain Grading.

Mr. McCarten introduced
Senate Bill No. 42,

A Bill for an act to amend Section 53, Chapter 132, Laws of 1890, being an act prescribing the mode of making assessment and the levy and collection of taxes, and for other purposes relative thereto,

Which was read the first and second times, and
Referred to the Committee on Judiciary.

Mr. Burke introduced
Senate Bill No. 43,

A Bill for an act to amend Section 181 of Article 19 of Chapter 62 of the General Laws of 1890, entitled "an act to provide a uniform system of free public schools throughout the State, and to prescribe penalties for the violation of the provisions thereof,"

Which was read the first and second times, and
Referred to the Committee on Education.

Mr. Arnold introduced
Senate Bill No. 44,

A Bill for an act to provide for a Geological and Natural History Survey of the State of North Dakota,

Which was read the first and second times, and
Referred to the Committee on State Affairs.

The following messages was received from the House:

HOUSE OF REPRESENTATIVES, }
January 16, 1895.

MR. PRESIDENT:

I have the honor to announce that the Speaker has appointed on the Joint Committee for Extermination of Cactus Messrs. Brainard, Colby, Svensrud, Brown and Purdon.

Respectfully,
J. M. DEVINE,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
January 16, 1895.

MR. PRESIDENT:

I have the honor to announce that the Speaker has appointed on the Committee on Joint Revision Messrs. Simpson, Wineman, Edwards, Prosser and Murphy.

Respectfully,
J. M. DEVINE,
Chief Clerk.

THIRD READING OF SENATE BILLS.

Concurrent Resolution No. 1,
Fixing day for adjournment

Was read the third time.

Mr. White moved

That further consideration of the resolution be deferred until February 21.

Roll call demanded.

Mr. Lamb offered the following amendment:

After the word the in the second line strike out the words "twenty-second" and insert in lieu the word "tenth," and after the word five in the third line insert the words, "providing there is no further business to be transacted."

Mr. Plain moved

The adoption of the amendment.

Which motion was lost.

The question being upon the motion to postpone consideration.

The roll being called they were ayes 19, nays 11.

Those who voted in the affirmative were:

Messrs--

Arnold,
Brown,
Burke,
Clark,
Davis,
Day,
Dobie,

Messrs--

Enger,
Hanscom,
Hillier,
Lamb,
McCarten,
McGillivray,

Messrs--

Plain,
Rourke,
Stevens,
Strom,
Viets,
White.

Those who voted in the negative were:

Messrs--

Fuller,
Gregory,
Haggart,
LaMoure,

Messrs--

Little,
Parkin,
Sorley,
Tufts,

Messrs--

Valentine,
Wishek,
Young.

Absent and not voting, Mr. Benedict.

So the motion to postpone prevailed.

Senate Bill No. 7,

A Bill for an act to amend Section one (1) of Chapter nine (9) of the Laws of 1891, providing clerk hire for the various State officers and making an appropriation therefor,

Which was read for the third time, and

Placed on its final passage.

Mr. Enger moved

To amend by striking out in lines 6 and 7 of the printed bill the words three thousand and insert in lieu thereof the words two thousand.

Mr. LaMoure moved

To amend the amendment by striking out the words two thousand and inserting in lieu thereof the words two thousand nine hundred.

Which motion prevailed.

The question being upon the amendment as amended,
The motion prevailed.

The roll being called upon the final passage of the bill as amended,

There were ayes 22, nays 7.

Those who voted in the affirmative were—

Messrs—	Messrs—	Messrs—
Arnold,	Hanscom,	Sorley,
Brown,	Lamb,	Strom,
Clark,	LaMoure,	Tufts,
Davis,	Little,	Valentine,
Day,	McGillivray,	Viets,
Fuller,	Parkin,	White.
Gregory,	Rourke,	Wishek.
Haggart,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Burke,	Hillier,	Plain,
Dobie,	McCarten,	Stevens.
Enger,		

Absent and not voting, Messrs. Benedict and Young.

So the bill passed, and the title was agreed to.

Mr. LaMoure moved

That the vote by which Senate Bill No. 7 was passed and the motion to reconsider be laid on the table,

Which motion prevailed.

Senate Bill No. 8,

A Bill for an act to increase the State debt limit; an act proposing an amendment to Section 182 of Article 12 of the Constitution of the State of North Dakota,

Which was read the third time, and

Put upon its final passage.

The roll being called there were ayes 23, nays 6.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gregory,	Sorley,
Brown,	Haggart,	Strom,
Burke,	Hanscom,	Tufts,
Clark,	Lamb,	Valentine,
Davis,	LaMoure,	Viets,
Day,	Little,	Wishek,
Enger,	McGillivray,	Young.
Fuller,	Rourke,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Dobie,	McCarten,	Plain,
Hillier,	Parkin,	Stevens.

Absent and not voting, Messrs. Benedict and White.

So the Bill passed, and the title was agreed to.

Senate Bill No. 14,

A Bill for an act to reduce the salaries of the Railroad Commissioners of the State of North Dakota from two thousand dollars per year to one hundred dollars per year from and after December 31, 1896,

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

Mr. Little moved

That Senate Bill No. 14 be made a special order for next Wednesday at 3 o'clock,
Which motion prevailed.

The Senate returned to the eighth order.

Mr. Gregory moved

That the Senate meet the House on Monday at 2 o'clock to hold memorial services on the death of Mrs. Senator Hansborough,

Which motion prevailed.

The following communication was received from the State Auditor:

To the Honorable Senate, Fourth Legislative Assembly, North Dakota:

GENTLEMEN—In accordance with the resolution offered by Senator Haggart and passed by your honorable body on January 15, I herewith submit my report upon the matters therein contained.

The amount of money in the general fund is, at this writing, overdrawn about \$2,500, but collections on County Treasurers are in process of being made which will wipe out the deficiency.

The probable income of that fund for the next two years, based on the returns for the past two years, will be about \$725,000.

The interest to be paid for the next two years will be \$75,000; this amount is paid on the bond interest fund and not from the general fund. The amount required for salaries for two years will be—

For State officers	\$119 600 00
For clerk hire	37 000 00

Total,	\$156,600 00
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This does not include pay of trustees, nor employes of the various institutions, which are included in the running expenses of those institutions.

The per diem and mileage of the members of the Fourth Legislative Assembly will be \$32,450, if the session is for sixty days, and the per diem of officers and employes about \$24,000.

As to the percentage of lands withdrawn from taxation by reason by becoming the property of the State by purchase from delinquent taxpayers, it will be impossible for me, from any data at hand, to give any reliable information. It will probably make a reduction of 15 per cent. of the real estate valuation.

As supplementary to the information asked for and given above, I beg leave to call the attention of your honorable body to the fact that there are unpaid bills now in my hands to the amount of about \$120,000; which

amount is to be considered as an item to be taken care of in estimating ways and means.

Yours respectfully,
F. A. BRIGGS,
State Auditor.

Referred to Committee on State Affairs.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
January 16, 1894. }

MR. PRESIDENT:

I have the honor to inform you that the House has passed a resolution fixing Monday, January 21, at 2 o'clock p. m., as the time for holding memorial services in memory of the late Mrs. H. C. Hansbrough; said meeting to be in joint session.

Resolved. That the Senate be invited to meet with the House in joint session on Monday, January 21, at 2 o'clock p. m., to participate in memorial exercises in honor of the late Mrs. H. C. Hansbrough.

Very respectfully,
J. M. DEVINE,
Chief Clerk.

Mr. Parkin moved
That the Senate do now concur,
Which motion prevailed.

Mr. Haggart moved that 100 extra copies of
Senate Bills No. 6 and No. 38 be printed for distribution,
Which motion prevailed.

Mr. Sorley moved
That the committee appointed to investigate the affairs of the
State Penitentiary be authorized to engage the service of a notary
public and a stenographer,
Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
January 16, 1895. }

MR. PRESIDENT:

I have the honor to inform the Senate that the House has concurred in the Senate Concurrent Resolution to adjourn until Monday next at 2 o'clock.

Respectfully,
J. M. DEVINE,
Chief Clerk.

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

FRED FALLEY,
Secretary.

FOURTEENTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 21, 1895.

The Senate was called to order by the President.

Prayer by the Chaplain.

Roll call.

All members present, except Messrs. Brown, Arnold, LaMoure
Viets and Rourke,
Who were excused.

The Journal was partially read, and Geo. L. Reyerson was sworn
in as Engrossing Clerk by the President.

Mr. Little moved:

That the reading of the Journal be postponed, and the Senate
do now adjourn to meet with the House in joint memorial services
on the death of Mrs. Hansbrough,
Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Repre-
sentatives:

HOUSE OF REPRESENTATIVES, }
 January 21, 1895. }

MR. PRESIDENT:

I have the honor to inform the Senate that the House is now ready to receive the Senate in joint session to hold a memorial service in memory of the late Mrs. H. C. Hansbrough.

Respectfully,
 J. M. DEVINE,
 Chief Clerk.

The Senate reassembled.

The reading of the Journal was concluded, and
 The Journal was corrected and approved.

PROCEEDINGS OF JOINT ASSEMBLY.

The following proceedings were had in joint memorial session.

The Joint Session was called to order by the President of the Senate.

Memorial prayer by the Chaplain of the Senate.

The President of the Joint Session announced the object of the Convention, and made the following address:

GENTLEMEN OF THE JOINT CONVENTION:

We have met today for the first time in the history of our State, to pay a tribute of respect to the dead. We have met to give formal expression to our sympathy for Senator Hansbrough upon the death of his devoted wife, and by word and deed to record our sorrow for this sad visitation of death to his home. In four years Mrs. Hansbrough endured more than the average of human suffering. Only recently she awoke joyfully to recovered health, when hope and gladness sat once more where pain and suffering had dwelt so long. It seems a cruel fate that should thus in the dawn of hope's bright morning cross their threshold and tear her from her husband's side, and rob their beautiful new home at Devils Lake of its light and life and inspiration. But the bribeless messenger has carried her beyond the shadows and across the mysterious river, yet her pure, strong, noble womanhood will always linger as a gentle memory in the minds of those who knew her in life. Gentlemen of the Joint Assembly, what is your pleasure?

Mr. Wineman moved

That the Stenographer of the Senate be designated as the Stenographer of the Joint Session, and that he be instructed to take the address of the members of the Joint Session, and that the addresses appear in the Journals of the House and Senate,

Which motion prevailed.

REPORT OF THE JOINT COMMITTEE ON RESOLUTIONS OF RESPECT.

WHEREAS, The sad intelligence of the death at Washington, D. C., on the 14th day of January, A. D. 1895, of Josephine Orr Hansbrough, wife of United States Senator Henry C. Hansbrough, has been received by the Senate and House of Representatives of North Dakota, and

WHEREAS, The Senate and House have each passed resolutions providing for the appointment of a Committee on "Resolutions of Respect," and providing for this Joint Assembly and Memorial Service.

The committee appointed as aforesaid present for the consideration of this Joint Assembly the following:

Be it Resolved by the Senate and House of Representatives of the State of North Dakota, in Joint Convention Assembled,

That we hereby extend to the Hon. H. C. Hansbrough our sincerest sympathy in this, his hour of deepest sorrow and bereavement, assuring him that while we know, and sad experience every day teaches the truth, that the fairest and most beautiful of all earthly things, conjugal love, is broken by the ruthless hand of death, yet such qualities of mind and soul as characterized the deceased are evidences of their own immortality and must, in the great economy of things, continue to exert a beneficent influence in some happier sphere than this troubled and imperfect life can afford.

Resolved, further, That these resolutions be spread upon the Journal, and an engrossed copy forwarded to Hon. H. C. Hansbrough at Washington, D. C.

Mr. Prosser moved

The adoption of the resolution, and addressed the Assembly as follows:

MR. PRESIDENT:

It is with sad hearts that we meet today for the purpose of giving expression to the high esteem and respect in which we all most sincerely held a noble woman, the late Mrs. Senator Hansbrough.

No words or action will adequately express our sympathy for the living or our sorrow for the dead.

There is a sentiment that words will not define, a delicacy of feeling—a fear—in every sympathetic heart, that in attempting to console the broken-hearted, one will only revive and intensify that overwhelming grief such as our distinguished friend—our Senator—is now called upon to bear, and for that reason oft times the tender sympathy and deep sorrow of the nearest friend is never known, or expressed, by word or deed.

The eminent station of the departed renders this mark of our respect most timely; it is the last tribute to a Christian character, a loving and devoted wife, to a well spent life. We can do no more; we can only encourage each other to emulate those many virtues so essential to a useful and happy life, that at the end it may be truly said of us as we can now say of the departed, "well done thou good and faithful servant."

Mr. Day made the following address:

MR. PRESIDENT:

I would second the resolution in behalf of the residents of the

Twenty-first District. We deeply sympathize with Senator Hansbrough in the loss of his companion, and the citizens of Devils Lake deeply feel the loss of Mrs. Hansbrough. They have lost an estimable lady who will be sadly missed in their social gatherings, as a lady of worth, whose kindly acts of friendship were ever prominent as a friend. To the poor her sympathies were of a substantial character, always giving and assisting those less fortunate in their strength to meet the necessities of life; always bringing sunshine to the homes of the needy, through her Christian character, which seemed to control her every act of life.

Mr. Gregory made the following address:

MR. PRESIDENT:

In seconding the motion for the adoption of the resolution just read, I am, on this sad occasion, more than I ever was on an occasion of like nature before, confronted with the extreme difficulty of saying the absolutely fitting thing. Upon the death of a man, and especially of a public man, it is not hard to review his life *in memoriam*. His acts, and to a certain extent his life, are public, and, in a degree, the property of the public. But with a woman it is different. Her life is spent in the privacy of the home. She is not on the forum, in the arena, in the fore front of the battle of life. It is her part to instill hope and courage into the warrior. It is her part to administer consolation to the sore-hearted, and bind up the hurts of the wounded. It is her part to double the joys of the victor in his victory—to share the sorrows of the vanquished in his defeat.

And as such her life is more sacred than a man's and the *requiem* over her death should be sung in softer tones than a man can sing it.

Such was particularly the life of Mrs. Hansbrough. She was always, and in the best sense, the true helpmate of her husband.

Not a society woman in the sense of one whose whole life is given up to society, she was yet a cultured and refined lady who graced and adorned any circle of society in which she moved.

Her life was absolutely and entirely bound up in her husband and her home. What was for his interest was not alone her duty but her greatest pleasure to do. I have never known husband and wife more entirely one. It seemed as though she had said in the beautiful words of Ruth, "Whither thou goest I will go, thy country shall be my country and thy God my God;" and this not in a spirit of blind, silly worship, but in the spirit of love, devotion and perfect trust, which should ever bind the true wife to the husband.

Her husband being a self-made man who has risen from the ranks in the journalistic field to the United States Senate, she rose with him; but in all the different conditions and circum-

stances of her life she was always the same cultured lady, treating all, high and low, rich and poor, with a kindness and courtesy which made them all her friends.

Her death at this time is particularly cruel. Her life had not been one of unalloyed pleasure. She has been a sufferer for years, and at times her life was despaired of, but her great vitality and courage carried her through. All her pain and suffering she has borne cheerfully and patiently, but she has at last obtained surcease from pain. For a number of months prior to her death she was in better health than she had been for years. Her new and beautiful home was just finished, and in that new home, freed from pain and suffering, she looked forward to many years of happy life with her husband. But it was not so to be.

She grew too weary in the journey, and life's fitful fever over, she now sleeps well the dreamless sleep. And by her death has passed away a gentle lady, a true friend. By her death has passed away a benefactor of the poor, who never missed an opportunity to do a good deed. By her death has passed away a good, pure woman and a true wife. Higher praise than this cannot be given to a woman.

Her loss will be deeply felt and long mourned by all who knew her, but will be most deeply felt and longest mourned by her husband, Senator Hansbrough, to whom the heartfelt sympathy of all goes out in this, his deep sorrow.

May he be comforted with the thought that death is not an eternal sleep, but that the loved one may be met on the sunny shore of the great beyond, where an eternity of love and trust may be spent unalloyed by pain or sorrow.

Mr. President: I second the motion.

Mr. Edwards made the following address:

MR. PRESIDENT AND GENTLEMEN OF THE JOINT ASSEMBLY:

Hushed forever is the voice of her for whom we have gathered here to place in memory's lap the garland of respect.

Little did those who bade her God speed, when en route with her husband to resume the duties as Senator, only last November, infer that the bright sunlight of her glad life should so soon forever be extinguished.

Those who knew Mrs. Hansbrough in official and home life at Washington, need not be told of the kindly greeting vouchsafed all—especially North Dakotans—who were ever entitled to her solicitous care and generous forethought.

With a sincere affection for the Senator, of whom she was, rightly too, exceeding proud, for he was a kind and loving husband, and ever ambitious for her good health and comfort—it was her greatest pleasure to be with and aid and cheer him.

In death all paths end, and as we drop a silent tear, to the

memory of her who has passed to the great beyond, let us not forget, as she ever held, "a good name is rather to be chosen than great riches, and loving favor rather than silver and gold."

If there have been differences in the past, I conjure you, now, in respect to this occasion, forgive and forget, and resolve for the future to—

"So live that when thy summons comes to join
The innumerable caravan which moves,
To the mysterious realm

* * * * *
Approach thy grave like one
Who wraps thy drapery of his couch about him
And lies down to pleasant dreams."

While yet in full of life, the deceased enters on the last long sleep, perhaps in the happiest hour of the sunny life's voyage while pleasant gales are kissing each unfurled, whitened sail. The tender Christian woman loved the beautiful and never wearied of good works.

She believed in the poet of poets, James Whitcomb Riley's—

"This world is full of roses, the roses full of dew,
The dew is full of honey, that drips for me and you."

But never more the voiceless lips shall utter sound of loving words. She sleeps beneath the clouds in the windowless palace of rest, unmindful alike of sunshine or storms—leaving here on earth the record of generous acts treasured by friends as perfumed flowers.

To the bereaved husband, the senior Senator, let us forget all else but that the greatest desolation that comes to man is the loss of a loving wife. We open our hearts to him and tender our sympathies, feeling that though the dead has gone from us, she watches over her earthly friends and sighs to them on love-kissed breezes—

"This world is full of beauty,
As other worlds above;
And if we only do our duty,
This world is full of love."

Mr. President, I thank you; gentlemen, I have done.

Mr. Stevens made the following address:

MR. PRESIDENT:

Not knowing what the program of these exercises is, and feeling anxious that the other sex should be represented in the expression of this tribute of respect to the dead, I desire to say on behalf of my wife and the ladies who are present, and their sex generally, that I am thankful that such testimony as has been presented before this body, has been brought to our notice for contemplation, emulation and imitation. Mrs. Hansbrough has been alluded to here as a Christian, and reference has been made

to her standing as a Christian. Not having had the pleasure of a personal acquaintance with her or her husband, I merely wish to say that if she has fallen asleep in Jesus she is resting from her labors; the wicked will cease from troubling her; she will forever be at rest and her works will follow her, and they will never be lost to mankind or to either sex. The death of a great man—of a public man—one who is known, and who has made a mark and attracted attention and has received respect of his fellow citizens—it makes an occasion of great solemnity when we remember him and his acts. Doubly is it so of a good woman. The book I take as a lamp to my feet and a light to my path gives me the information and the assurance that women—noble women—are remembered in the purposes of the Deity in the future that is before us. I apprehend that there is a good time coming when friends will rejoice in a new and everlasting meeting. In behalf of the ladies of the land I offer my voluntary tribute to the memory of the deceased.

Mr. Burke made the following address:

MR. PRESIDENT AND GENTLEMEN OF THE JOINT ASSEMBLY:

It is with mingled feelings of joy and of sorrow that I rise to second the motion. Joy for this splendid mark of respect paid to the distinguished husband of the noble lady for whom we mourn, for the consoling knowledge to him that he is kindly remembered at home and that our hearts go out in sympathy to him in his great sorrow. Sorrow for the sad event that has called us together—the untimely death of the cultured lady who had the courage to leave the luxuries of an Eastern home, and who in this Western clime has side by side with her husband lover fought the great battle of life, until that husband occupies today the highest position in the gift of his fellow citizens.

This much is generally known of her, that the trials and hardships of the pioneer life which she endured, the many acts of Christian charity she performed, the countless number of homes infested with sickness, sorrow and death that she entered, a ministering angel of joy and of gladness to the inmates is stamped indelibly upon the hearts of her friends and neighbors at Devils Lake.

Hers was not a charity of mere words. It was that charity which always follows in the wake of generosity and sympathy—a charity of kind words and noble deeds—a charity that reached down into the hearts of the poor and the lowly, making them better and brighter and lifting them up to a higher plane. It is sad that one so good and useful should be called away at the noontide of life, but yet, if in that better land our lives are measured by the good we have done, by the joy and the gladness that we have brought into the lives of those we have known, by the

pain and sorrow we have alleviated, then, indeed, was the time ripe for the Master to say, "All thy work is done," and "Well done, thou good and faithful servant."

The resolutions were adopted by a standing vote:

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

Mr. Dobie presented the following petitions, which were read and referred to the Committee on Temperance:

To His Excellency the Governor, and to the Honorable Board of the Legislative Assembly of the State of North Dakota:

We, the undersigned residents of the village of Glosston, and the vicinity tributary thereto, of the county of Pembina and State of North Dakota, are informed that a Resubmission Bill, will be presented to your honorable body, to be acted upon by at the present session, the object of which being the initiative step, to amend the Constitution of the State, so as to allow the manufacture and sale of intoxicating liquors therein.

We beg leave to present to your honorable body that we are well acquainted with the workings and result of prohibition in this village and vicinity, and we know that the law has been productive of great good from a business standpoint, and has elevated the morals of the community.

We are therefore wholly opposed to the resubmission of the question of "prohibition," and we do most respectfully petition you to oppose any measure that may be brought forward for that purpose.

W. J. McCABE,
(and 20 others).

To His Excellency, the Governor, and the Honorable Board of the Legislative Assembly, of the State of North Dakota:

We, the undersigned, residents of the city of St Thomas, and the vicinity tributary thereto, of the County of Pembina, and State of North Dakota, are informed that a resubmission bill will be presented to your honorable body, to be acted upon by at the present session, the object of which being the initiative step to amend the Constitution of the State so as to allow the manufacture and sale of intoxicating liquors therein.

We beg leave to present to your honorable body that we are well acquainted with the workings and result of prohibition in this city and vicinity, and we know the law has been productive of great good from a business standpoint, and has elevated the morals of the community.

We are therefore wholly opposed to the resubmission of the question of "prohibition," and we do most respectfully petition you to oppose any measure that may be brought forward for that purpose.

MRS. M. A. BALL,
(and 100 other Ladies.)

REPORTS OF STANDING COMMITTEES.

Mr. Gregory, for the Committee to Consider the Report of the Revising Committee, presented the following report:

BISMARCK, January 21st, 1895.

MR. PRESIDENT:

Your Joint Committee appointed to consider the report of the Revision Commission respectfully report,

That they have organized by the election of Senator C. E. Gregory as Chairman of the Joint Committee, and have through the courtesy of Judge Thomas secured the rooms of the United States Court on the corner of Main and Third Streets for the meetings of the Committee.

The Committee submit the following recommendations for the action of the Senate:

First. That all proposed changes of law in the report of the Revision Commission which relate to substantive law and amount to new legislation be printed in the House Journal. That 550 extra copies of the Journals of the days containing the changes be printed and furnished the Committee for distribution and an appropriation to cover the postage be made by the respective Houses. That members of the Senate furnish the Committee the names of persons to whom they desire the Journals sent.

(Mr. C. L. Bradley is recommended as Stenographer and Clerk of the Joint Committee, to be assigned to the Senate pay roll.)

The Civil Code will be first considered and presented for the consideration of the Legislative Assembly.

C. E. GREGORY,
Chairman.

Mr. Gregory moved

That the report be adopted.

Mr. Little raised the point of order that under the rules the report must lay over one day,

Which point of order was sustained.

Mr. Little moved

That tables and chairs be placed in the Senate Chamber for the exclusive use of the Press,

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Rourke introduced

Senate Bill No. 45,

A Bill for an act to empower the Governor to accept for the State the condition imposed by an act of Congress, entitled "an act to provide aid to State or Territorial Homes for the support of disabled soldiers and sailors of the United States, and empowering the State Auditor to receive and receipt for all money which may become due to the State under said act,"

Which was read the first and second times, and

Referred to the Committee on State Affairs.

Mr. Day introduced

Senate Bill No. 46,

A Bill for an act to provide for the payment of the salaries of county officers monthly.

Which was read the first and second times, and

Referred to the Committee on Ways and Means.

Mr. Sorley introduced

Senate Bill No. 47,

A Bill for an act to amend Section 332 of Chapter 13 of the Code of Civil Procedure, being Section 5127 of the Compiled Laws, relating to property not exempt from taxation.

Which was read the first and second times, and

Referred to Committee on Judiciary.

Mr. Haggart moved

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

FRED FALLEY,
Secretary.

FIFTEENTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 22, 1895.

The Senate was called to order by Mr. Haggart, President pro tempore.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. LaMoure, Sorley and Brown,

Who were excused.

The Journal was read and approved.

UNFINISHED BUSINESS.

The report of the Revision Committee being under consideration,

Mr. Little moved

To strike out the following:

“Mr. C. L. Bradley was recommended as stenographer and clerk of the Joint Committee, to be assigned to the Senate pay roll.”

Which motion was lost.

The question being upon the motion of Mr. Gregory to adopt the report, the motion prevailed, and

The report was adopted.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
January 22, 1895. }

MR. PRESIDENT:

I have the honor to transmit herewith concurrent resolution providing for the appointment of a Joint Committee to confer with the Legislatures of Minnesota, Montana and Washington looking to the taxation of the various sleeping car companies operating in said States, and with the view of establishing uniform rates.

Very respectfully,
J. M. DEVINE,
Chief Clerk.

CONCURRENT RESOLUTION.

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

That a Joint Committee of five, consisting of three from the House and two from the Senate, be appointed to confer with the Legislatures of Minnesota, Montana and Washington relative to suitable legislation by the respective States looking to the taxation of property of the various sleeping car companies operating in said States, and also with a view to establishing uniform rates, which shall be adopted by the different companies so operating said cars; and that a copy of these resolutions be sent to the Governors and Legislatures of the States of Minnesota, Montana and Washington.

Also,

I have the honor to transmit herewith concurrent resolution requesting the Treasurer, with the advise and consent of the Governor and Auditor, to negotiate a temporary loan according to the provisions of Chapter 94 of the Laws of 1891, authorizing the issue of funding warrants for the purpose of defraying Legislative expenses and paying the ordinary expenses of the State Government.

CONCURRENT RESOLUTION.

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

That the State Treasurer, with the advise and consent of the Governor and State Auditor, be requested to negotiate a temporary loan according to the provision of Chapter 94 of the Laws of 1891, authorizing the issue of State Funding Warrants in anticipation of taxes for the purpose of defraying Legislative expenses and paying the ordinary current expenses of the State Government.

Also,

I have the honor to transmit herewith
 Concurrent Resolution No. 28,
 A Resolution to appoint Joint Committee to investigate State
 Educational Institutions,
 And to inform you that the House has concurred in same.
 Very respectfully,
 J. M. DEVINE,
 Chief Clerk.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

Mr. Haggart presented the following communication:

FARGO, NORTH DAKOTA, }
 January 17, 1895. }

Hon. John E. Haggart, Bismarck, North Dakota:

SIR:—I notice an inclination on the part of the Legislature to enact more laws concerning obnoxious weeds, and perhaps a disposition to remodel the present law, House Bill No. 175. Of the advisability of so doing, I do not care to speak, but thought that it would be well to call attention of some one concerned, with regard to the use of terms specifying the plants intended to be proscribed. If House Bill No. 175 is modified or amended, while they are at it, it would be well to have a correction of the names there used. From the wording it would be a matter of guess as to the plants intended, in as much as common names do not always mean the same when used by different persons, even in the same region. In the law the common names are the only ones that are used correctly. I call attention to the use of the scientific name for Russian Cactus. In the law it is written *Sobsola Colimall*; it should read *Salsola Kali, variety Tragus, D. C.* The scientific name for French Weed should be corrected to read *Thlaspi arvense, L.*; that for wild oats should read *Avena fatua, L.*

This law has been copied many times in various publications in different States, and it would no doubt be a credit to the State if it could be made to read more correctly.

Yours respectfully,
 H. L. BOLLEY.

Referred to Committee on Cactus.

REPORTS OF STANDING COMMITTEE.

The Committee on Counties made the following report:

MR. PRESIDENT:

Your Committee on Counties to whom was referred
 Senate Bill No. 13,

A Bill for an act providing for and regulating the redistricting
 of Counties into Commissioner Districts,

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

H. F. ARNOLD,
 Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred

Senate Bill No. 18,

A Bill for an act to amend an act entitled "an act to amend Section 1, Chapter 25, of the General Laws of 1881, being Section 4383 of the Compiled Laws,"

Have had the same under consideration and recommend that the same 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. 24,

A Bill for an act to increase the revenues of the State by changing and increasing the boundaries of the counties of Billings, Stark and Mercer,

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

H. F. ARNOLD,
Chairman.

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 empowering the Governor to accept for the State of North Dakota the condition imposed by an act of Congress entitled "an act to provide aid to State and Territorial homes for the support of disabled soldiers and sailors of the United States, and empowering the State Auditor to receipt for same, all money which may become due to the State under said act,"

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

P. H. ROURKE,
Chairman.

REPORT OF SELECT COMMITTEE.

The Committee on Mileage made the following report:

MILEAGE FOR MEMBERS OF SENATE, FOURTH LEGISLATIVE ASSEMBLY.

C. G. Brown, Minnewaukan.....	390 Miles
Jno. H. Wishek, Ashley.....	682 "
Chas N. Valentine, LaMoure.....	300 "
Frank White, Valley City.....	274 "
J. P. Lamb, Michigan City.....	668 "
F. G. Enger, Portland.....	464 "
Jno. Burke, Rolla.....	940 "
E. P. Day, Bartlett.....	682 "
D. T. Davis, Cathay.....	432 "

J. M. Stevens, Clement.....	358 Miles
H. S. Parkin, Mandan.....	80 "
A. C. McGillivray, Dickinson.....	230 "
Bailey Fuller, Jamestown.....	202 "
A. L. Hanscom, Townner.....	884 "
C. E. Gregory, Minot.....	960 "
P. H. Rourke, Lisbon.....	504 "
R. McCarten, Cogswell.....	380 "
A. V. Benedict, Lidgerwood.....	592 "
Chas. W. Plain, Milton.....	740 "
James Dobie, Tyner.....	698 "
J. A. Sorley, Grand Forks.....	544 "
H. H. Strom, Hillsboro.....	476 "
Frank Viets, Grand Forks.....	544 "
John E. Haggart, Fargo.....	388 "
H. F. Arnold, Larimore.....	604 "
Geo. Clark, Forest River.....	610 "
D. C. Tufts, Argusville.....	432 "
E. Young, Tower City.....	304 "
Jud LaMoure, Pembina.....	732 "
Wm. Hillier, Hoople.....	666 "

C. B. LITTLE,
J. H. WISHEK,
RICHARD McCARTEN.

Mr. McGillivray moved
That the report be adopted,
Which motion prevailed.

MOTIONS AND RESOLUTIONS.

Mr. Strom presented the following

CONCURRENT RESOLUTION.

Whereas, It is the sentiment of the people of the State of North Dakota that United States Senators be elected by popular vote; therefore,

Be it Resolved by the Senate, the House of Representatives Concurring That our Senators and Members of Congress be instructed and requested to use their influence in securing such amendment to the Constitution of the United States as will confer upon the electors of the several States the right to choose their Senators at general elections.

Mr. Strom moved
That the resolution be adopted,
Which motion prevailed, and
The resolution was adopted.

Mr. Arnold offered the following resolution, to extend the powers of the Committee of the Senate appointed to investigate the expenditures of the Board of Trustees of the Reform School:

Be it Resolved, That the Committee appointed by the President of the Senate on the seventh day of the present session, to investigate the expenditures of the Board of Trustees of the Reform School at Mandan, be empowered to send for persons and papers and take testimony in relation to any matters properly coming before it for investigation; and that said Committee be further empowered to consider, investigate and report upon any and all

charges that may be laid before it in relation to expenditures of money appropriated by the Legislative Assembly for or on account of the several State officers during the years 1893 and 1894.

Mr. McGillivray moved

The adoption of the resolution,

Which motion prevailed, and

The resolution was adopted.

Mr. Gregory moved

That the courtesies of the floor be extended to Messrs. J. C. Staley and Jas. Bartrom of McLean County, and J. G. Campbell, of Stark County,

Which motion prevailed.

The President announced as a Joint Committee to visit the State Institutions, Messrs. McGillivray and McCarten.

The President called Mr. Day to the chair.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Lamb introduced

Senate Bill No. 48,

A Bill for an act fixing the maximum rates that railroad companies may charge for the transportation of soft coal within the State of North Dakota,

Which was read the first and second times, and

Referred to the Committee on Railroads.

Mr. Arnold introduced

Senate Bill No. 49,

A Bill for an act making an appropriation for the maintenance of the State University and for needed permanent improvements of the State University,

Which was read the first and second times, and

Referred to the Committee on Appropriations.

Mr. Parkin introduced

Senate Bill No. 50,

A Bill for an act for the consolidation and organization of contiguous unorganized counties,

Which was read the first and second times, and

Referred to the Committee on Counties.

Mr. Enger introduced

Senate Bill No. 51,

A Bill for an act to amend Section 52 of the Code of Civil Procedure and of the Compiled Laws of 1887, Article 3, time of commencing actions other than for the recovery of real property, Section 4849,

Which was read the first and second times, and

Referred to the Committee on Judiciary.

Mr. Hillier introduced

Senate Bill No. 53,

A Bill for an act declaring certain mills in this State public custom mills, and fixing a maximum price for grinding and a maximum rate of toll and exchange to be charged or taken therefor,

Which was read the first and second times, and
Referred to the Committee on Agriculture.

Mr Strom introduced

Senate Bill No. 54,

A Bill for an act providing for an appropriation for the maintenance and improvements of the State Normal School at Mayville.

Which was read the first and second times, and
Referred to the Committee on Appropriations.

Mr. White introduced

Senate Bill No. 55,

A Bill for an act to amend Section 22, of Chapter 89, Laws of 1891, an act providing for the erection, operation and management of the Normal Schools of the State,

Which was read the first and second times, and
Referred to the Committee on Education.

Mr. Plain introduced

Senate Bill No. 56,

A Bill for an act for the protection of big game,
Which was read the first and second times, and
Referred to the Committee on State Affairs.

Also,

Senate Bill No. 57,

A Bill for an act to amend Section 37, Chapter 62, of an act to provide for a uniform system of Public Schools of Laws of 1890.

Which was read the first and second times, and
Referred to the Committee on Education.

Mr. Tufts introduced

Senate Bill No. 58.

A Bill for an act entitled "an act to provide for State Depositories and to regulate the deposit of public moneys therein and the interest thereon and prescribing the means thereof,"

Which was read the first and second times, and
Referred to the Committee on Ways and Means.

Mr. Wishek introduced

Senate Bill No. 59,

A Bill for an act to amend Section 9, of Chapter 74, of the Laws of 1893, of the State of North Dakota,

Which was read the first and second times, and
Referred to the Committee on Judiciary.

Mr. White moved

That the rules be suspended and that Senate Bill No. 45 be given its third reading and be put upon its final passage,

Which motion prevailed, and
Senate Bill No. 45,

A Bill for an act to empower the Governor to accept for the State the condition imposed by an act of Congress, entitled "an act to provide aid to State and Territorial Homes for the support of disabled soldiers and sailors of the United States, and empowering the State Auditor to receive and receipt for all money which may become due to the State under said act,"

Was read the third time.

Mr. White moved

That in the third line of the printed bill the word "empowered" be stricken out and the word "imposed" substituted in lieu thereof,

Which motion prevailed.

The question being on the final passage of the bill as amended,
The roll being called there were ayes 28, nays 0.

Those who voted in the affirmative were:

Messrs—

Arnold,
Benedict,
Burke,
Clark,
Davis,
Day,
Dobie,
Enger,
Fuller,
Gregory,

Messrs—

Haggart,
Hanscom,
Hillier,
Lamb,
Little,
McCarten,
McGillivray,
Parkin,
Plain,

Messrs—

Rourke,
Stevens,
Strom,
Tufts,
Valentine,
Viets,
White,
Wishek,
Young.

Absent and not voting—

Messrs—

Brown,

Messrs—

LaMoure,

Messrs—

Sorley,

Who were excused.

So the bill passed and the title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
Jan. 22, 1895. }

MR. PRESIDENT:

I have the honor to inform the Senate that the Speaker of the House has appointed as the House members of the Joint Committee to visit certain State institutions, Messrs Sharpe, Hodgson and Murphy.

Respectfully,
J. M. DEVINE,
Chief Clerk.

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

FRED FALLEY,
Secretary.

SIXTEENTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 23, 1895.

The Senate was called to order by the President.

Prayer by the Chaplain.

Roll called.

All members present, except Mr. Sorley, who was excused.

The Journal was read and approved.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

Mr. LaMoure offered the following:

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

We, the undersigned, residents of the State of North Dakota, respectfully pray that your honorable body enact the following law, namely: That the Prohibition Law, now in force in the State of North Dakota, shall be re-submitted to a vote of the people of said State at the next general election.

JOS. E. HORGAN,
(And 25 others).

Referred to the Committee on Temperance.

Mr. LaMoure presented the following petition:

To the State of North Dakota:

We, the undersigned, citizens of Drayton and vicinity, Pembina county, N. D., believing our Prohibitory Law a blessing to our people, earnestly ask your honorable body to use your influence and vote for its preservation.

J. P. SCHELL,
(And 200 others.)

Mr. Dobie offered the following petition:

To His Excellency, the Governor, and to the Honorable Members of the Legislature of the State of North Dakota:

SAINT THOMAS, N. D., January 17th, 1895.

We, the undersigned, residents of the City of Saint Thomas and vicinity, in the county of Pembina and State of North Dakota, are informed that a "Re-Submission Bill" will be presented to your honorable body to be acted upon at your present session, the object of the said bill being the initiative step to amend the Constitution of this State so as to allow the manufacture and sale of intoxicating liquors within the limits of this State.

We beg leave to represent to your honorable body that we are well acquainted with the workings and results of the Prohibition Laws of the State of North Dakota, in this city and vicinity, and we know that the same has been productive of great good, from a business standpoint, as well as elevating the morals of the community; and as a result, we have neither "blind pigs" nor saloons.

We are, therefore, wholly opposed to the re-submission of the question of "prohibition," and we do most respectfully petition your honorable body to oppose any measure that may be brought forward for that purpose.

A. L. MILLER,
(And 50 others.)

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 repealing an act entitled "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 the same do not pass.

H. F. ARNOLD,
Chairman.

MOTIONS, AND RESOLUTIONS.

Mr. White moved

That the courtesy of the floor be extended to W. F. Dunlap,
Which motion prevailed.

Mr. Haggart offered the following

CONCURRENT RESOLUTION

Of the Senate and House of Representatives of the Fourth Legislative Assembly of the State of North Dakota, authorizing and instructing the Governor, Auditor and Treasurer of the State of North Dakota to fund certain floating indebtedness of the State of North Dakota.

Resolved by the Senate, the House of Representatives Concurring:

That the Governor, Auditor and Treasurer of the State of North Dakota are hereby authorized and instructed to fund the floating indebtedness of the State, consisting of unpaid bills now on file in the office of the Auditor of State to an amount not exceeding one hundred and thirty thousand dollars, at such discount as will allow a reasonable rate of interest, such indebtedness to become due and payable on or before November 1, 1896,

Mr. Haggart moved

The adoption of the resolution,

Which motion prevailed, and

The resolution was adopted.

Mr. Haggart for the Committee on Appropriations offered the following

CONCURRENT RESOLUTION

Of the Senate and House of Representatives of the Fourth Legislative Assembly of the State of North Dakota, authorizing the Governor, Auditor and Treasurer to negotiate an extension of time for payment of certain Refunding Warrants of the Territory of Dakota.

Resolved by the Senate, the House of Representatives Concurring:

That the Governor, Auditor and Treasurer of the State of North Dakota be, and they are hereby authorized and instructed to negotiate for an extension of time for one year, at the present rate of interest, for the payment of the 5 per cent. refunding warrants dated April 1, 1889, and remaining unpaid to the amount of \$63,507.46.

Mr. Haggart moved

The adoption of the resolution,

Which motion prevailed.

Mr. Clark offered the following:

CONCURRENT RESOLUTION

To amend Subdivision 8 of Section 215 of Article 19 of the Constitution of the State of North Dakota.

Resolved by the Senate, the House of Representatives Concurring:

Section 1. That the following amendment of Subdivision 8 of Section 215 of Article 19 of the Constitution of the State of North Dakota be submitted to the people of this State for adoption or rejection in accordance with the provisions of Section 202 of Article 15 of the Constitution of the State of North Dakota.

Section 2. That Subdivision "eight" of Section 215 of the Constitution of the State of North Dakota be amended so as to read as follows (Subdivision eight:)

A State hospital for the insane at the City of Jamestown, in the county of Stutsman, and an institution for the feeble minded at or near the City of Grafton, in the county of Walsh, and the Legislative Assembly shall appropriate twenty thousand acres of the grant of land made by act of Congress aforesaid for "other educational and charitable institutions" to the benefit and for the endowment of said institutions in equal divisions of said land.

STATE OF NORTH DAKOTA, }
SECRETARY'S OFFICE, }
BISMARCK, N. D., January 11th, 1895 }

I hereby certify that the foregoing amendment to the State Constitution

passed the Third Legislative Assembly of the State of North Dakota, and that the foregoing is a true and correct copy of the original, now on file in this office, and that the same has been duly published in accordance with the provisions of Article 15, Section 202, of the Constitution of the State of North Dakota.

[SEAL.]

C. M. DAHL,
Secretary of the State of North Dakota.

Mr. Gregory moved

That all bills amending or repealing the existing laws of the State, before being referred to committees, be referred to the Joint Compilation Committee, in order that said Committee may ascertain, whether the same amendments or repeals have been incorporated in the report of the Commission,

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Arnold introduced

Senate Bill No. 60,

A Bill for an act providing for the appointment of steam boiler and engine instructors and defining their duties,

Which was read the first and second times, and

Referred to the Committee on Agriculture.

Mr. Little introduced

Senate Bill No. 61,

A Bill for an act to repeal Chapter 74, Session Laws of 1893, being an act, entitled "an act providing for the compilation, revision and codification of the laws of North Dakota, and the publication and distribution and sale thereof, and to repeal Chapter 82 of the Laws of 1891 in relation thereto,"

Which was read the first and second times, and

Referred to the Committee on Judiciary.

Mr. Strom introduced

Senate Bill No. 65,

A Bill for an act to secure safe keeping of all funds coming into the hands of County Treasurers by prescribing and regulating deposit thereof,

Which was read the first and second times, and

Referred to the Committee on State Affairs.

Mr. McCarten introduced

Senate Bill No. 66,

A Bill for an act to amend Section 86, Chapter 132, Laws of 1890, being an act entitled "an act prescribing the mode of making assessment and the levy and collection of taxes and for other purposes relative thereto,"

Which was read the first and second times, and

Referred to the Committee on Ways and Means.

Mr. Parkin introduced

Senate Bill No. 67.

A Bill for an act to amend subdivision 30, Section 73 of the Laws of 1887,

Which was read the first and second times, and
Referred to the Committee on Judiciary.

Mr. Rourke introduced
Senate Bill No. 68,

A Bill for an act to amend Section 11 of Chapter 13 of the Code of Civil Procedure, being Sections 5126 to Section 5140 inclusive, and to repeal section of Chapter 50 of the Laws of 1893, being Section 5137 of the Compiled Laws,

Which was read the first and second times, and
Referred to the Committee on Judiciary.

Mr. White introduced
Senate Bill No. 69.

A Bill for an act making boards of trustees, commissioners, directors, person or persons liable for amount expended in excess of appropriation, and providing for emergency expenses,

Which was read the first and second times, and
Referred to the Committee on Judiciary.

CONSIDERATION OF MESSAGES FROM THE HOUSE.

CONCURRENT RESOLUTION.

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

That a Joint Committee of five, consisting of three from the House and two from the Senate, be appointed to confer with the Legislatures of Minnesota, Montana and Washington relative to suitable legislation by the respective States looking to the taxation of property of the various sleeping car companies operating in said States, and also with a view to establishing uniform rates, which shall be adopted by the different companies so operating said cars, and that a copy of these resolutions be sent to the Governors and Legislatures of the States of Minnesota, Montana and Washington.

Mr. Gregory moved

That the resolution be referred to the Committee on Railroads,
Which motion prevailed.

CONCURRENT RESOLUTION.

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

That the State Treasurer, with the advice and consent of the Governor and State Auditor, be requested to negotiate a temporary loan according to the provisions of Chapter 94 of the Laws of 1891, authorizing the issue of State Funding Warrants in anticipation of taxes for the purpose of defraying Legislative expenses and paying the ordinary current expenses of the State Government.

Mr. Gregory moved

That the Senate do now concur in the resolution,
Which motion prevailed.

Mr. Strom rises to a question of privilege, explaining Senate Bill No. 65.

The Senate returned to the fifth order of business.

Mr. Valentine offered the following petition:

To C. N. Valentine and J. B. Sharpe, Representatives of LaMoure County, at Bismarck, North Dakota:

GENTLEMEN: We, the undersigned citizens of LaMoure county, feeling that the passage of Senate Bill No. 5, a copy of which is hereto attached, (or any bill which may hereafter be introduced either in the Senate or House having a like object in view) is against the best interest of our county and State and we would most earnestly request you to do all in your power to prevent the passage of the same.

GEORGE R. FRALICK,
(And 100 others).

SPECIAL ORDERS.

The hour having arrived for the consideration of Special Orders Senate Bill No. 14,

A Bill for an act to reduce the salaries of Railroad Commissioners of the State of North Dakota from two thousand dollars per year to one hundred dollars per year from and after December 31, 1896,

Was read.

Mr. McGillivray moved

That further consideration of Senate Bill No. 14 be indefinitely postponed.

Roll call demanded.

The roll being called, there were ayes 13, nays 14, not voting 4. Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Benedict,	Haggart,	Parkin,
Clark,	Hillier,	Tufts,
Day,	LaMoure,	Viets,
Dobie,	McGillivray,	Wishek.
Fuller,		

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hanscom,	Strom,
Burke,	McCarten,	Valentine,
Davis,	Plain,	White,
Enger,	Rourke,	Young.
Gregory,	Stevens,	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Brown,	Little,	Sorley.
Lamb,		

So the motion was lost.

Mr. McGillivray moved

That Senate Bill No. 14 be made a special order for Thursday at 2:30,

Which motion prevailed.

THIRD READING OF SENATE BILLS.

Senate Bill No. 24,

A Bill for an act to increase the revenues of the State by changing and increasing the boundaries of the counties of Billings, Stark and Mercer,

Was read the third time.

Mr. Parkin moved

That the bill be made a special order for next Tuesday at 3 o'clock, p. m.,

Which motion was lost.

Senator Gregory was called to the chair.

Mr. Burke moved

That Senate Bill No. 24 be referred to the Attorney General for his opinion as to its constitutionality,

Which motion was lost.

The question being on the final passage of the bill.

The roll being called there were ayes 26, nays 2, not voting 3.

Those who voted in the affirmative were:

Messrs--

Arnold,
Benedict.
Brown,
Clark,
Davis,
Day,
Dobie,
Enger,
Fuller,

Messrs--

Gregory,
Haggart,
Hanscom,
Hillier,
LaMoure,
McCarten,
McGillivray,
Plain,
Rourke,

Messrs--

Stevens,
Strom,
Tufts,
Valentine,
Viets,
White,
Wishek,
Young.

Absent and not voting:

Messrs--

Lamb,

Messrs--

Little,

Messrs--

Sorley,

Messrs. Burke and Parkin voting in the negative.

So the bill passed and the title was agreed to.

Mr. McGillivray moved

That the vote by which Senate Bill No. 24 was passed be reconsidered and the motion to reconsider be laid on the table,

Which motion prevailed.

Senate Bill No. 23,

A Bill for an act to prohibit managers, officers and employes of State Institutions from being interested in contracts, purchases or sales for or on account of said institutions,

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

The roll being called there were ayes 23, nays none; not voting 8.

Those who voted in the affirmative were:

Messrs—
 Benedict,
 Brown,
 Burke,
 Clark,
 Davis,
 Day,
 Dobie,
 Enger,

Messrs—
 Hanscom,
 Hillier,
 LaMoure,
 Little,
 McCarten,
 Parkin,
 Plain,
 Stevens,

Messrs—
 Strom,
 Tufts,
 Valentine,
 Viets,
 White,
 Wishek,
 Young.

Absent and not voting:

Messrs—
 Arnold,
 Fuller,
 Gregory,

Messrs—
 Haggart,
 Lamb,
 McGillivray,

Messrs—
 Rourke,
 Sorley.

So the bill passed and the title was agreed to.

Senate Bill No. 18,

A Bill for an act to amend an act entitled "an act to amend Section 1, Chapter 25 of the General Laws of 1881, being Section 4383 of the Compiled Laws,

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

The roll being called there were ayes 26, nays none, not voting 2.

Those who voted in the affirmative were:

Messrs—
 Arnold,
 Benedict,
 Brown,
 Burke,
 Clark,
 Davis,
 Day,
 Dobie,
 Enger,

Messrs—
 Haggart,
 Hanscom,
 Hillier,
 LaMoure,
 Little,
 McCarten,
 Parkin,
 Plain,
 Rourke,

Messrs—
 Stevens,
 Strom,
 Tufts,
 Valentine,
 Viets,
 White,
 Wishek,
 Young.

Absent and not voting:

Messrs—
 Fuller,
 Gregory,

Messrs—
 Lamb,
 Little,

Messrs—
 McGillivray,
 Sorley,

So the bill passed and the title was agreed to.

Senate Bill No. 15,

A Bill for an act providing for and regulating the redistricting of counties into commissioner districts,

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

The roll being called there were ayes 25, nays none, not voting 6.

Those who voted in the affirmative were:

Messrs—
 Arnold,
 Benedict,
 Brown,
 Burke,
 Clark,

Messrs—
 Haggart,
 Hanscom,
 Hillier,
 LaMoure,
 McCarten,

Messrs—
 Stevens,
 Strom,
 Tufts,
 Valentine,
 Viets,

Messrs—
 Davis,
 Day,
 Dobie,
 Enger,

Messrs—
 Parkin,
 Plain,
 Rourke,

Messrs—
 White,
 Wishek,
 Young.

Absent and not voting:

Messrs—
 Fuller,
 Gregory,

Messrs—
 Lamb,
 Little,

Messrs—
 McGillivray,
 Sorley,

So the bill passed, and the title was agreed to.

The Senate returned to the eighth order of business.

Mr. Little moved

That the consideration of the Governor's message be made a special order for the 24th inst. at 3 o'clock,

Which motion prevailed.

Mr. Haggart moved

That the Senate do now adjourn,

Which motion prevailed, and

The House adjourned.

FRED FALLEY,
 Secretary.

SEVENTEENTH DAY.

SENATE CHAMBER,
 BISMARCK, NORTH DAKOTA,
 January 24, 1895.

The Senate was called to order by the President.

Prayer by the Chaplain.

Roll called.

All members present.

Mr. Gregory moved

That a committee of three be appointed to revise and correct the Journal,

Which motion prevailed, and

The President appointed as such Committee, Messrs. Gregory, LaMoure and Little.

PETITIONS AND COMMUNICATIONS.

Mr. Davis offered the following petition:

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

We, the undersigned, residents and legal voters of the county of Wells, State of North Dakota, believing that our Prohibitory Liquor Law does not express the sentiment or wishes of a majority of the voters of our State, therefore we hereby respectfully petition your honorable body that you enact such legislation as may be necessary to bring the question of "Resubmission" to a vote of our people at the earliest practicable time.

Dated at Fessenden, N. D., Jan. 14th, A. D. 1895.

Respectfully submitted,

H. C. POULSON,
(And 100 others.)

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. 10,

A Bill for an act to amend Section 2 of Chapter 110 of Session Laws of 1890, entitled "an act to prescribe penalties for the unlawful manufacture, sale, barter and giving away of such liquors for medicinal, scientific and mechanical purposes,"

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

In line 8 after the word "authorized" insert the words "in his discretion."

In line 18 strike out the word "county" and in lieu thereof insert the words "town, village, township or ward of any city," and in line 19 strike out the word "county" and in lieu thereof insert the words "town, village, township or city."

In line 20 strike out the words "setting forth" and insert in lieu thereof the words: "Provided, however, That when the number of freeholders, having the qualifications of electors, residing within the town, village, township or ward, shall not exceed forty and when the number of reputable women, over 21 years of age who are residents of the town, village, township or city shall not exceed forty, then the petition of applicant signed by 60 per cent. of such number of qualified men and women as reside within the town, village, township or ward shall entitle the applicant to the permit, all petitions shall set forth."

In line 33 strike out the word "county" and in lieu thereof insert the words "town, village, township or city."

In line 43 strike out the word "county" and in lieu thereof insert the words "town, village, township, city or ward."

In line 44 after the word "may" insert the words "in his discretion."

In line 54 after the word "of" insert the words "the provisions of."

In line 80 strike out the word "county" and in lieu thereof insert the words "town, village, township, city or ward."

In line 87 strike out the word "or" and insert in lieu thereof the word "of."

In line 92 after the word "permit" insert the words "provided the permit of such druggist shall be inoperative till such appeal is finally decided."

And when so amended recommend that the same do pass.

F. G. ENGER,
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. 23,

A Bill for an act to prohibit managers, officers and employes of State institutions from being interested in contracts, purchases or sales for or on account of said institutions.

Also,

Senate Bill No. 13,

A Bill for an act providing for and regulating the redistricting of counties into commissioner districts.

Also,

Senate Bill No. 18,

A Bill for an act to amend an act entitled an "act to amend Section 1, Chapter 25 of the General Laws of 1881, being Section 4383 of the Compiled Laws."

Also,

Senate Bill No. 24,

A Bill for an act to increase the revenues of the State by changing the boundaries of the counties of Billings, Stark and Mercer,

And find the same correctly engrossed.

E. YOUNG,
Chairman.

Mr. Haggart moved

That Senate Bill No. 7 be recalled from the House for purpose of correction,

Which motion prevailed.

Mr. White moved

That that the motion made yesterday by which all bills repealing or amending existing laws be referred to the Compilation Committee was passed, be reconsidered.

Which motion prevailed.

The question being on the original motion that all bills amend-

ing or repealing the existing laws of the State, before being referred to committees, be referred to the Joint Compilation Committee, in order that said committee may ascertain, whether the same amendments or repeals have been incorporated in the report of the commission.

Roll call demanded.

The roll being called there were ayes 17, nays 13.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Burke,	Haggart,	Sorley,
Clark,	Hanscom,	Stevens.
Davis,	Lamb,	Tufts,
Day,	LaMoure,	Viets,
Dobie,	Parkin,	Wishek.
Gregory,	Rourke,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Arnold,	Little,	Strom,
Brown,	McCarten,	Valentine,
Enger,	McGillivray,	White,
Fuller,	Plain,	Young.
Hillier,		

Mr. Benedict absent and not voting.

So the motion prevailed.

Mr. Clark offered the following

CONCURRENT RESOLUTION

To amend subdivision eight of Section 215 of Article 19 of the Constitution of the State of North Dakota.

Resolved by the Senate, the House of Representatives Concurring:

SECTION 1. That the following amendment of subdivision 8 of Section 215 of Article 19 of the Constitution of the State of North Dakota be referred to the next session of the Legislative Assembly of this State to be by said Legislative Assembly submitted to the people of this State for adoption or rejection, in accordance with the provisions of Section 202 of Article 15 of the Constitution of the State of North Dakota.

SEC. 2. That subdivision "eight" of Section 215 of the Constitution of the State of North Dakota be amended as follows:

SUBDIVISION EIGHT.

A State Hospital for the Insane at the city of Jamestown, in the county of Stutsman, and an institution for the feeble minded at or near the city of Grafton, in the county of Walsh, and the Legislative Assembly shall appropriate twenty thousand acres of the grant of land made by act of Congress aforesaid, for "other educational and charitable institutions," to the benefit and for the endowment of said institutions in equal divisions of said land."

STATE OF NORTH DAKOTA, }
 SECRETARY'S OFFICE. }
 BISMARCK, N. D., Jan. 11, 1895.

I hereby certify that the foregoing amendment to the State Constitution passed the Third Legislative Assembly of the State of North Dakota, and that the foregoing is a true and correct copy of the original now on file in

this office, and of the whole thereof, and that the same has been duly published in accordance with the provisions of Article 15, Section 202 of the Constitution of the State of North Dakota.

[SEAL.]

C. M. DAHL,
Secretary of the State of North Dakota.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. McCarten introduced

Senate Bill No. 71,

A Bill for an act relating to the duties of county superintendents of schools,

Which was read the first and second times, and

Referred to the Committee on Education.

Mr. Hillier introduced

Senate Bill No. 72,

A Bill for an act to regulate the manner in which individuals, firms and private corporations shall be authorized to construct, maintain and operate public warehouses and elevators on rights of way in the State of North Dakota,

Which was read the first and second times, and

Referred to the Committee on Warehouses and Grain Grading

Mr. Plain introduced

Senate Bill No. 73,

A Bill for an act repealing Chapter 2, Laws of 1893, entitled "an act for an appropriation for the erection of the North Dakota Reform School at Mandan, and for incidental and contingent expenses for the same,"

Which was read the first and second times, and

Referred to the Joint Compilation Committee.

Mr. Gregory introduced

Senate Bill No. 74,

A Bill for an act to repeal Chapter 172 of the Session Laws of 1890, being an act entitled "an act providing for the purchase and distribution of the remaining reports of the Supreme Courts of Dakota Territory,"

Which was read the first and second times, and

Referred to the Compilation Committee.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
January 24, 1895. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 13,

A Bill for an act to encourage the manufacture of potato starch in the State of North Dakota.

Also,

House Bill No. 20,

A Bill for an act to amend Section 3 of Chapter 183 of the Session Laws of 1890, entitled "an act to provide for a system of accounts for the State Auditor and State Treasurer,"

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

Also,

I have the honor to transmit herewith Concurrent Resolution and Memorial to Congress for the apportionment of forty thousand acres of land lying within the limits of the State for the use and support of the School of Forestry, and respectfully request your concurrence therein.

Also,

I have the honor to return herewith Concurrent Resolution requesting our Senators and Member of Congress to use their influence in securing such legislation as will give to the people of the several States the right to elect their Senators at general elections, and to inform you that the House has concurred in the same.

Respectfully,

J. M. DEVINE,

Chief Clerk.

THIRD READING OF SENATE BILLS.

Senate Bill No. 9,

A Bill for an act repealing an act, entitled "an act authorizing the counties of the State of North Dakota to raise and expend a fund for the destruction of gophers,"

Was read the third time.

Mr. Lamb moved

That the report of the Committee be adopted.

Mr. Enger moved

As a substitute, that the bill be given its third reading and put on its final passage.

Roll call demanded.

The roll being called there were ayes 16, nays 13, not voting 2.

Those who voted in the affirmative were:

Messrs—

Burke,
Day,
Dobie,
Enger,
Gregory,
Haggart,

Messrs—

Hanscom,
Hillier,
McCarten,
Sorley,
Stevens,

Messrs—

Strom,
Tufts,
Viets,
White,
Young.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Arnold,	Fuller,	Plain,
Benedict,	Lamb,	Rourke,
Brown,	McGillivray,	Valentine,
Clark,	Parkin,	Wishek.
Davis,		

Messrs. Little and LaMoure absent and not voting:

So the motion prevailed.

The question being upon the final passage of the bill,

The roll being called, there were ayes 13, nays 16, not voting 2.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Day,	Sorley,	Valentine,
Enger,	Stevens,	Viets,
Gregory,	Strom,	White,
Hanscom,	Tufts,	Young.
LaMoure,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Arnold,	Dobie,	McGillivray,
Benedict,	Fuller,	Parkin,
Brown,	Haggart,	Plain,
Burke,	Hillier,	Rourke,
Clark,	Lamb,	Wishek,
Davis,		

Absent and not voting Messrs. Little and McCarten.

So the bill was lost.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
January 24, 1895. }

MR. PRESIDENT:

I have the honor to inform the Senate that the House has complied with the request of the Senate to return Senate Bill No. 7.

Respectfully,
J. M. DEVINE,
Chief Clerk.

Senate Bill No. 14,

Being a special order for this time,

A Bill for an act to reduce the salaries of the Commissioners of Railroads of the State of North Dakota from two thousand dollars per year to one hundred dollars per year from December 31, 1896.

Mr. Little moved

That the report of the committee be laid on the table.

Roll call demanded.

The roll being called there were ayes 12, nays 19.

Those who voted in the affirmative were—

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	McGillivray,
Clark,	Hanscom,	Parkin,
Day,	LaMoure,	Tufts,
Fuller,	Little,	Wishek.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Benedict,	Hillier.	Stevens,
Brown,	Lamb,	Strom,
Burke,	McCarten,	Valentine,
Davis,	Plain,	Viets,
Dobie,	Rourke,	White,
Enger,	Sorley,	Young.
Gregory,		

So the motion was lost.

Mr. Arnold moved

That Senate Bill No. 14 be made a special order for Friday, February 1st, at 3 o'clock p. m.

Roll call demanded.

The roll being called there were ayes 16, nays 15.

Those who voted in the affirmative were:

Messrs	Messrs—	Messrs—
Arnold,	Fuller,	Parkin,
Benedict,	Haggart,	Strom,
Brown,	Lamb,	Tufts,
Clark,	Little,	White,
Davis,	McGillivray,	Wishek.
Day,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Burke,	Hillier,	Sorley,
Dobie,	LaMoure,	Stevens,
Enger,	McCarten,	Valentine,
Gregory,	Plain,	Viets,
Hanscom,	Rourke,	Young.

So the motion prevailed.

COMMITTEE OF THE WHOLE.

The hour having arrived for the Special Order to consider the Governor's message, Mr. Little moved that the Senate now resolve itself into the Committee of the Whole,

Which motion prevailed, and

The President called Mr. Little to the chair.

When the Committee arose the following report was made:

MR. PRESIDENT:

Your Committee of the Whole recommend that all of Governor Allin's message commencing on page 4, with appropriations, up to and including part of page 5, down to free and uniform text books, be referred to the Committee on Appropriations.

Also,

That that part of the message beginning on page 5, "free and uniform text books," to about the middle of page 6 be referred to the Committee on Education.

Also,

That that part of the message which begins "Good Roads," on page 6, to the bottom of page 7 be referred to the Committee on Highways and Bridges.

Also,

That that part of the message commencing at the top of page 8 to the word "census," be referred to the Committee on Judiciary.

Also,

That that part of the message on page 6 which refers to woman's suffrage, be referred to the Committee on Woman's Suffrage.

Also,

That the Russian cactus paragraphs on page 8, be referred to the Committee on Agriculture.

Also,

That the part of the message on pages 8 and 9, referring to encouragement of industries, be referred to the Committee on State Affairs.

Also,

That the part of the message on page 9 relating to "native coal" be referred to the Committee on Mines and Mining.

Also,

That the paragraph under the heading "Census" on page 8, be referred to the Committee on Appropriations.

C. B. LITTLE,
Chairman.

Mr. Strom moved

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

The Senate returned to the eighth order of business.

Mr. Strom moved

That Senate Bill No. 19 be recalled from the Committee on Rail-

roads and be referred to the Committee on Warehouses, Grain and Grain Grading.

Mr. Little raised the point of order, that under the rules referring bills to the Joint Committee on Compilation, that Senate Bill No. 19 would have to go to that Committee.

Mr. LaMoure asked for a division of the question.

The question being to recall the bill from the Railroad Committee,

The motion prevailed.

The President referred Senate Bill No. 19 to the Joint Compilation Committee.

Mr. Arnold raised the point of order that a bill referred to a Joint Committee cannot be recalled by a vote of the Senate.

Mr. McCarten moved

That Senate Bill No. 72 be recalled from the Committee on Warehouses, Grain and Grain Grading and referred to the Joint Compilation Committee,

Which motion prevailed.

Mr. Burke moved

That the Joint Committee on Compilation be requested to pass on the constitutionality of Senate Bill No. 19.

Mr. Day moved

To amend that Senate Bill No. 19 be referred to the Attorney General.

The question being upon the motion as amended,

The motion prevailed.

The concurrent resolution relating to the amendment of subdivision 8 of Section 215, Article 19 of the Constitution of the State of North Dakota,

Was read the second times, and

Referred to the Committee on Judiciary.

Thomas W. Brown, Edith Skeels and Jennie Uline were sworn in as engrossing clerks on the 22d of January.

Mr. Tufts moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

FRED FALLEY,
Secretary.

EIGHTEENTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 25, 1895.

The Senate was called to order by the President.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Sorley and Valentine,
Who were excused.

Mr. Little moved

That the reading of the Journal be dispensed with, and that a committee be appointed to revise and correct the same.

The President appointed as committee to revise and correct the Journal, Messrs. Little, Fuller and Viets.

The Committee appointed to revise and correct the Journal reported the Journal correct, and

The Journal was approved.

Mr. Haggart moved

That Senator Lyman R. Casey be invited to a seat on the floor of the Senate,

Which courtesy was granted.

UNFINISHED BUSINESS.

Mr. Arnold asks the sense of the Senate as to whether a bill referred to the Joint Compilation Committee can be recalled by the Senate.

The President decides that the matter is not properly before the Senate and therefore out of order.

PETITIONS AND COMMUNICATIONS.

Mr. LaMoure offered the following petition:

To the Honorable Members of the Legislative Assembly:

We, the undersigned, residents of Pembina County, North Dakota, respectfully pray that your honorable body enact the following law, namely, that the Prohibition law, which is now in force in the State of North Dakota, shall be resubmitted to a vote of the people of the State of North Dakota at the next general election.

G. W. RYAN,
(And 60 Others.)

Referred to the Committee on Temperance.

Mr. Arnold offered the following petition:

At a union meeting of the Methodist and Presbyterian Churches at Larimore, North Dakota, Sunday evening, January 13, there was a crowded house, and the rising vote adopting the following resolution was almost unanimous, no one voting in the negative.

Resolved. That we, the law-abiding people of Larimore, in mass meeting assembled, do protest against resubmission by the present Legislature. We also protest against the abolition of the penalty clause on our statute books attached to the violation of the Prohibition law.

REV. E. M. ATWOOD,
J. H. KEELEY.

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. 50,

A Bill for an act for the consolidation and organization of contiguous unorganized counties,

Have had the same under consideration and recommend that the same be referred to the Compilation Joint Committee.

H. F. ARNOLD,
Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred
Senate Bill No. 51,

A Bill for an act to amend Section 52 of the Code of Civil Procedure and of the Compiled Laws of 1887, Article 3, time of commencing actions other than for the recovery of real property, Section 4849,

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

By striking out "4848" in line one of the printed bill, and it be further amended by adding the words "within six years" in line 1 in section 2;

And when so amended recommend that the same 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. 66,

A Bill for an act to amend Section 86, Chapter 132, Laws of
1890, being an act entitled "an act prescribing the mode of mak-
ing assessment and the levy and collection of taxes and for other
purposes relative thereto,"

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

Also,
Senate Bill No. 20,

A Bill for an act to amend Section 3 of Chapter 91 of the
Session Laws of 1891,

Have had the same under consideration and recommend that the
same be referred to the Joint Committee on Cactus.

Also,
Senate Bill No. 46,

A Bill for an act to provide for the payment of the salaries of
county officers monthly,

Have had the same under consideration and recommend that
the same do not pass.

Also,
Senate Bill No. 39,

A Bill for an act to amend an act entitled "an act prescribing
the mode of making assessment and the levy and collection of
taxes and for other purposes relative thereto,"

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

C. E. GREGORY,
Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred

Senate Bill No. 61,

A Bill for an act to repeal Chapter 74, Session Laws of 1893,
being an act, entitled "an act providing for the compilation, re-
vision and codification of the laws of North Dakota, and the
publication and distribution and sale thereof, and to repeal Chap-
ter 82 of the Laws of 1891 in relation thereto,"

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

C. B. LITTLE,
Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred
Senate Bill No. 16,

A Bill for an act providing for the establishment of courts of conciliation and prescribing the mode of procedure in the same, and to repeal Chapter 45, Laws of 1893.

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

By striking out the word "courts" in the title of the bill and inserting in lieu thereof the word "boards."

And further by striking out after the word "of," in line 4, Section 2 of the printed bill the words "the plaintiff in said action or his attorney or on the request of the defendant therein, or his attorney," and inserting in lieu thereof the words "either party and by the consent of both parties in said action."

And further, by striking out the word "day" in line 14, Section 2, printed bill and inserting in lieu thereof the word "hour."

And further, by striking out the word "shall" in line 19, Section 2, printed bill, and inserting in lieu thereof the word "may."

And further, by striking out the word "day," line 38, Section 2, printed bill, and inserting in lieu thereof the word "hour."

And further, by inserting after the word "therein," line 4, Section 3, printed bill, the words "but in cases where the parties thereto fail to agree the cost shall be paid jointly by both parties unless otherwise agreed to,"

And when so amended recommend that the same do pass.

C. B. LITTLE,
Chairman.

The Joint Committee on Compilation made the following report:

MR. PRESIDENT:

Your Joint Committee on Compilation to whom was referred
Senate Bill No. 74,

A Bill for an act to repeal Chapter 172 of the Session Laws of 1890,

Have had the same under consideration, and report that the report of the Compilation Commission contains nothing relative to the subject matter contained in said bill.

Also,

Senate Bill No. 19,

A Bill for an act to provide for the condemnation of public warehouse sites on the right of way of railways,

Have had the same under consideration, and that the report of the Compilation Commission does not fully cover the subject

matter in said bill, and recommend that said bill be referred to its appropriate committee.

Also,

Senate Bill No. 73,

A Bill for an act repealing Chapter 2, Laws of 1893,

Have had the same under consideration, and that the report of the Compilation Commission contains nothing relative to the subject matter contained in said bill.

C. E. GREGORY,
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. 7,

A Bill for an act to amend Section 1 of Chapter 9 of the Laws of 1891,

And find the same correctly engrossed.

E. YOUNG,
Chairman.

As per recommendation of the Joint Compilation Committee the President referred

Senate Bill No. 19 to Committee on Warehouses, Grain and Grain Grading.

Senate Bill No. 73 to Committee on Appropriations.

Senate Bill No. 74 to Committee on Judiciary.

Mr. Strom moved

That the courtesies of the Senate be granted to Mr. Larson, of Hillsboro.

Mr. Haggart moved

That the courtesies of the floor of the Senate be granted to Mr. C. P. Walker, of Fargo, and Hon. R. H. Hankinson, of Hankinson.

Mr. McGillivray moved

That courtesies of the floor of the Senate be extended to Mr. Ed. Nichols, of Mandan.

Which courtesies were granted.

Mr. Hillier moved

That the committee appointed to regulate the number of clerks on engrossing be dissolved.

Roll call demanded.

The roll being called there were ayes 10, nays 18, not voting 3.

Those who voted in the affirmative were—

Messrs—
Arnold,
Benedict,
Haggart,
Hillier,

Messrs—
Lamb,
Plain,
Tufts,

Messrs—
White,
Wishek,
Young.

Those who voted in the negative were—

Messrs—
Burke,
Clark,
Davis,
Day,
Dobie,
Enger,

Messrs—
Fuller,
Gregory,
Hanscom,
LaMoure,
Little,
McCarten,

Messrs—
McGillivray,
Parkin,
Rourke,
Stevens,
Strom,
Viets.

Absent and not voting, Messrs. Brown, Sorley and Valentine.
So the motion was lost.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
Jan. 25, 1895.

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 32,

A Bill for an act to amend Sections 20, 25 and 26, of Chapter
27 of the Session Laws of 1893, relating to the organization and
government of State banks,

Which the House has passed, and

Your favorable consideration thereof is requested.

Also,

I have the honor to return herewith Concurrent Resolution,
authorizing the Governor, Auditor, and Treasurer to fund the
floating indebtedness of the State, consisting of unpaid bills now
on file in the office of the Auditor, and to inform you that the
House has concurred in the same.

Also,

I have the honor to transmit herewith a Concurrent Resolu-
tion authorizing the Governor, Auditor and Treasurer to nego-
tiate an extension of the time for the payment of certain refund-
ing warrants of the Territory of Dakota, and inform you that the
House has concurred in the same.

Respectfully,
J. M. DEVINE,
Chief Clerk.

Mr. Arnold offered the following resolution:

Resolved, That it is the sense of this Senate that a bill referred to a Joint
Committee cannot be recalled by a vote of the Senate.

Which resolution was lost.

Mr. Gregory moved
That the House Concurrent Resolution relating to Forestry be read and referred.

CONCURRENT RESOLUTION

For a Memorial to Congress for the appropriation of forty thousand acres of land of the unappropriated public lands lying within the limits of the State of North Dakota, for the use and support of a School of Forestry in said State.

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

That a copy of the following memorial, signed by the President of the Senate and by the Speaker of the House of Representatives, and attested by the Secretary of the Senate and Chief Clerk of the House of Representatives, be sent to Hon. Henry C. Hansbrough, William N. Roach and Martin N. Johnson.

That Honorables H. C. Hansbrough and W. N. Roach, representing this State in the Senate of the United States, and Honorable M. N. Johnson, representing this State in the House of Representatives of the Congress of the United States, be and they are hereby respectfully requested to present the following memorial to 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 request that whereas the people of the State of North Dakota do earnestly desire that thorough and efficient research and instruction be given in the science and art of forest culture; therefore the people of this State do respectfully petition your honorable body to grant this State forty thousand acres of unappropriated public lands lying within the limits of the State and for the use and support of a School of Forestry.

Which was read the first and second times, and
Referred to the Committee on Judiciary.

INTRODUCTION OF BILLS.

Mr. Strom introduced
Senate Bill No. 76,

A Bill for an act entitled "an act to regulate common carriers, to define the duties of Commissioners of Railroads, and to provide for the control of bridge corporations and ferry companies within the State,"

Which was read the first and second times, and
Referred to the Committee on Railroads.

Mr. Stevens introduced
Senate Bill No. 77,

A Bill for an act to amend Chapter 73 of the Session Laws of 1887, being an act to amend Section 25 of Article 15 of Chapter 73 of the Session Laws of 1887,

Which was read the first and second times, and
Referred to the Committee on Compilation.

Mr. Day introduced
Senate Bill No. 78,

A Bill for an act to repeal Chapter 113 of the Session Laws of

1893, being an act to amend Section 91, Chapter 132, of the Laws of 1890, being an act entitled "an act prescribing the mode of making assessment, and the levy and collection of taxes, and other purposes relating thereto,"

Which was read the first and second times, and
Referred to the Committee on State Affairs.

Mr. Rourke (by request) introduced
Senate Bill No. 79,

A Bill for an act defining the practice in county courts having increased jurisdiction, fixing the term of court, compensation of judges and clerks and their duties,

Which was read the first and second times, and
Referred to the Committee on Judiciary.

Also,

Senate Bill No. 80,

A Bill for an act defining usury and the penalty for taking the same,

Which was read the first and second times, and
Referred to the Committee on Judiciary.
The president called Mr. Arnold to the chair.

FIRST READING OF HOUSE BILLS.

House Bill No. 13,

A Bill for an act to encourage the manufacture of potato starch in the State of North Dakota,

Which was read the first and second times, and

Referred to the Committee on Agriculture.

House Bill No. 20.

A Bill for an act to amend Section 3 of Chapter 183 of the Session Laws of 1890, entitled "an act to provide for a system of accounts for the State Auditor and State Treasurer,"

Which was read the first and second times, and

Referred to the Joint Compilation Committee.

A. H. Trangsrud was sworn in as engrossing clerk by the President on the 22d inst.

The Chair announced that the Senate would take a recess for ten minutes.

Senate re-assembled, the Lieutenant Governor presiding.

Mr. Haggart moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

FRED FALLEY,
Secretary.

NINETEENTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 26, 1895.

The Senate was called to order by the President.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Fuller, LaMoure, Haggart, Viets and Tufts,

Who were excused.

The Journal was read and approved.

The President announced that all engrossing clerks must report promptly each day at 2 o'clock, p. m. for duty, and remain until excused.

The President announced his signature to the following certain Concurrent Resolutions:

CONCURRENT RESOLUTION

Of the Senate and House of Representatives of the Fourth Legislative Assembly of the State of North Dakota, authorizing the Governor, Auditor and Treasurer to negotiate an extension of time for payment of certain Refunding Warrants of the Territory of Dakota.

Resolved by the Senate, the House of Representatives Concurring:

That the Governor, Auditor and Treasurer of the State of North Dakota be, and they are hereby authorized and instructed to negotiate for an extension of time for one year, at the present rate of interest, for the payment of the 5 per cent. refunding warrants dated April 1, 1889, and remaining unpaid to the amount of \$63,507.46.

Also,

CONCURRENT RESOLUTION

Of the Senate and House of Representatives of the Fourth Legislative Assembly of the State of North Dakota, authorizing and instructing the Governor, Auditor and Treasurer of the State of North Dakota to fund certain floating indebtedness of the State of North Dakota.

Resolved by the Senate, the House of Representatives Concurring:

That the Governor, Auditor and Treasurer of the State of North Dakota are hereby authorized and instructed to fund the floating indebtedness of the State, consisting of unpaid bills now on file in the office of the Auditor of State to an amount not exceeding one hundred and thirty thousand dollars, at such discount as will allow a reasonable rate of interest, such indebtedness to become due and payable on or before November 1, 1896.

Mr. Benedict moved

That the courtesies of the floor be extended to Rev. Van Horn, of Fargo.

There being no objections, the courtesies of the floor were so granted.

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

Concurrent Resolution No. 62,

A Concurrent Resolution of the Senate and House of Representatives of the Fourth Legislative Assembly of the State of North Dakota, authorizing and instructing the Governor, Auditor and Treasurer of the State of North Dakota to fund certain floating indebtedness of the State of North Dakota.

Also,

Concurrent Resolution No. 70,

A Concurrent Resolution authorizing the Governor, Auditor and Treasurer to negotiate an extension of the time for payment of certain refunding warrants of the Territory of North Dakota,

And find the same correctly enrolled.

E. YOUNG,
Chairman.

MR. PRESIDENT:

The Joint Committee to consider the report of the Revision Committee respectfully report that they have carefully considered the Civil Code, as compiled by the Commission, and have added thereto and amended it by the addition of new sections, all of which are incorporated in the bill which we present herewith, being a bill for an act to establish a Civil Code for the State of North Dakota.

Your Committee recommend that the bill pass.

Respectfully,
C. E. GREGORY,
Chairman.

The Committee on Warehouses and Grain Grading made the following report:

MR. PRESIDENT:

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

Senate Bill No. 72,

A Bill for an act to regulate the manner in which individuals, firms, and private corporations shall be authorized to construct, maintain and operate public warehouses and elevators on railway right of ways in the State of North Dakota,

Have had the same under consideration and recommend that said bill be referred to General Orders.

E. P. DAY,
Chairman.

The Committee on Railroads made the following report:

MR. PRESIDENT:

Your Committee on Railroads, to whom was referred

Senate Bill No. 34,

A Bill for an act to require railway companies to keep their right of way free from dead grass and other combustible material, so as to prevent the starting of running fires from the operation of their railway,

Have had the same under consideration and recommend that the same do not pass.

H. S. PARKIN,
Chairman.

The Committee on Agriculture made the following report:

MR. PRESIDENT:

Your Committee on Agriculture to whom was referred

Senate Bill No. 53,

A Bill for an act declaring certain mills in this State public custom mills, and fixing a maximum price for grinding and a maximum rate of toll and exchange to be charged or taken therefor,

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

H. H. STROM,
Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred
Senate Bill No. 47,

A Bill for an act to amend Sections 332 of Chapter 13 of the Code of Civil Procedure, being Section 5127 of the Compiled Laws, relating to property not exempt from execution,

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

By striking out "5127" in the title of the bill and inserting in lieu thereof "5136;"

And further, by striking out the word "chapter" in line 2 of the enacting clause, and inserting in lieu thereof the word "section;" and by striking out "5127" and inserting in lieu thereof "5136," in said clause;

And further, by inserting the words "real or" before the words "personal property" in line 2, section 332 of the printed bill;

And further, by placing a period (.) after the word "procedure" in line 4, section 332 of printed bill, in lieu of the comma (,);

And further, by striking out the word "or" after the word "procedure" in line 4, section 332, printed bill, and inserting in lieu thereof the words "neither shall it be so construed as to exempt any personal property;"

And further, that the words "in conflict with the provisions of this act" be inserted in the repealing clause, after the words "of acts,"

And when so amended recommend that the same 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. 73,

A Bill for an act repealing Chapter 2, Laws of 1893, entitled "an act for an appropriation for the erection of the North Dakota Reform School at Mandan, and for incidental and contingent expenses for the same,"

Have had the same under consideration and recommend that the same do not pass.

J. E. HAGGART,
Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred
Senate Bill No. 69,

A Bill for an act making boards of trustees, commissioners, directors, person or persons liable for amount expended in excess of appropriation, and providing for emergency expenditures,

Have had the same under consideration and recommend that the same 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. 15,

A Bill for an act to amend Section 1 of Chapter 100, Session Laws of 1891,

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

A BILL

For an act to amend Section 1 of Chapter 100, Session Laws of 1891, being "an act to amend Chapter 132 of the Laws of 1890, being an act entitled 'an act prescribing the mode of making assessments and the levy and collection of taxes, and for other purposes relative thereto.'"

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

SECTION 1. That Section 1, Chapter 100, Laws of 1891, be amended to read as follows:

Property Exempt: All property described in this section to the extent herein limited shall be exempt from taxation, that is to say,

First. All public school houses, academies, college institutions and seminaries of learning with the books and furniture therein, and the grounds attached to such buildings necessary to their proper occupancy, use and enjoyment, and not based or otherwise used with a view to profit, houses used exclusively for public worship, and the lots or parts of lots upon which such houses are erected.

Second. All lands used exclusively for burying grounds or cemeteries.

Third. All property, whether real or personal, belonging exclusively to the State or to the United States.

Fourth. All buildings belonging to the counties used for holding courts, for jails, for county officers, with the ground, not exceeding in any county ten acres, on which buildings are erected.

Fifth. All lands, houses and other buildings belonging to any county, township, or town used exclusively for the accommodation or support of the poor.

Sixth. All buildings belonging to institutions of purely public charity, including public hospitals, Young Men's Christian Association buildings, Grand Army halls owned by a Grand Army Post, together with the land actually occupied by such institutions not leased or otherwise used with a view to profit; and all moneys and credits appropriated solely to sustaining, and belonging exclusively to such institutions, and all land owned and occupied by agricultural societies, not leased or used with a view to profit, not exceeding eighty acres.

Seventh. The shares of stock in all building associations organized under the laws of this State where the laws of such associations are, by the by-laws thereof, confined strictly to members of the county in which such association is located.

Eighth. All fire engines and other implements used for the extinguishment of fires, with the buildings used exclusively for the safe keeping thereof.

and for the meeting of fire companies, whether belonging to any town or fire company organized therein.

Ninth. All public market houses, public squares or other public grounds, town or township houses, or halls used exclusively for public purposes and all works, machinery or fixtures belonging to any town and used exclusively for conveying water to such town.

Tenth. All public libraries and real and personal property belonging to or connected with the same.

Eleventh. The personal property of each individual liable to assessment and taxation under the provisions of this act, of which such individual is the actual and *bona fide* owner, to an amount not exceeding twenty-five dollars in value; *Provided*, that each person shall list all of his personal property for taxation, and the county auditor shall deduct the amount of the exemption authorized by this section from the total amount of his assessment, and levy taxes upon the remainder.

All acts or parts of acts in conflict herewith are hereby repealed.

WHEREAS, In order to secure the benefits of this law for the year 1895, it is necessary that it should become a law prior to July next, an emergency exists, therefore this law shall be in force from and after its passage and approval.

And when so amended recommend that the same do pass.

C. E. GREGORY,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Plain moved

That Senate Bill No. 6 be recalled from the Committee on State Affairs, and be referred to the Committee on Agriculture,
Which motion prevailed.

Mr. White moved

That there be no more clerks appointed on the engrossing force unless so recommended by the Chairman of the Engrossing Committee; that the appointments be made in open Senate, and that the Special Committee to employ engrossing and enrolling clerks be discharged.

Mr. McGillivray moved

To amend that no more clerks be appointed on the engrossing force unless by recommendation of a majority of the Committee on Engrossing and Enrolling."

Mr. White accepted the amendment,

So the motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
January 26, 1894. }

MR. PRESIDENT:

I have the honor to transmit herewith Concurrent Resolution to arrange a meeting of the Joint Committee on Russian Cactus,

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

Very respectfully,
J. M. DEVINE,
 Chief Clerk.

CONCURRENT RESOLUTION.

Be it Resolved by the House, the Senate Concurring :

SECTION 1. That the Joint Committee on Russian Cactus be authorized and instructed to secure for its meeting on Tuesday evening, January 29, a room large enough to accommodate all members of this Legislative Assembly, the State officials and others who may be interested.

SEC. 2. That Professor H. L. Bolley of the North Dakota Agricultural College and ex-Senator Lyman R. Casey be invited to attend the meeting.

SEC. 3. That the Committee report as to place of holding said meeting not later than Monday, January 28.

Mr. Little moved

That the rules be suspended and that the Senate now concur in the House Concurrent Resolution,

Which motion prevailed, and

The Senate concurred in the resolution.

Mr. Burke moved

That the special committee to attend to the employment of clerks on the engrossing force be discharged,

Which motion prevailed.

INTRODUCTION OF BILLS.

Mr. Clark introduced

Senate Bill No. 81,

A Bill for an act to amend Section 3097 of the Compiled Laws, relating to the election of directors of county mutual insurance companies,

Which was read the first and second times, and

Referred to the Joint Compilation Committee.

Mr. White introduced

Senate Bill No. 82,

A Bill for an act establishing an emergency commission, prescribing their duties and appropriating money for the expenses thereof,

Which was read the first and second times, and

Referred to the Committee on Judiciary.

Also,

Senate Bill No. 83,

A Bill for an act declaring certain noxious weeds to be a public nuisance; to provide for the destruction of the same; to provide for levying assessments against the land upon which such nuisance shall be abated; for otherwise recovering the costs of the same; to provide for the appointment of commissioners of

noxious weeds; to provide penalties for the violation of the provisions of this act, and to repeal Chapter 91 of the Laws of 1891,

Which was read the first and second times, and

Referred to the Committee on Agriculture.

Mr. Parkin introduced

Senate Bill No. 84,

A Bill for an act amending Section 7, Chapter 127, Laws of 1893, entitled "an act to establish weather and crop service; for the collection and dissemination of crop statistics and meteorological data,

Which was read the first and second times, and

Referred to the Committee on Appropriations.

The President called Mr. Stevens to the chair.

Mr. President introduced

Senate Bill No. 85,

A Bill for an act to establish a Civil Code of the State of North Dakota,

Which was read the first and second times, and

Referred to the Committee on Judiciary.

Mr. Gregory introduced

Senate Bill No. 86,

A Bill for an act to provide for the abolishment of Chapter 38 of the Code of Civil Procedure, entitled "Herd Law," in counties where a majority of the qualified electors so elect to provide for an election upon the question of such abolishment, and to establish a fence law in such counties,

Which was read the first and second times, and

Referred to the Committee on Counties.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }

January 26, 1895. }

MR. PRESIDENT:

I have the honor to return herewith

Senate Bill No. 45,

A Bill for an act to empower the Governor to accept for the State the condition proposed by an act of Congress providing aid to State and Territorial homes for the support of disabled soldiers and sailors,

Which the House has passed without change.

Respectfully,

J. M. DEVINE,

Chief Clerk.

Mr. Valentine moved
 That Senate Bill No. 10 be made a special order for Monday,
 the 28th, at 2:30 o'clock,
 Which motion prevailed.

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

FRED FALLEY,
 Secretary.

TWENTY-FIRST DAY.

SENATE CHAMBER,
 BISMARCK, NORTH DAKOTA,
 January 28, 1895.

The Senate was called to order by the President.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Fuller, Viets, Tufts and
 Parkin, who were excused.

The Journal was read.

MESSAGES FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
 January 28, 1895. }

MR PRESIDENT:

I have the honor to return herewith Concurrent Resolution,
 That our Senators and Members of Congress be instructed and
 requested to use their influence in securing such amendment to
 the Constitution of the United States as will confer upon the sev-
 eral States the right to choose their Senators at general elections,
 Which the House has concurred in.

MONDAY, JANUARY 28, 1895.



Also,

I have the honor to transmit herewith a Concurrent Resolution authorizing the Governor to investigate the advisability of establishing a plant for the manufacture of binding twine, and the employment of convict labor in the manufacture thereof, together with the probable cost thereof for the ensuing two years, which the House has passed and your concurrence therein is respectfully requested.

Also,

I have the honor to transmit herewith House Bill No. 11,
A Bill for an act to amend paragraph 9 of Section 132 of the Session Laws of 1890, relating to the assessment, levy and collection of taxes.

Also,

House Bill No. 30,
A Bill for an act to amend Section 9, Chapter 73 of the Laws of 1887, being Section 877 of the Compiled Laws, relating to the incorporation of cities.

Also,

House Bill No. 39,
A Bill for an act prohibiting the sale of cigarettes,
Which have passed the House and your favorable consideration thereof is respectfully requested.

Respectfully,

J. M. DEVINE,
Chief Clerk.

Mr. Gregory moved

That the committee report on Senate Bill No. 15, presenting an entire bill as an amendment, be changed to read as a substitute bill,

Which motion prevailed, and
The Journal was approved.

Mr. Haggart moved

That the courtesies of the Senate be extended to C. A. Pollock, S. J. Hill and K. Olson, of Fargo.

Mr. White moved

That the courtesies of the floor be extended to John D. Black,
Which courtesies were granted, there being no objection.

Mr. Clark presented the following petition:

To George Clark, Senator Fourth Legislative District:

We, the undersigned voters of the Fourth Legislative District, hereby request that you will use your utmost endeavors by both your vote in the Legislature and your influence among your fellow members to defeat any and every measure that may be introduced looking to the resubmission or the repeal or the defeat of the Prohibition law to any extent whatever, and we

TITLE WITHDRAWN

further urge you to use all means in your power to strengthen instead of weaken the law by such judicious amendments or additions to it as will make it more effective.

W. A. SPOYNE,
(And 25 Others.)

Referred to the Committee on Temperance.

Mr. Euger presented the following petition:

GRAFTON, N. Dak., January 19, 1895.

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

In Lutheran convention held at Grafton, N. Dak., Jan. 17th to 20th, 1895, the following resolution was unanimously adopted:

Resolved, We, members of the Evangelical Lutheran denomination, congregated in convention at Grafton, N. Dak., Jan. 17th to 20th, 1895, do hereby request the Legislative Assembly of the State of North Dak., now assembled at Bismarck, N. Dak., not to submit the question of re-submission of Article twenty of our State Constitution to a vote of the people of the above mentioned State, nor to the Legislative Assembly to be chosen at the next general election.

Furthermore, we request the Legislature to take such action or actions as may effectually enforce the present Prohibition Law.

Respectfully yours,
J. H. NORDBY,
Chairman

S. J. JOHNSON, Secretary.

P. S. In order to save time the above named chairman authorized the secretary to sign his name to this resolution.

S. J. J

Referred to the Committee on Temperance.

REPORT OF STANDING COMMITTEES.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred
Senate Bill No. 22,

A Bill for an act to amend Section 21, Chapter 39 of the Political Code of 1877,

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

Wherever the abbreviation "cts." occur in said bill the word "cents" be inserted in lieu thereof.

And that the same be further amended by striking out the words "each way" in line 5 of the printed bill.

And that the same be further amended by striking out the word "making" in line 7 of the printed bill, and insert in lieu thereof the word "marking."

And that the same be further amended by inserting after the word "mileage" in the third line of the printed bill the following: "For each lot laid out and platted in any city or town, twenty-five cents,"

And when so amended recommend that the same do pass.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred
Senate Bill No. 79,

A bill for an act defining the practice in county courts having increased jurisdiction; fixing the terms of court; compensation of judges and clerks and their duties,

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

C. B. LITTLE,
Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred
Senate Bill No. 17,

A Bill for an act to amend Section 290 of the Penal Code, being Section 6490 of the Compiled Laws relating to the punishment for robbery, where two or more persons conjointly and when two or more persons are present and aid in committing the crime of robbery,

Have had the same under consideration and recommend that the same be laid on the table, as the matter herein has to be considered by the Compilation Committee.

C. B. LITTLE,
Chairman.

MR. PRESIDENT:

Your Committee to whom was referred the Journal of the seventeenth day, report that on page 10 of said Journal it should read Senate Bill 72 instead of Senate Bill 19 wherever the figures 19 occur.

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report of the Committee be adopted,

Which motion prevailed.

Mr. LaMoure moved

That Senate Bill No. 19 be referred to the Committee on Warehouses, Grain and Grain Grading;

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 Bill No. 45,

A Bill for an act to empower the Governor to accept for the State the condition imposed by an act of Congress entitled "an act to provide aid to State or Territorial homes for the support of disabled soldiers and sailors of the United States, and empowering the State Auditor to receive and receipt for all money which may become due to the State under said act,"

And find the same correctly enrolled.

E. YOUNG,
Chairman.

Mr. Day moved

That Senate Bill No. 46 be referred to the Committee on State Affairs,

Which motion prevailed.

Mr. Sorley moved

That the courtesies of the floor be extended to C. B. Fisk, of Grand Forks,

Which courtesy was granted, there being no objection.

SPECIAL ORDERS.

The time having arrived for the consideration of Senate Bill No. 10, it having been made a special order for this hour.

Senate Bill No. 10,

A Bill for an act to amend Section 2 of Chapter 110 of Session Laws of 1890, entitled "an act to prescribe penalties for the unlawful manufacture, sale, barter and giving away of such liquors for medicinal, scientific and mechanical purposes,"

Was given its third reading, and put upon its final passage.

Mr. Arnold moved

That the report of the Committee on Temperance on Senate Bill No. 10 be adopted,

Which motion prevailed.

Mr. Young moved

That after the words "set forth" in the Committee's amendment to line 20 of the printed bill add:

Provided, further, That the petition of the applicant shall be signed by not less than twenty of such qualified men and women that reside within the town, village, township or ward,

Which amendment was lost.

Mr. Arnold moved

To amend the bill by striking out "sixty per cent" and insert in lieu thereof the words "seventy per cent,"

Which amendment prevailed.

The question being upon the final passage of the bill as amended,

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

Those who voted in the affirmative were:

Messrs--	Messrs--	Messrs--
Arnold,	Gregory,	Rourke,
Benedict,	Haggart,	Sorley,
Brown,	Hanscom,	Stevens,
Burke,	Hillier,	Strom,
Clark,	Lamb,	Valentine,
Davis,	LaMoure,	White.
Day,	Little,	Wishek,
Dobie,	McCarten,	Young.
Enger,	Plain,	

Absent and not voting:

Messrs--	Messrs--	Messrs--
Fuller,	Tufts.	Parkin,
McGillivray,	Viets,	

So the bill passed and the title was agreed to.

Mr. Wishek moved

That the vote by which Senate Bill No. 10 was passed be reconsidered, and to lay the motion to reconsider on the table.

Which motion prevailed.

MOTIONS AND RESOLUTIONS.

Mr. McCarten moved

That Senate Bill No. 66 be referred to the Committee on State Affairs for amendment,

Which motion prevailed.

Mr. Dobie offered the following resolution:

To the President and Senate of the State of North Dakota:

WHEREAS, It is apparent to every member of this body that some plan should be adopted whereby the State expenditures should be in keeping with the stringency of the times, and the condition of our State funds; therefore

Resolved, That the President of the Senate appoint a committee of five, whose duty it will be to report where, in their opinion, a reduction may be made in State expenditures.

Mr. Hillier moved

To adopt the resolution,

Which motion prevailed by rising vote, and

The resolution was adopted.

CONSIDERATION OF MESSAGES FROM THE HOUSE.

CONCURRENT RESOLUTION.

Resolved by the House of Representatives, the Senate Concurring:

That the Governor of the State is respectfully requested to investigate and report to the Legislative Assembly the advisability of establishing a plant for the manufacture of binding twine in the Penitentiary and the utilizing of convict labor in the manufacture thereof.

Also, to furnish the Legislative Assembly with an estimate of the probable cost thereof for the ensuing two years and whether or not the establishing of such a plant is feasible and would serve the interest of the State.

Mr. Little moved

That the resolution be referred to the Committee on Appropriations,

Which motion prevailed.

INTRODUCTION OF BILLS.

Mr. Little introduced

Senate Bill No. 87,

A Bill for an act to prevent the spread of contagious, infectious and epidemic diseases among domestic animals; creating the office of Chief State Veterinarian; prescribing the duties thereof and appropriating money for necessary expenses thereof,

Which was read the first and second times, and

Referred to the Committee on Stock.

The Committee on Ways and Means introduced

Senate Bill No. 88,

A Bill for an act to amend Section 1 of Chapter 100, Session Laws of 1891, being an act to amend Chapter 132 of the Laws of 1890, being an act entitled "an act prescribing the mode of making assessments and the levy and collection of taxes, and for other purposes relative thereto,"

Which was read the first and second times, and

Referred to General Orders.

Mr. Lamb introduced

Senate Bill No. 89,

A Bill for an act to repeal Chapter 135 of the Session Laws of 1893, providing a State bounty for the destruction of wolves,

Which was read the first and second times, and

Referred to the Committee on State Affairs.

Mr. Young introduced

Senate Bill No. 90,

A Bill for an act to repeal Chapter 107 of the Laws of 1889, being an act providing for the levy and collection of taxes upon the property of railroad companies in this Territory, and of Chapter 134, Laws of 1890, amendatory thereto,

Which was read the first and second times, and

Referred to the Judiciary Committee.

Mr. Haggart introduced

Senate Bill No. 91,

A Bill for an act to prohibit the selling or letting of the labor of convicts for private parties or corporations,

Which was read the first and second times, and

Referred to the Committee on Ways and Means.

Mr. Enger introduced

Senate Bill No. 92,

A Bill for an act repealing Chapter 87 of the Session Laws of 1891,

Which was read the first and second times, and
Referred to the Committee of Joint Compilation.

Mr. Clark introduced

Senate Bill No. 93,

A Bill for an act for the encouragement of higher education and appropriating money therefor,

Which was read the first and second times, and
Referred to the Committee on Education.

The President announced that he was about to sign

Senate Bill No. 45,

A Bill for an act to empower the Governor to accept for the State the condition imposed by an act of Congress, entitled "an act to provide aid to State and Territorial Homes for the support of disabled soldiers and sailors of the United States, and empowering the State Auditor to receive and receipt for all money which may become due to the State under said act,"

REPORT OF SPECIAL COMMITTEE.

MR. PRESIDENT:

The Joint Committee on Russian Cactus respectfully report that they have secured the court house for the meeting on Tuesday evening, and that said meeting will be at 7:30.

RICHARD McCARTEN,
Chairman.

The President appointed R. R. Dutton as janitor of the Senate Chamber.

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

FRED FALLEY,
Secretary.

TWENTY-SECOND DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 29, 1895.

The Senate was called to order by the President.

Prayer by the Chaplain.

Roll called.

All members present except

Messrs. Parkin and Tufts, 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.

The President appointed as such committee

Messrs. Plain, Day and Sorley.

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. 10,

A Bill for an act to amend Section 2 of Chapter 110 of the Session Laws of 1890, entitled "an act to prescribe penalties for unlawful manufacture, sale, barter and giving away of such liquors for medicinal, scientific and mechanical purposes,"

And find the same correctly enrolled.

E. YOUNG,
Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred
Senate Bill No. 74,

A Bill for an act to repeal Chapter 172 of the Session Laws of 1890, being an act entitled "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.

C. B. LITTLE,
Chairman.

PETITIONS AND COMMUNICATIONS.

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

A congregational meeting of the members of Grafton Lutheran Church, of Grafton, North Dakota, held at Grafton, North Dakota, on the 27th day of January, A. D. 1895, the following resolution was unanimously adopted:

Resolved, That it is the sense of this meeting that the Honorable Legislative Assembly of the State of North Dakota, now in session, be requested by this meeting not to re-submit to the next Legislative Assembly of this State nor to the people of this State, Article 20 of the Constitution of the State of North Dakota, prohibiting the manufacture and sale of intoxicating liquors.

Resolved, further, That the Legislative Assembly of this State now in session be requested not to repeal or amend any of the existing penalties in the present law of this State prohibiting the manufacture and sale of intoxicating liquors; but that they be requested to make only such amendments to said prohibition law as may more effectually secure its faithful enforcement.

J. A. OFSTEDAHL,
Chairman.

EDWARD HOVERSON, Secretary.

Referred to the Committee on Temperance.

Mr. LaMoure presented the following petition:

JOLIET, N. D., Jan. 23, 1895.

Honored Senators:

We hereby petition you in behalf of our prohibitory liquor law. We earnestly desire the defeat of the resubmission bill, now before the House.

MRS. EMILY L. PURDY,
(And 32 others).

Referred to the Committee on Temperance.

Mr. Haggart offered the following resolution:

TRADES, LABOR AND PROTECTIVE UNION NO. 1,
FARGO, NORTH DAKOTA,
January 26, 1895. }

To Senator Haggart, Bismarck, North Dakota:

DEAR SIR:—At a meeting of the Trades, Labor and Protective Union, of Fargo, held Jan. 24th, 1895, the following preamble and resolutions were adopted:

WHEREAS, A very large portion of the wage earners of the State are in enforced idleness, although willing and anxious to engage in any honorable occupation whereby they may earn a support for themselves and those dependent upon them, and

WHEREAS, The employment of convict labor by private parties has a tendency to increase the aforesaid enforced idleness, and

WHEREAS, The enforced idleness of the masses of any people, if long continued, will surely lead to the overthrow of all right government, and

WHEREAS, We consider the employment of convict labor in competition with free labor as un-American and unworthy a liberty loving people, and

WHEREAS, One of our Representatives has recently introduced a bill to the effect that the State lease certain coal mines and operate the same by employing convict labor therein, which would but add to the enforced idleness already too prevalent, and

WHEREAS, There is at this time a company manufacturing harnesses and employing convict labor therefor, thus bringing said convict labor in direct competition with honest free labor, and

WHEREAS, Other states of the Union have had factories run by convict labor, thereby building up large monopolies and trusts, at the expense of free labor; therefore, be it

Resolved, That the Trades, Labor and Protective Union No. 1, of Fargo, hereby urgently request that the Legislature now in session at Bismarck, take prompt measures to prevent in the future the employment of penitentiary convicts, in any way whereby they compete with free labor.

Resolved, That a copy of these resolutions be forwarded to his Excellency Governor Allin, and to his Honor Senator Haggart, and to each of our Representatives from Fargo.

J. C. PINNEY,
W. W. HARVEY,
W. B. MORGAN,
Committee on Resolutions

Referred to the Joint Committee on Penal Institutions.

Mr. Valentine offered the following petition:

We, the undersigned citizens of LaMoure county, desire to petition the Legislative Assembly of the State of North Dakota to enact such measures as will result in the re-submission of Article 20 of the State Constitution to a vote of the people.

AUGUST BRODSKORD,
(And 37 others.)

To George Clark, Senator Fourth Legislative District:

We, the undersigned voters of the Fourth Legislative District, hereby request that you will use your utmost endeavors by both your vote in the Legislature and your influence among your fellow members to defeat any and every measure that may be introduced looking to the resubmission or the repeal or the defeat of the Prohibition Law to any extent whatever, and we further urge you to use all means in your power to strengthen instead of

weaken the law by such judicious amendments or additions to it as will make it more effective.

ROBERT GEDDES,
(And 200 others.)

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
January 29, 1895. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 23,

A Bill for an act defining the duties of railways in regard to station houses,

Also,

House Bill No. 15,

A Bill for an act to amend Section seventy-nine (79) of Chapter one hundred and nine (109) of the Laws of 1893, being an act prescribing the mode of making assessment and the levy and collection of taxes,

Also,

House Bill No. 1,

A bill for an act to provide for State depositories and to regulate the deposit of public monies,

Also,

House Bill No. 5,

A Bill for an act repealing an act to provide for the trial by the district court without a jury, and for the hearing of such actions on appeal,

Also,

House Bill No. 47,

A Bill for an act providing for extension of time for the payment of taxes for the year 1894,

Also,

House Bill No. 38,

A Bill for an act to appropriate money to compensate the State of South Dakota for providing for and schooling North Dakota's refractory children,

Also,

House Bill No. 8,

A Bill for an act to repeal an act of the Legislative Assembly of the Territory of Dakota, 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 and your favorable consideration is respectfully requested.

Also,

I have the honor to return herewith

Senate Bill No. 24,
 A Bill for an act changing and increasing the boundaries of
 the counties of Billings, Stark and Mercer,
 Which the House has passed without change.

Respectfully,
 J. M. DEVINE,
 Chief Clerk.

MOTIONS AND RESOLUTIONS.

Mr. LaMoure moved
 That the vote whereby the following resolution was passed,
 be reconsidered.

To the President and Senate of the State of North Dakota:

WHEREAS, It is apparent to every member of this body that some plan
 should be adopted whereby the State expenditures should be in keeping with
 the stringency of the times, and the condition of our State funds; therefore
Resolved, That the President of the Senate appoint a committee of five,
 whose duty it will be to report where, in their opinion, a reduction may be
 made in State expenditures.

Which motion prevailed.

The question being upon the adoption of the resolution,
 The motion was lost.

Mr. Burke moved

That these reports of the Joint Committee, as they appear
 from time to time, be excluded from the regular official Journal.

Which motion prevailed,

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
 January 29, 1895. }

MR. PRESIDENT:

I have the honor to transmit herewith
 House Bill No. 47,

A Bill for an act providing for the extension of time for the
 payment of the taxes for the year 1894,

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

Respectfully,
 J. M. DEVINE,
 Chief Clerk.

INTRODUCTION OF BILLS.

Mr. Strom introduced
 Senate Bill No. 94,

A Bill for an act to amend Sections 5 and 69, Chapter 118,

Laws of 1893, entitled "an act to amend all of Chapters 25, 146, 147 and 148 of the Laws of 1890, and Chapter 65 of the Laws of 1891, and to provide for the management, control and disposal of university, school and all other public lands of the State, and the management of the funds arising therefrom, and making an appropriation therefor,"

Which was read the first and second times, and

Referred to the Joint Compilation Committee, and by them referred to the Appropriation Committee.

Mr. Sorley introduced

Senate Bill No. 95,

A Bill for an act declaring void notes and other contracts, the signatures to which have been obtained by fraudulent misrepresentation or artifice as to the name and terms of the instrument so signed,

Which was read the first and second times, and

Referred to the Committee on Judiciary.

A recess of 15 minutes was announced.

The Senate reassembled.

Mr. Arnold moved

That the rules be suspended and that the Senate proceed to the first and second reading and reference of House bills,

Which motion prevailed.

FIRST READING OF HOUSE BILLS.

House Bill No. 11,

A bill for an act to amend the ninth paragraph of Section 7 of Chapter 132 of the Session Laws of 1890, entitled "An act prescribing the mode of making assessment, and the levy and collection of taxes, and for other purposes relative thereto,"

Was read the first and second times, and

Referred to the Committee on Ways and Means.

House Bill No. 30,

A Bill for an act to amend Section 9 of Article 3 of Chapter 73 of the Laws of 1887, being Section 877 of the Compiled Laws of 1887, providing for the incorporation of cities,

Was read the first and second times, and

Referred to the Committee on Judiciary.

House Bill No. 32,

A Bill for an act to amend Sections 20, 25 and 26 of Chapter 27 of the Session Laws of 1893, relating to the organization and government of State banks,

Was read the first and second times, and

Referred to the Committee on Banking.

House Bill No. 39,

A Bill for an act entitled "an act prohibiting the sale of cigarettes,"

Was read the first and second times, and
Referred to the Committee on Public Health.

House Bill No. 1,

A Bill for an act, entitled "an act to provide for State depositories and to regulate the deposit of public moneys therein and the interest thereon and prescribing the means thereof,"

Was read the first and second times, and
Referred to the Committee on State Affairs.

House Bill No. 5,

A Bill for an act to repeal an act entitled "an act to provide for trial by the district court without a jury and for the hearing of such action on appeal,"

Was read the first and second times, and
Referred to the Committee on Judiciary.

House Bill No. 8,

A Bill for an act to repeal an act of the Legislative Assembly of the Territory of Dakota, approved March 7, 1889, entitled "an act providing for the levy and collections of taxes upon the property of railroad companies in this Territory, and all acts amendatory thereto,"

Was read the first and second times, and
Referred to the Committee on Ways and Means.

House Bill No. 15,

A Bill for an act to amend Section seventy-nine (79) of Chapter one hundred and nine (109) of the Laws of 1893, being an act entitled "an act prescribing the mode of making assessment and the levy and collection of taxes, and for other purposes relative thereto."

Was read the first and second times, and
Referred to the Committee on Ways and Means.

House Bill No. 21,

A Bill for an act prescribing the duties of states' attorneys, fixing their compensation and the method of determining the same,

Was read the first and second times, and
Referred to the Judiciary Committee.

House Bill No. 23,

A Bill for defining the duties of railways in regard to station houses,

Was read the first and second times, and
Referred to the Committee on Railroads.

House Bill No. 38,

A Bill entitled "an act to appropriate money to compensate the

State of South Dakota for caring, providing for and schooling North Dakota's refractory children at the South Dakota Reform School,"

Was read the first and second times, and
Referred to the Committee on Appropriations.

House Bill No. 47,

A Bill for an act providing for extension of the fines for the payment of taxes for the year 1894,

Was read the first and second times, and
Referred to the Committee on Ways and Means.

Mr. LaMoure moved

That the rules be suspended for the purpose of adding to the regular order, the announcement of meetings of committees as the eighteenth order of business,

Which motion prevailed.

THIRD READING OF SENATE BILLS.

Senate Bill No. 61,

A Bill for an act to repeal Chapter 74, Session Laws of 1893, being an act, entitled "an act providing for the compilation, revision and codification of the laws of North Dakota, and the publication and distribution and sale thereof, and to repeal Chapter 82 of the Laws of 1891 in relation thereto,"

Was read the third time.

Mr. Little offered the following amendment:

WHEREAS, An emergency exists in that the work of the Compilation Commission is completed and is now before the Legislative Assembly, and that there is no further need for the existence of said Commission; therefore, this act shall take effect and be in force from and after its passage and approval.

Which amendment was adopted.

The question being on the final passage of the bill as amended, The roll being called there were ayes 21, nays 7, not voting 3. Those who voted in the affirmative were:

Messrs—

Arnold,
Brown,
Clark,
Davis,
Day,
Enger,
Fuller,

Messrs—

Gregory,
Haggart,
Hanscom,
LaMoure,
Little,
McGillivray,
Rourke,

Messrs—

Sorley,
Strom,
Valentine,
Viets,
White,
Wishek,
Young.

Those who voted in the negative were:

Messrs—

Burke,
Dobie,
Hillier,

Messrs—

Lamb,
McCarten,

Messrs—

Plain,
Stevens.

Absent and not voting:

Messrs—

Benedict,

Messrs—

Parkin,

Messrs—

Tufts.

So the bill passed and the title was agreed to.

Mr. Little moved

That the vote by which Senate Bill No. 61 was passed be reconsidered, and the motion to reconsider be laid on the table,

Which motion prevailed.

Senate Bill No. 53,

A Bill for an act declaring certain mills in this State public custom mills, and fixing a maximum price for grinding and a maximum rate of toll and exchange to be charged or taken therefor,

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

Mr. LaMoure offered the following amendment:

Provided, however, that the provisions of this bill shall not be applied to W. C. Listikow.

Mr. Plain moved

That the amendment be laid on the table,

Which motion prevailed, and

The amendment with bill was laid on the table.

Mr. Sorley moved,

That Senate Bill No. 53 be made a special order for Tuesday, February 10th, at 3 o'clock.

Roll call demanded.

The roll being called there were ayes 13, nays 15, not voting 3.

Those who voted in the affirmative were—

Messrs—

Benedict,

Brown,

Gregory,

Haggart,

Hanscom,

Messrs—

Lamb,

LaMoure,

Little,

Rourke,

Messrs—

Sorley,

Valentine,

Viets,

White.

Those who voted in the negative were:

Messrs—

Burke,

Clark,

Davis,

Day,

Dobie,

Messrs—

Enger,

Fuller,

Hillier,

McCarten,

McGillivray,

Messrs—

Plain,

Stevens,

Strom,

Wishek,

Young.

Absent and not voting:

Messrs—

Arnold,

Messrs—

Parkin,

Messrs—

Tufts.

Messrs. Parkin and Tufts being excused.

So the motion was lost.

The question being upon the indefinite postponement of the bill,

The motion was lost.

Senate Bill No. 73,

A Bill for an act repealing Chapter 2 of the Laws of 1893,

Was read the third time.

Mr. Little moved

To adopt the report of the Committee,

Which motion prevailed.

Mr. Sorley moved

That Senate Bill No. 73 be made a special order for Monday, February 4, at 3 p. m.

Roll call demanded.

The roll being called there were ayes 13, nays 16, not voting 2

Those who voted in the affirmative were—

Messrs—

Burke,
Dobie,
Fuller,
Hanscom,
Hillier,

Messrs—

Lamb,
McCarten,
McGillivray,
Plain,

Messrs—

Sorley,
Stevens,
Strom,
Valentine,

Those who voted in the negative were:

Messrs—

Arnold,
Benedict,
Brown,
Clark,
Davis,
Day,

Messrs—

Enger,
Gregory,
Haggart,
LaMoure,
Little,

Messrs—

Rourke,
Viets,
White,
Wishek,
Young.

Absent and not voting, Messrs. Parkin and Tufts,

Who were excused.

So the motion was lost.

Mr. LaMoure moved

That the further consideration of Senate Bill No. 73 be indefinitely postponed,

Which motion prevailed.

Senate Bill No. 20,

A Bill for an act to amend Section 3 of Chapter 31 of the Session Laws of 1891, for the purpose of including all lands in its provisions and requiring a judgment to be obtained to make the expense a tax lien on the land,

Was read the third time.

Mr. White moved

That Senate Bill No. 20 be recommitted to the Joint Committee on Cactus.

Which motion prevailed.

Senate Bill No. 51,

A Bill for an act to amend Section 52 of the Code of Civil Procedure and of the Compiled Laws of 1887, Article 3, time of commencing actions other than for the recovery of real property, Section 4849,

Was read the third time.

Mr. Burke moved

That Senate Bill No. 51 be referred to the Joint Committee on Compilation,

Which motion prevailed.

Senate Bill No. 69,

A Bill for an act making boards of trustees, commissioners, directors, person or persons liable for amount expended in excess of appropriation, and providing for emergency expenses,

Was read the third time.

Mr. White moved

To amend line 19, page 2 printed bill, the word "state," be inserted before the word "treasurer,"

Which motion prevailed.

The question being upon 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—

Arnold,
Benedict,
Brown,
Burke,
Clark,
Davis,
Day,
Dobie,
Enger,

Messrs—

Fuller,
Gregory,
Hanscom,
Hillier,
LaMoure,
Little,
McCarten,
McGillivray,
Plain,

Messrs—

Rourke,
Sorley,
Stevens,
Strom,
Valentine,
Viets,
White,
Wishek,
Young.

Absent and not voting:

Messrs—

Haggart,
Lamb,

Messrs—

Parkin,

Messrs—

Tufts,

Messrs. Parkin and Tufts being excused.

So the bill passed and title was agreed to.

Mr. LaMoure moved

That the rules be suspended for the introduction of a bill,
Which motion prevailed.

Mr. LaMoure introduced

Senate Bill No. 97,

A Bill for an act to amend Section one of Chapter 134 of the Session Laws of 1891, entitled "an act providing for the levy and

collection of taxes upon the property of railroad companies in this Territory."

Mr. Fuller introduced

Senate Bill No. 96,

A Bill for an act to provide for the erection of necessary additional buildings for the Hospital for the Insane at Jamestown, North Dakota.

The Committee appointed to revise and correct the Journal of the twenty-first day made the following report:

MR. PRESIDENT:

We, the Committee appointed to correct the Journal of the twenty-first day, find the same correct.

C. W. PLAIN,
Chairman.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 29, 1895.

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 21,

A Bill for an act prescribing the duties of states' attorneys, fixing their compensation and the method of determining the same,

Which the House has passed, and

Your favorable consideration thereof is respectfully requested.

Respectfully,
J. M. DEVINE,
Chief Clerk.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE CHAMBER, }
BISMARCK, N. D., Jan. 29, 1895. }

To the Senate:

GENTLEMEN—I have the honor to inform you that I have this day approved

Senate Bill No. 45,

"Entitled an act to empower the Governor to accept for the State the condition imposed by an Act of Congress entitled 'an act to provide aid to State or Territorial homes for the support of disabled soldiers and sailors of the United States, and empower-

ing the State Auditor to receive and receipt for all money which may become due to the State under said act.”

I have the honor to be

Yours respectfully,
 ROGER ALLIN,
 Governor.

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

FRED FALLEY,
 Secretary.

TWENTY-THIRD DAY.

SENATE CHAMBER,
 BISMARCK, NORTH DAKOTA,
 January 30, 1895.

The Senate was called to order by the President.

Prayer by the Chaplain.

Roll called.

All members present, except Messrs. McCarten Tufts and Parkin,

Who were excused.

Mr. Rourke moved

That the courtesies of the Senate be extended to Messrs. Lindersmith and Underwood.

Mr. Clark moved

That the courtesies of the Senate be extended to Messrs. Gunder Olson, C. Jacobson and B. Groven,
 Which courtesies were extended, there being no objection.

The Journal was read and approved.

Mr. LaMoure objected

To having the report of the Joint Compilation Committee being made a part of the regular Journal.

The President administered the oath of office to R. R. Dutton, janitor, on the 29th inst.

MESSAGES FROM THE HOUSE.

The following messages was received from the House:

HOUSE OF REPRESENTATIVES,
January 30, 1895.

MR PRESIDENT:

I have the honor to transmit herewith
Senate Bill No. 23,

A Bill for an act to prohibit managers, officers and employes of State institutions from being interested in contracts, purchases or sales for or on account of said institutions,

Which the House has passed without change.

Also,

I have the honor to transmit herewith
House Bill No. 53,

A Bill for an act to amend Paragraph 3 of Chapter 49 of the Laws of 1893, being an act relating to the deposit and loaning of county funds.

Also,

House Bill No. 77,

A Bill for an act to appropriate money to pay postage of Revision Commission,

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

Respectfully,

J. M. DEVINE,
Chief Clerk.

Mr. Sorley moved

That the rules be suspended and that House Bill No. 77 be read the first and second times and referred,

Which motion prevailed.

House Bill No. 77,

A Bill for an act appropriating money to pay postage for Revision Committee,

Which was read the first and second times, and
Referred to the Committee on Appropriations.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

Mr. Hillier presented the following petition:

To Wm. Hillier, Senator Third Legislative District:

We, the undersigned voters of the Third Legislative District, hereby request that you will use your utmost endeavors by both your vote in the Legislature and your influence among your fellow members to defeat any and every measure that may be introduced looking to the resubmission or the

repeal or the defeat of the Prohibition law to any extent whatever, and we further urge you to use all means in your power to strengthen instead of weaken the law by such judicious amendments or additions to it as will make it more effective.

C. H. HONEY,
(And 153 Others.)

[Also endorsed by 110 members of M. E. church congregation on Sunday evening, Jan. 27.]

Referred to the Committee on Temperance.

Mr. Valentine presented the following petition:

We, the undersigned, citizens of LaMoure county, desire to petition the Legislative Assembly of the State of North Dakota to take no action to enact measures looking to the resubmission of Article 20 of the Constitution to a vote of the people.

O. A. GALLUP,
(And 31 others)

Referred to the Committee on Temperance.

Mr. Rourke presented the following statement:

To the Senate Judiciary Committee, Bismarck, N. Dak.:

GENTLEMEN: We, of the Fargo bar, learn with regret that the House of Representatives has passed a bill to repeal Chapter eighty-two of the Laws of 1893, being "an act to provide for the trial of causes tried by the District Court without a jury, and for the hearing of such causes on appeal."

That act restores the chancery practice which has prevailed for hundreds of years, and the practice which has always prevailed in the courts of the United States and in several of the state courts.

Its benefits are these: It gives the party litigant an opportunity to fully present his case to the trial court, and in case of a decision against him, which may be caused by local bias, it gives him an opportunity for a fair review in the Supreme Court. It relieves a party from the consequences of trivial mistakes. It makes it easier to settle a bill of exception or a statement of the case, because in accordance with this act the stenographer is required to file a certified transcript of his minutes and that stands as a statement in the case. It must be certified to by the judge, or in case of his refusal, by the stenographer. And when so certified it becomes a part of the record. It makes the proceeding on appeal as simple as it can possibly be made, and it secures to the appellant the full benefits of a review on all questions of law and fact. It relieves him from the one man power of a trial judge.

It has been said that Chapter eighty-two of the Laws of 1893 confers original jurisdiction on the Supreme Court, but that is clearly untrue. The Circuit Court of Appeals of the United States and the Supreme Court of the United States are appellate courts, and when those courts review an equity case they act only as appellate courts. Whenever a matter can only come before a court by way of appeal, then the jurisdiction which it exercises is appellate jurisdiction and not original jurisdiction.

We know of no good reason, and no reason at all, for the repeal of Chapter eighty-two of the Laws of 1893, while we do know of many good reasons why it should not be repealed. And one of the best of these reasons is this: that on an appeal to the Supreme Court the case is not reversed because of some technical error and sent back for a new trial, which may result in another appeal and in repeated reversals. On the contrary, the case is finally decided by the Supreme Court on the first appeal.

We beg of you to use your utmost endeavor to prevent the repeal of this act.

L. G. ROBERTS,
(And 18 others.)

Referred to the Judiciary Committee.

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. 69,

A Bill for an act making boards of trustees commissioners, directors, person or persons liable for amounts expended in excess of appropriations, and providing for emergency expenditures.

And find the same correctly enrolled.

Also.

Senate Bill No. 24,

A Bill for an act to increase the revenues of the State by changing and increasing the boundaries of Billings, Stark and Mercer counties,

And find the same correctly engrossed.

E. YOUNG,
Chairman.

The Committee on Counties and County Boundaries made the following report:

MR. PRESIDENT:

Your Committee on Counties and County Boundaries to whom was referred

Senate Bill No. 86,

A Bill for an act to provide for the abolishment of the provision of Chapter 38 of the Code of Civil Procedure, entitled "Herd Law," in counties where a majority of the qualified electors so elect to provide for an election on the question of such abolishment, and to establish a fence law in such counties,

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

H. F. ARNOLD,
Chairman.

The Committee on Agriculture made the following report:

MR. PRESIDENT:

Your Committee on Agriculture to whom was referred

House Bill No. 13,

A bill for an act entitled "an act to encourage the manufacture of potato starch in the State of North Dakota,"

Have had the same under consideration, and recommend that the same be referred to General Orders.

H. H. STROM,
Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred

House Bill No. 21,

A Bill for an act prescribing the duties of states' attorneys, fixing their compensation and the method of determining the same,

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

Also,

Senate Bill No. 85,

A Bill for an act to establish a Civil Code for the State of North Dakota,

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

C. B. LITTLE,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Rourke moved

That Senate Bill No. 43 be recalled from the Committee on Education and referred to the Committee on Joint Compilation, Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Eger introduced

Senate Bill No. 98,

A Bill for an act authorizing the counties of the State of North Dakota to raise and expend a fund for the purchase of poison for the destruction of gophers and repealing Chapter 144 of the Session Laws of 1890,

Which was read the first and second times, and

Referred to the Committee on Agriculture.

FIRST READING OF SENATE BILLS.

Senate Bill No. 96,

A Bill for an act to provide for the erection of necessary additional buildings for the Hospital for the Insane at Jamestown, North Dakota,

Was read the first and second times, and

Referred to the Committee on Appropriations.

Senate Bill No. 97,

A Bill for an act to amend Section one of Chapter 134 of the Session Laws of 1891, 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 Judiciary.

The President announced his signature to

Senate Bill No. 24,

A Bill for an act to increase the revenues of the State by changing and increasing the boundaries of the counties of Billings, Stark and Mercer.

THIRD READING OF SENATE BILLS.

Senate Bill No. 16,

A Bill for an act for the establishment of courts of conciliation, and prescribing the mode of procedure of the same, and to repeal Chapter 45, of the Laws of 1893,

Was read the third time.

Mr. Little moved

To adopt the report of the Committee,

Which motion prevailed.

The question being upon the final passage of the bill as amended,

The roll being called there were ayes 24, nays 1.

Those who voted in the affirmative were:

Messrs—

Arnold,
Benedict,
Brown,
Burke,
Clark,
Davis,
Day,
Dobie,

Messrs

Enger,
Gregory,
Hanscom,
Hillier,
Lamb,
LaMoure,
Little,
Plain,

Messrs—

Rourke,
Sorley,
Stevens,
Strom,
Valentine,
White,
Wishek,
Young.

Mr. Viets voting in the negative.

Absent and not voting:

Messrs—

Fuller,
Haggart.

Messrs—

McCarten,
McGillivray

Messrs—

Parkin,
Tufts.

Messrs. McCarten, Tufts and Parkin being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 22,

A Bill for an act to amend Section 21, Chapter 39, of the Political Code of 1877.

Was read the third time.

Mr. Little moved

That the report of the Committee be adopted,

Which motion prevailed.

Mr. Enger moved

That lines eleven and twelve in the printed bill be stricken out.

Mr. Gregory moved

That the further consideration of Senate Bill No. 22 be indefinitely postponed,

Which motion prevailed.

Senate Bill No. 47,

A Bill for an act to amend Section 332 of Chapter 13 of the Code of Civil Procedure, being Section 5127 of the Compiled Laws relating to property not exempt from taxation,

Was read the third time.

Mr. Sorley moved

That the report of the Committee on Senate Bill No. 47 be adopted,

Which motion prevailed.

The question being on the final passage of Senate Bill No. 47 as amended,

The roll being called there were ayes 23, nays 2, not voting 8.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Enger,	Rourke,
Benedict,	Fuller,	Sorley,
Brown,	Gregory,	Strom,
Burke,	Hanscom,	Valentine,
Clark,	Lamb,	White,
Davis,	LaMoure,	Wishek.
Day,	Little,	Young.
Dobie,	Plain,	

Those who voted in the negative were Messrs. Hillier and Stevens.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Haggart,	McGillivray,	Tufts,
McCarten,	Parkin,	Viets,

Messrs. McCarten, Tufts and Parkin being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 74,

A Bill for an act to repeal Chapter 172 of the Session Laws of 1890, being an act entitled "an act providing for the purchase and distribution of the remaining reports of the Supreme Court of Dakota Territory,"

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

The roll being called there were ayes 26, not voting 5.

Those who voted in the affirmative were—

Messrs—	Messrs—	Messrs—
Arnold,	Fuller,	Sorley,
Benedict,	Gregory,	Stevens,
Brown,	Hanscom,	Strom,
Burke,	Hillier,	Valentine,
Clark,	Lamb,	Viets,
Davis,	LaMoure,	White.
Day,	Little,	Wishek,
Dobie,	Plain,	Young.
Enger,	Rourke,	

Absent and not voting—

Messrs—	Messrs—	Messrs—
McCarten,	Parkin,	Haggart,
McGillivray,	Tufts,	

Messrs. McCarten, Parkin and Tufts being excused.

So the bill passed and the title was agreed to.

Mr. Day moved

That the courtesies of the floor be extended to Stewart and J. S. Metcalf,

Which courtesies were extended, there being no objection.

The President called Mr. Sorley to the Chair.

Senate Bill No. 79,

A Bill for an act defining the practice in county courts having increased jurisdiction, fixing the term of court, compensation of judges and clerks and their duties,

Was read the third time.

Mr. Little moved

That the report of the Committee be adopted,

Which motion prevailed.

The question being upon the final passage of the bill,

The roll being called, there were ayes 23, nays none, not voting 8.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Enger,	Sorley,
Benedict,	Gregory,	Stevens,
Brown,	Hanscom,	Strom,
Burke,	Hillier,	Valentine,
Clark,	LaMoure,	Viets,
Davis,	Little,	White.
Day,	Plain,	Wishek.
Dobie,	Rourke,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fuller,	McCarten,	Tufts.
Haggart,	McGillivray,	Young.
Lamb,	Parkin,	

Messrs. McCarten, Tufts and Parkin being excused.

So the bill passed and the title was agreed to.

Mr. Little moved

That the rules be suspended and that House Bill No. 21 be given its third reading and put upon its final passage,

Which motion prevailed.

The President in the chair.

House Bill No. 21,

A Bill for an act prescribing the duties of states' attorneys, fixing their compensation and the method of determining the same,

Was read the third time.

Mr. Brown offered the following amendment:

Strike out in Section 10, lines 3 and 4, the words "exclusive of Indians under the control of the United States or any agent thereof,"

Which amendment was lost.

Mr. Enger moved

To amend line 7, Section 10 of amended bill by striking out "5,000" and inserting in lieu thereof "6,000;" also, strike out "\$700" and insert "\$600;" strike out "5,000" and insert "6,000."

Roll call demanded.

The roll being called there were ayes 13, nays 11, not voting 7.

Those who voted in the affirmative were:

Messrs—

Benedict,
Brown,
Davis,
Dobie,
Enger,

Messrs—

Hanscom,
Hillier,
Lamb,
Plain,

Messrs—

Stevens,
Strom,
White,
Young.

Those who voted in the negative were:

Messrs—

Arnold,
Burke,
Clark,
Day,

Messrs—

Gregory,
LaMoure,
Little,
Rourke,

Messrs—

Sorley,
Valentine,
Viets.

Absent and not voting:

Messrs—

Fuller,
Haggart,
McCarten,

Messrs—

McGillivray,
Parkin,

Messrs—

Tufts,
Wishek.

So the amendment was lost.

Mr. Little moved

That Senate Bill No. 21 be made a special order for Monday next at 3 o'clock,

Which motion prevailed.

Mr. Little moved

That the rules be suspended, and the Senate consider the Civil Code in its third reading,

Which motion prevailed.

Mr. Little moved

That the bill be read section by section; that the clerk stop at the end of each section for its consideration,

Which motion prevailed.

The President called Mr. White to the Chair.

Senate Bill No. 85,

A Bill for an act to establish a Civil Code for the State of North Dakota.

Mr. LaMoure moved

That the courtesies of the Senate be extended to the Compilation Committee, Messrs. Burke Corbet, C. F. Amidon and Geo. W. Newton.

Which courtesies were granted, there being no objection.

The reading of Senate Bill No. 85 being in progress,

Mr. Day moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

FRED FALLEY,
Secretary.

TWENTY-FOURTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 31, 1895.

The Senate was called to order by the President.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Benedict, McCarten, McGillivray, Parkin and Tufts,

Who were excused.

The Journal was read and approved.

Mr. Burke moved

That the courtesies of the Senate be extended to Hon. Chauncey L. Baxter, of Fergus Falls.

Mr. Dobie moved

That the courtesies of the Senate be extended to Arne P. Amison,

Which courtesies were extended, there being no objection.

UNFINISHED BUSINESS.

The reading of Senate Bill No. 85 was continued.

The President called Mr. Hillier to the Chair.

Mr. Stevens offered the following amendment to Section 146.

In line 3 strike out the word "majority" and insert "fifteen years at which he or she shall be eligible to choose a guardian."

Mr. Sorley moved

That the amendment be made a special order for February 1st, under the order of unfinished business,

Which motion prevailed.

The President in the Chair.

The President announced that he was about to sign Senate Bill No. 23,

A Bill for an act to prohibit managers, officers and employes of State institutions from being interested in contracts, purchases or sales for or on account of said institutions.

Mr. Strom asked unanimous consent to return to the sixth order of business.

REPORT OF STANDING COMMITTEES.

The Committee on Agriculture made the following report:

MR. PRESIDENT:

Your Committee on Agriculture to whom was referred Senate Bill No. 6,

A Bill for an act entitled "an act to provide for the inspection of steam boilers and licensing of steam engineers,"

Have had the same under consideration, and recommend that the same be amended as set forth in the annexed pages numbered 1 to 12,

And when so amended recommend that the same do pass.

H. H. STROM,
Chairman.

Mr. LaMoure moved

That 250 copies of Senate Bill No. 6 be printed as amended, Which motion prevailed.

The President called Mr. Strom to the Chair.

The Committee on Public Health made the following report:

MR. PRESIDENT:

Your Committee on Public Health, to whom was referred
House Bill No. 39,

A Bill for an act entitled "an act prohibiting the selling of
cigarettes,"

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

GEORGE CLARK,
Chairman.

The Committee on Enrolled and Engrossed Bills made the fol-
lowing report:

MR. PRESIDENT:

Your Committee on Enrolled and Engrossed Bills have exam-
ined

Senate Bill No. 79,

A bill for an act defining the practice in county courts having
increased jurisdiction; fixing the terms of court; compensation of
judges and clerks and their duties.

Also,

Senate Bill No. 16,

A Bill for an act providing for the establishment of courts of
conciliation and prescribing the mode of procedure in the same,
and to repeal Chapter 45, Laws of 1893.

And find the same correctly engrossed.

E. YOUNG,
Chairman.

The Committee on Enrolled and Engrossed Bills made the fol-
lowing report:

MR. PRESIDENT:

Your Committee on Enrolled and Engrossed Bills have exam-
ined

Senate Bill No. 23,

A Bill for an act to prohibit managers, officers and employes
of State institutions from being interested in contracts, pur-
chases or sales for or on account of said institutions,

And find the same correctly enrolled.

E. YOUNG,
Chairman.

The President in the Chair.

Mr. Day moved

That when adjourned the Senate take a recess until tomorrow
morning at 10 o'clock,

Which motion prevailed.

The reading of Senate Bill No. 85 being in progress,
The President called Mr. Clark to the Chair.

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

FRED FALLEY,
Secretary.

TWENTY-FIFTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA.
February 1, 1895.

The Senate was called to order by the President.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Benedict, Fuller, Gregory,
Lamb, McCarten, McGillivray, Parkin, Tufts and Young,
Who were excused.

The Journal was read and approved.

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,

A Bill for an act to amend Section 332 of Chapter 13 of the Code of Civil Procedure, being Section 5136 of the Compiled Laws relating to property not exempt from execution,

And find the same correctly engrossed.

E. YOUNG,
Chairman.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES,)
January 31, 1895.)

MR. PRESIDENT:

I have the honor to return herewith
Senate Bill No. 8,

The title of which the House recommends be changed to that
of Concurrent Resolution,

Also,

Senate Bill No. 18,

Which the House recommends be sent back to the Senate.
The attention of the Senate being called to Chapter 41, Laws of
1890, which chapter amended the section referred to in the bill
above mentioned.

Respectfully,

J. M. DEVINE,
Chief Clerk.

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 76,

A Bill for an act requiring county auditors to furnish township
clerks lists of real and personal taxes assessed in their townships.

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

Very respectfully,

J. M. DEVINE,
Chief Clerk.

Mr. LaMoure moved

That the Secretary of the Senate be authorized to communi-
cate with the Public Examiner to learn as to the assets and condi-
tion of the Dawson State Bank at the time of its reorganization—
as to its capital, its amount and in what invested—whether in
cash or in notes to become due or notes past due and their value.

Which motion prevailed.

The President called Mr. Plain to the chair.

The time having arrived for the consideration of Senate Bill
No. 14, it having been made a special order for this time.

Mr. Arnold moved

That Senate Bill No. 14 be made a special order for Friday,
February 8, at 3 o'clock p. m.,

Which motion prevailed.

Mr. Rourke asked consent to take up the eighth order of business.

MOTIONS AND RESOLUTIONS.

Mr. Rourke offered the following Concurrent Resolution:

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

That copies of the following memorial, signed by the President of the Senate and Speaker of the House of Representatives and attested by the Secretary of the Senate and Chief Clerk of the House of Representatives, be transmitted to the Senators and Representatives of the State of North Dakota in the Congress of the United States, and that they be requested to present such memorial in their respective Houses and to urge such legislation by Congress as by such memorial is prayed for.

CONCURRENT RESOLUTION

Of the Legislative Assembly of the State of North Dakota to the Congress of the United States, memorializing Congress.

To the Senate and House of Representatives in Congress Assembled:

The Legislative Assembly of North Dakota most respectfully prays the National Congress to receive and consider the following facts and to grant the petitions presented in this memorial.

A certain kind of noxious weed, commonly known as *Russian Thistle*, now exists and for a short series of years has existed and flourished in certain localities in the United States.

Its pernicious character and unparalleled powers of dissemination have been ascertained and established beyond dispute by the experience of the multitude who have found it necessary to combat it, and confirmed by scientific investigation, by many botanical experts, made under National and State authority.

Although of recent introduction to this continent and starting at a single point, it is now found in at least five different States, in each of which it is recognized as an encroachment upon and a threat to the continued prosecution of agriculture.

In various localities, among them a certain part of North Dakota, this weed has taken possession of numerous farms, compelling their abandonment, to the ruin of homes, even to the extent of depopulation of neighborhoods. Its ravages have not only ruined many men financially, but have been extremely detrimental to the well-being of the commonwealth.

Moreover, such abandoned farms have been left as arsenals of destruction—hot beds for the propagation of the evil which has seized upon them. They distribute infection not only to adjoining and nearby farms, but, as if endowed with malicious intelligence, insidiously send out their seeds wherever from the infected localities traffic goes.

The emergency existing, it has become necessary that this Legislative Assembly adopt means and appropriate money for the systematic abatement of this evil.

But, at the outset we encounter great obstacles which the National Government should remove, existing as they do outside the jurisdiction of the State which your memorialists represent and solely within that of the United States.

We most earnestly ask the Honorable Congress not to ignore these obstacles.

Large bodies of public lands, the property of the United States (including certain untaxed homesteads) lie contiguous to and in the midst of the regions in North Dakota to which reference is had. Also some hundreds square miles of railroad sections for indemnity purposes, the title of which still

rests in the United States: Also the Sisseton and Whapeton Indian reservation, the lands on which reservation have been allotted in severalty to the Indians, whose farms have become greatly infested with said weed.

These public lands, homesteads not proved up, indemnity lands and said reservation are fruitful sources of propagation of said thistles, sufficient to render futile efforts to exterminate them.

Unless all such lands be included in the proposed systematic abatement of the evil it will be impossible to arrest the contagion which from them will spread far and wide.

To include such public lands, homesteads, indemnity lands, and that part of said reservation which lies in North Dakota in the destruction of the Russian Thistle, the State of North Dakota would incur a very large expense, while yet these public lands, homesteads, indemnity lands and the lands on said reservation are beyond the reach of taxation by the State.

Now, therefore, the Legislative Assembly of North Dakota, in the name of and for the aid and protection of the people whom it represents, by this memorial most respectfully but with great earnestness, prays the National Congress to extend to the State of North Dakota all needed powers to enter upon said public and indemnity lands, and, so far as it lies within the limits of North Dakota, upon said Sisseton and Whapeton reservation, in order that it may destroy the Russian Thistle thereon; and to appropriate a sum not less than thirty thousand dollars to pay the expense of such destruction, such sum so appropriated to be expended under the direction and the discretion of the Governor of the State of North Dakota.

Mr. Rourke moved

The adoption of the resolution,

Which motion prevailed.

Mr. White moved

That the courtesies of the Senate be extended to Mr. Edward Winterer.

Mr. Rourke moved

That the courtesies of the Senate be extended to Burke Corbet,
Which courtesies were so extended, there being no objection.

UNFINISHED BUSINESS.

Third reading of Senate Bill No. 85 was continued.

The third reading of Senate Bill No. 85 being in progress.

Mr. Valentine moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

FRED FALLEY,
Secretary.

TWENTY-SIXTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 2, 1895.

The Senate was called to order by Mr. Haggart, President pro tempore.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Benedict, LaMoure, Little, Viets and Young,
Who were excused.

The Journal was read and approved.

Mr. Strom asked unanimous consent to take up the sixth order of business.

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. 60,

A Bill for an act providing for the appointment of a board of steam boiler and engine instructors, and defining their duties,

Have had the same under consideration, and recommend that said bill do not pass.

H. H. STROM,
Chairman.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs to whom was referred

Senate Bill No. 44,

A Bill for an act to provide for a geological and natural history survey of the State of North Dakota,

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

P. H. ROURKE,
Chairman.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs to whom was referred

Senate Bill No. 65,

A Bill for an act to secure the safe keeping of all funds coming into the hands of county treasurers by prescribing and regulating the deposit thereof,

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

Strike out of line 8, Section 3 the word "minimum," and insert the following: "Average daily balance on."

Line 12, Section 4, insert between the words "by" and "less," the word "not,"

And when so amended recommend that the same do pass.

P. H. ROURKE,
Chairman.

Mr. Haggart asks consent to take up the fifth order of business.

PETITIONS AND COMMUNICATIONS.

Mr. Haggart offered the following petitions:

To the Honorable Body of Senators and Representatives of the Legislature of the State of North Dakota:

We, as citizens, manufacturers and tradesmen petition your honorable body for the repeal of the law in which the use of convict labor is used or permitted in the manufacture of harness. We, as manufacturers of harness deem it unjust to us, inasmuch as we are taxpayers in the State and contribute to the support of the Penitentiary as well as other institutions, while the use of convict labor is brought in direct competition with skilled labor in the manufacture of our products. While we as manufacturers and mechanics are compelled to suffer while every other institution escapes the competition of convict labor within the State of North Dakota; while we as

tradesmen and mechanics, while most of us are taxpayers working in the different shops throughout the State, are compelled to place our labor in direct competition with that of convicts of the Penitentiary, compelling our wives and children to suffer in many instances, it will be no surprise to us to see the number of convicts increased at our prisons if the use of convict labor is permitted, as tradesmen in our line will be compelled to labor for a compensation equal to convicts or turn their attention to some other occupation to support those dependent upon them, and in many cases it would be impossible for them to become accustomed to any other occupation. Therefore we deem that the injustice done to us as manufacturers and tradesmen throughout the State is many times greater than the small earnings derived by the State from the labor performed by convicts.

Therefore, We as citizens, manufacturers and tradesmen, pray your honorable body to repeal that part of the Constitution and laws of our State, forever preventing the use of convict labor in competition with the manufacturers of goods in the State. Trusting that our petition will receive your consideration is the prayer of your petitioners.

FARGO, N. D., Jan. 29, 1895.

Hon. John E. Haggart, Bismarck, N. D.:

DEAR SIR: At a special meeting of Fargo Typographical Union No. 186 the enclosed petition of the manufacturers of harness was concurred in, also embracing all kinds of labor when brought into competition with free labor. The signatures and seal of the union are forthwith annexed.

H. W. DILWORTH,
(And 32 others.)

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

At a quarterly conference meeting of the members of the Methodist Episcopal Church held at Reynolds, North Dakota, on the 26th day of January, A. D. 1895, the following resolutions was unanimously adopted:

Resolved, That it is the sense of this meeting that the Honorable Legislative Assembly of the State of North Dakota, now in session, be requested by this meeting not to resubmit to the next Legislative Assembly of this State nor to the people of this State, Article 20 of the Constitution of the State of North Dakota, prohibiting the manufacture and sale of intoxicating liquors.

Resolved, further, That the Legislative Assembly of this State now in session be requested not to repeal or amend any of the existing penalties in the present law of this State prohibiting the manufacture and sale of intoxicating liquors; but that they be and are hereby requested to make only such amendments to said prohibition law as may more effectually secure its faithful enforcement.

D. C. PLANNETTE,
Chairman.

L. W. HARROUN, Secretary.

Referred to the Committee on Temperance.

Mr. Dobie presented the following petition:

To the Members of the Senate, Bismarck, North Dakota:

We, the undersigned voters of Pembina County, in view of the aggravated evils everywhere resulting from the legalized traffic in intoxicating liquors, earnestly call upon your honorable body to protect us from any legislation which will deprive us of the safeguards now afforded us by the Constitution of our State.

We appeal to you to preserve the law which now saves us from the open saloon.

We appeal to you to guard our families from licensed temptation and our State from the infamy of legalized drunkenness and debauchery.

We call upon you to refuse your vote to any bill which tampers with the prohibition law.

We are, etc.,

M. J. RYAN,
(And 40 others.)

Mr. Strom asked unanimous consent to take up the ninth order of business.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Strom introduced

Senate Bill No. 99,

A Bill for an act to provide for the treatment and cure of habitual drunkards.

Mr. Rourke (by request) introduced

Senate Bill No. 100,

A Bill for an act to amend Section 39, Chapter 132, Laws of 1890, entitled "Revenue and Taxation."

Also,

Mr. Rourke (by request) introduced

Senate Bill No. 101,

A Bill for an act amending Section 5, Chapter 26 of the Laws of 1889, entitled "an act to give publicity to chattel mortgage sales.

Mr. Enger introduced

Senate Bill No. 102,

A Bill for an act fixing the salaries of clerks of the district courts of the State of North Dakota.

Mr. Brown asked unanimous consent to take up the eighth order of business.

MOTIONS AND RESOLUTIONS.

Mr. Brown moved

That the Secretary of the Senate have the order of business for the day printed and placed on the member's desks.

Which motion prevailed.

Mr. Parkin moved

That the courtesies of the Senate be extended to J. S. Green, of Mandan.

Mr. Burke moved

That the courtesies of the Senate be extended to M. A. Hildreth, of Fargo,

Which courtesies were extended, there being no objection.

Mr. Arnold asked unanimous consent to take up the tenth order of business.

CONSIDERATION OF MESSAGES FROM THE HOUSE.

Senate Bill No. 18,

A Bill for an act to amend an act entitled "an act to amend Section 1, Chapter 25 of the General Laws of 1881, being Section 4383 of the Compiled Laws,"

Mr. Arnold moved

That it is the sense of the Senate that said Senate Bill No. 18 be re-messaged to the House with the request that the same be passed. The Senate desires to express its profound gratitude for the advice of the House and desires further to respectfully suggest that before taking action upon the reports of its Judiciary Committee that said reports be first referred to the Joint Committee on Cactus for judicial opinion.

Mr. McCarten moved

That the motion be laid on the table

Which motion prevailed.

Mr. Sorley moved

That Senate Bill No. 18 be re-messaged to the House for its consideration,

Which motion prevailed.

UNFINISHED BUSINESS.

The third reading of Senate Bill No. 85 was taken up and continued,

The third reading of Senate Bill No. 85 being in progress.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
February 2, 1895. }

MR. PRESIDENT:

I have the honor to transmit herewith a Concurrent Resolution urging the States of South Dakota, Minnesota and Nebraska to co-operate in enacting laws to destroy the Russian cactus.

Also,

A Concurrent Resolution requesting that no State Fair shall be held for the ensuing two years, and that no appropriation for the payment of premiums should be drawn or used until such time as the State has paid its outstanding indebtedness,

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

Respectfully,

J. M. DEVINE,
Chief Clerk.

Also,

I have the honor to transmit herewith

House Bill No. 35,

A Bill to amend Section 39, Chapter 132 of the Session Laws of 1890, an act prescribing the mode of making assessment and the levy and collection of taxes.

Also,

Substitute for House Bill No. 41,

A Bill for an act to amend Sections 4, 5, 6; 18, 22, 23, 43, 57, 861 of the Military Code, being Chapter 86 of the Session Laws of 1891.

Also,

Substitute for House Bill No. 46,

A Bill for an act to amend Section 2 of Chapter 110, of the Session Laws of 1890, prescribing penalties for the unlawful manufacture, sale and barter of intoxicating liquors.

Also,

House Bill No. 51,

A Bill for an act to amend Section 687 of Penal Code of Revised Codes of 1887, being Section 6876 of the Compiled Laws of 1877."

Also,

House Bill No. 72,

A Bill for an act to amend Section 24, Chapter 132, Laws of 1890, an act prescribing the mode of making assessments and the levy and collection of taxes.

Also,

House Bill No. 74,

A Bill for an act to cure defective acknowledgments, Which the House has passed, and your favorable consideration thereof is requested.

Respectfully,

J. M. DEVINE,

Chief Clerk.

Mr. Sorley asked unanimous consent to return to the tenth order of business.

CONSIDERATION OF MESSAGES FROM THE HOUSE.

Mr. Sorley moved

That the House Concurrent Resolution related to the appropriation for the State fair be made a special order for Thursday, Feb. 7th, at 3 o'clock p. m.,

Which motion prevailed.

Mr. Sorley moved

That the Senate do now concur in the House Concurrent Resolution relating to the Russian thistle,

Which motion prevailed, and
The resolution was concurred in.

The third reading of Senate Bill No. 85 was continued.

The President called Mr. Rourke to the Chair.

The following message received from the Governor was read:

EXECUTIVE CHAMBER, }
February 2, 1895. }

To The Senate:

GENTLEMEN:—I have the honor to inform you that I have this day approved

Senate Bill No. 24,

Entitled "an act to increase the revenues of the State by changing and increasing the boundaries of the counties of Billings, Stark and Mercer."

I have the honor to be

Yours respectfully,
ROGER ALLIN,
Governor.

Mr. President in the Chair.

Mr. Strom moved

That the rules be suspended and that all Senate bills be given their first and second reading and reference,

Which motion prevailed.

FIRST AND SECOND READING OF SENATE BILLS.

Senate Bill No. 99,

A Bill for an act to provide for the treatment and cure of habitual drunkards,

Was read the first and second times, and

Referred to the Committee on Temperance.

Senate Bill No. 100,

A Bill for an act to amend Section 39, Chapter 132, Laws of 1890, entitled "Revenue and Taxation,"

Was read the first and second times, and

Referred to the Joint Committee on Compilation and by them to the Committee on Judiciary.

Senate Bill No. 101,

A Bill for an act amending Section 5, Chapter 26 of the Laws of 1889, entitled "an act to give publicity to chattel mortgage sales,"

Was read the first and second times, and

Referred to the Joint Committee on Compilation and by them referred to the Committee on Judiciary.

Senate Bill No. 102,

A Bill for an act fixing the salaries of clerks of the district courts of the State of North Dakota,

Which was read the first and second times, and

Referred to the Committee on Judiciary.

Mr. White moved

That the members of the Compilation Committee, if they desire, be excused on Monday morning,

Which motion prevailed.

Mr. Parkin moved

That the Judiciary Committee be excused from attendance on the session of Monday morning,

Which motion prevailed.

Mr. Rourke moved

That the Compilation Committee be excused from attending morning sessions until further ordered by the Senate,

Which motion prevailed.

The third reading of Senate Bill No. 85 continued.

Mr. Arnold asked unanimous consent to return to the eighth order of business.

Mr. Arnold moved

That the House be asked to return Senate Bill No. 18,

Which motion prevailed.

The third reading of Senate Bill No. 85 was continued.

The President called Mr. White to the Chair.

The third reading of Senate Bill No. 85 being in progress.

Mr. Hanscom moved

That the Senate do now take a recess until Monday morning at 10 o'clock.

MONDAY, FEB. 4, 1895, 10 o'clock, a. m.

The Senate was called to order by the President, pursuant to adjournment.

UNFINISHED BUSINESS.

The reading of Senate Bill No. 85 was continued.

The President called Mr. Dobie to the Chair.

Mr. Young moved

That the courtesies of the floor of the Senate be granted to Dr. O. W. Archibald, of Jamestown.

Which courtesies were extended, there being no objection.

Mr. President in the Chair.

The third reading of Senate Bill No. 85 was continued.

The President called Mr. Enger to the Chair.

The third reading of Senate Bill No. 85 being in progress.

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

FRED FALLEY,
Secretary.

TWENTY-EIGHTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 4, 1895.

The Senate was called to order by the President.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Benedict, Fuller, Haggart, McCarten, McGillivray, Rourke and Viets, who were excused.

The Journal was read and approved.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
February 4, 1895.

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 24,

A Bill for an act to amend Section 62 of the Laws of 1890, enti-

bled "an act to provide for a uniform system of free public schools throughout the State, and to prescribe penalties for violation thereof,"

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

Also,

I have the honor to transmit herewith
House Bill No. 109,

A Bill for an act to establish a Code of Civil Procedure for the State of North Dakota,

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

Respectfully,
J. M. DEVINE,
Chief Clerk.

Mr. LaMoure moved

That Mr. Strom's motion on page 8 in the Journal of the 26th day regarding adjournment be stricken out,

Which motion prevailed.

Mr. Gregory moved

That the motion of Mr. Hanscom to adjourn on page 8 of the Journal of the 26th day be made to read "a recess" instead of "to adjourn."

UNFINISHED BUSINESS.

The third reading of Senate Bill No. 85 was continued.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

EXECUTIVE CHAMBER,
BISMARCK, N. D., Feb. 4, 1895. }

To the Senate:

GENTLEMEN: I have the honor to transmit herewith a copy of a Joint Resolution of the Senate and House of Representatives of the State of Minnesota for the extermination of the Russian thistle. I have the honor to be

Very respectfully,
ROGER ALLIN,
Governor.

A JOINT RESOLUTION

Of the Senate and the House of Representatives for the Extermination of the Weed Known as Russian Thistle.

WHEREAS, The noxious weed commonly known as Russian thistle or Russian cactus, by its rapid spread throughout the agricultural regions of the Northwestern States, namely, Wisconsin, Minnesota, Iowa, North Dakota,

South Dakota and Nebraska, as shown by the bulletin of the Department of Agriculture at Washington, and

WHEREAS, It is essential to the extermination of the weed aforesaid that the people of every infected section act in harmony, therefore

Be it Resolved, By the Senate, the House concurring, that the Governor be requested to appoint two members of the Legislature or other persons as may to him seem fittest, to act with commissioners from other States to devise means for concerted action in the extermination of the aforesaid Russian thistle.

Also, that the Governor be requested to invite the Governors of the several States as aforesaid, namely, Wisconsin, Minnesota, North Dakota, South Dakota, Iowa and Nebraska, to send two (2) commissioners to meet in the city of St. Paul, as soon as convenient, the date to be fixed by the Governor, to discuss ways and means for the extermination of the aforesaid weed, with the view of agreeing on legislation, which shall be recommended to the legislatures of the several States aforesaid, and also to congress.

Approved February 1, 1895.

STATE OF MINNESOTA. }
EXECUTIVE DEPARTMENT. }
ST. PAUL, Feb. 1, 1895. }

To His Excellency the Governor of North Dakota, Bismarck, N. D.:

DEAR SIR:—Owing to the rapid spread of the Russian Cactus throughout the States in the Northwest, our State Legislature has just passed a Joint Resolution, a copy of which I herewith enclose, directing me to appoint two persons to act in joint conjunction with commissioners from other States therein named to devise means for concerted action in the extermination of this noxious weed.

Pursuant to the above mentioned resolution, I hereby call a meeting for the purpose of considering ways and means of exterminating this cactus, to be held at the State Capitol, in the city of St. Paul, on Thursday, Feb. 14, at ten o'clock a. m., and I have the honor to respectfully request you to name two commissioners to represent your State at this meeting.

The Russian Cactus or Thistle has already made great inroads upon the agricultural districts of the Northwest, and the damage which would be caused by its further spread call for speedy action on the part of the Legislatures of the several States in the affected districts looking towards its extermination.

I sincerely hope your State will be represented and would respectfully request that the commissioners you name be prepared to bring with them such data as may be available and copies of laws upon your statute books bearing upon the subject.

Yours very truly,
(Signed) D. M. CLOUGH,
Governor.

Referred to the Joint Committee on Cactus.

The President called Mr. Davis to the Chair.

The hour having arrived for the consideration of House Bill No. 21, it having been made a special order for this time,

Mr. LaMoure moved

That House Bill No. 21 be made a special order for Wednesday, Feb. 6, at 3 o'clock p. m.,

Which motion prevailed.

The third Reading of Senate Bill No. 85 was continued.

Mr. President in the Chair. .

The Senate returned to the ninth order of business.

Mr. Davis introduced
Senate Bill No. 103,

A Bill for an act to amend Section 8, Chapter 79, of the Laws of 1891, changing the place of holding district court in Wells county.

Mr. Hanscom introduced
Senate Bill No. 104,

A Bill for an act to amend Section 161 of an act entitled "an act to provide for a uniform system of free public schools throughout the State, and to prescribe penalties for the violation of the provisions thereof of Chapter 62, Session Laws of 1890."

The third reading of Senate Bill No. 85 was concluded, and

Mr. White moved

That Senate Bill No. 85 be made a special order for Tuesday, Feb. 5, at 2:30 p. m.,

Which motion prevailed.

Mr. Sorley moved

That the communication from the Governor regarding the Russian cactus be referred to the Joint Committee on Cactus,

Which motion prevailed.

Mr. Gregory moved

That the rules be suspended, and that House Bill No. 77 be given its third reading and be put on its final passage,

Which motion prevailed.

Mr. Strom moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

Respectfully,

FRED FALLEY,
Secretary.

TWENTY-NINTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 5, 1895.

The Senate was called to order by the President.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Benedict, McCarten, McGillivray, Rourke and Viets,
Who were excused.

Mr. Little moved

That the reading of the Journal be dispensed with and the President appoint a committee to revise and correct the same,
Which motion prevailed, and

The President appointed as such committee, Messrs. Dobie, Enger and Strom.

Mr. Gregory moved

That the rules be suspended and that House Bill No. 77 be given its third reading and put upon its final passage,
Which motion prevailed.

House Bill No. 77,

A Bill for an act to appropriate money to pay postage,
Was read the third time and put upon its final passage.

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

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Brown,	Haggart,	Stevens,
Burke,	Hanscom,	Strom,
Clark,	Hillier,	Tufts,
Davis,	Lamb,	Valentine,
Day,	Little,	White,
Dobie,	Parkin,	Wishek,
Enger,	Plain,	Young.
Gregory,	Sorley,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	LaMoure,	Rourke,
Benedict,	McCarten,	Viets.
Fuller,	McGillivray	

Messrs. Benedict, McCarten, McGillivray, Rourke and Viets being excused.

So the bill passed and the title was agreed to.

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. 58,

A Bill for an act to provide for State depositories and to regulate the deposit of public moneys therein, and the interest thereon, and prescribing the means thereof,

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

In line 3 of Section 3 of the printed bill the word "greater" shall be stricken out and the word "less" inserted in lieu thereof, and in line 4 of Section 3 of the printed bill the words "per annum" shall be added after the words "per cent."

And when so amended recommend that the same do pass.

C. E. GREGORY,
Chairman.

The Joint Committee on Revision Commission made the following report:

MR. PRESIDENT:

The Joint Committee to consider the report of the Revision Commission return herewith Senate bills as follows:

Senate Bill No. 12,

Exempting certain personal property from levy. The subject matter is covered in the Code of Civil Procedure, and if it is de-

sired to incorporate the change provided for by this bill it can be done by amendment to the Code.

Also,
Senate Bill No. 42,
Relating to assessment of property. This subject is covered in the Political Code and will be reported soon.

Also,
House Bill No. 20,
The subject of this bill is provided for in the Political Code.

Also,
Senate Bill No. 51,
The subject of which is covered in the Code of Civil Procedure.

Also,
Senate Bill No. 94,
This subject is purely a matter of policy, and is not provided for by the Commission.

Also,
Senate Bill No. 77,
The subject matter of this bill is provided for by the Revenue Law of 1890.

Also,
Senate Bill No. 92,
This repeal is not provided for in the report of the Commission.

Also,
Senate Bill No. 50,
This subject matter is not provided for in any change made by the Commission.

Respectfully,
C. E. GREGORY,
Chairman.

The Joint Committee on Cactus made the following report:

MR. PRESIDENT:

Your Joint Committee on Cactus to whom was referred the Governor's communication in relation to the appointment of a commission to meet a like commission from the States of Wisconsin, South Dakota, Iowa, North Dakota and Minnesota at St. Paul, February 14, 1895,

Have had the same under consideration, and recommend the commission be increased to three, and recommend that the Governor be requested to appoint one member of the Senate and one member from the House on said Commission,

And when so amended recommend that the same do pass.

C. N. VALENTINE,
Acting Chairman.

prohibition. We therefore respectfully petition that such resolution be not passed.

L. B. CHAMBERLAIN,
(And 90 others.)

Referred to the Committee on Temperance.

Mr. Dobie offered the following petition:

To the Senate and House of Representatives of the State of North Dakota:

We, the undersigned residents of Pembina County, North Dakota, petition your honorable body that we want no resubmission of the liquor question; also, do not take the penalty clause from the act.

JOHN S. HILLIS,
(And Others.)

Referred to the Committee on Temperance.

Mr. Dobie offered the following petition:

To the Senate and House of Representatives of the State of North Dakota:

We, the undersigned residents of Pembina County, North Dakota, petition your honorable body to so amend our game laws as to prevent the killing from January 15 to October 15 any birds known as prairie chicken and grouse.

JOHN S. HILLIS,
(And Others.)

Mr. Valentine offered the following petition:

We, the undersigned, citizens of LaMoure County, desire to petition the Legislative Assembly of the State of North Dakota to take no action to enact measures looking to the resubmission of Article 20 of the Constitution to a vote of the people.

A. D. GRIFFIN,
(And 21 others.)

Referred to the Committee on Temperance.

Mr. Valentine offered the following petition:

We, the undersigned, citizens of LaMoure County, desire to petition the Legislative Assembly of North Dakota to take no action to enact measures looking toward the resubmission of Article 20 of the State Constitution to a vote of the people.

J. N. MOLIN,
(And 4 others.)

Referred to the Committee on Temperance.

Mr. Strom presented the following petition:

To the Legislative Assembly of the State of North Dakota:

The petition of the undersigned represents that they are citizens of the Eighth Legislative District of the State of North Dakota; that in their opinion it would be contrary to the best interests of the State to pass at your present session a resolution for the purpose of resubmitting the question of prohibition. We therefore respectfully petition that such resolution be not passed.

J. S. BOYD,
(And 23 others.)

Referred to the Committee on Temperance.

MOTIONS AND RESOLUTIONS.

Mr. Strom moved

That Senate Bills No. 30 and 31 be recalled from the Committee on Judiciary and referred to the Committee on State Affairs, Which motion was lost.

Mr. Hillier moved

That Senate Bill No. 53 be taken from the table.

Roll call demanded.

The roll being called there were ayes 13, nays 11.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Burke,	Hanscom,	Stevens,
Davis,	Hillier,	Strom,
Day,	Lamb,	White,
Dobie,	Plain,	Young.
Enger,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Arnold,	LaMoure,	Tufts,
Clark,	Little,	Valentine,
Gregory,	Parkin,	Wishek.
Haggart,	Sorley,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Benedict,	McCarten,	Rourke,
Brown,	McGillivray,	Viets.
Fuller,		

Messrs. Benedict, McCarten, McGillivray and Viets being excused.

So the motion prevailed.

Mr. Hillier moved

That Senate Bill No. 53 be made a special order for Thursday next at 3:30 p. m.

Mr. LaMoure moved

That Senate Bill No. 53 be made a special order for St. Patrick's day, March 17, 1895.

Mr. Little moved

To lay Mr. LaMoure's motion on the table,

Which motion was lost.

The question recurring on the motion of Mr. LaMoure,

The motion was lost.

Mr. LaMoure moved

That Senate Bill No. 53 be given its third reading and put upon its final passage,

Which motion prevailed.

The hour having arrived for the consideration of Special Orders, Senate Bill No. 85 having been made a special order for this time,

Mr. LaMoure moved

That the special order be postponed for fifteen minutes,
Which motion prevailed.

Senate Bill No. 53,

A Bill for an act declaring certain mills in this State public custom mills, and fixing a maximum price for grinding and a maximum rate of toll and exchange to be charged or taken therefor.

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

The roll being called there were ayes 10, nays 15, not voting 6.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Clark,	Fuller,	Plain,
Day,	Hanscom,	Stevens,
Dobie,	Hillier,	Strom.
Enger,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Arnold,	Lamb.	Tufts,
Brown,	LaMoure,	Valentine,
Burke,	Little,	White,
Davis,	Parkin,	Wishek,
Haggart,	Sorley,	Young.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Benedict,	McCarten,	Rourke,
Gregory,	McGillivray,	Viets.

Messrs. Benedict, McCarten, McGillivray and Viets being excused.

So the bill was lost.

Mr. LaMoure moved

That the vote by which Senate Bill No. 53 was lost be reconsidered and the motion to reconsider be laid on the table,

Which motion prevailed.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

EXECUTIVE CHAMBER,
BISMARCK, N. D., Feb. 5, 1895. }

To the Senate:

GENTLEMEN:

I have the honor to inform you that I have this day approved Senate Bill No. 23,

A Bill for an act entitled "an act to prohibit managers, officers and employes of State institutions from being interested in contracts, purchases or sales for or on account of said institutions."

I have the honor to be

Yours respectfully,

ROGER ALLIN,
Governor.

SPECIAL ORDERS.

The time having arrived for Special Orders, consideration of Senate Bill No. 85,

A Bill for an act to establish a Civil Code for the State of North Dakota,

Was put upon its final passage.

Mr. Gregory moved

To amend by striking out the proviso of Section 2068,
Which motion prevailed.

Mr. Plain moved

To amend Section 536, line 19, by striking out the word "fifteen" and inserting in lieu thereof the word "twelve,"

Which amendment prevailed.

Mr. Parkin moved

To amend by striking out all of Section 586.

Which amendment was lost.

Mr. Stevens offered the following amendment:

Amend Section 5, Chapter 104 of the Laws of 1893, by striking out the following words: "And the sale by any person of such ticket or the unused portion of any such ticket and coupon or coupons otherwise than by the presentation of the same for redemption as hereinbefore provided, shall be deemed to be a violation of the provisions of this act, and any person guilty of such violation shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding five hundred dollars (500) or by imprisonment not exceeding one year, or either, or both, in the discretion of the court in which such offender shall be convicted," and the following words inserted in lieu thereof: "*Provided, further,* any person having purchased such ticket or coupon in good faith and who shall for any reason have unused such ticket or coupon or any portion thereof, may dispose of the same to another person, and the common carrier using such ticket or coupon shall receive the same on presentation from such person for travel or redemption according to the provisions of the contract with the original purchaser or owner."

Which amendment was lost.

Mr. Stevens offered the following amendment to Section 146:

In line 3 strike out the word "majority" and insert "fifteen years at which he or she shall be eligible to choose a guardian,"

Which amendment was lost.

Mr. Strom moved

To amend Section 573 in line 5, between the words "station and without" insert the words "or siding."

Mr. LaMoure moved
To adopt the amendment,
Which amendment prevailed.

Also,

To amend Section 578 by inserting in line 5, between the words "station and designated" the words "or siding."

Mr. LaMoure moved
To adopt the amendment,
Which amendment prevailed.

Mr. Arnold moved

To amend Section 2014 by striking out in the fifth line the word "thirty" and inserting in lieu thereof the word "ninety."

Mr. Sorley moved
To adopt the amendment,
Which motion prevailed.

The question being on the final passage of the bill as amended,
The roll being called there were ayes 25, not voting 6.

Those who voted in the affirmative were—

Messrs—

Arnold,
Brown,
Burke,
Clark,
Davis,
Day,
Dobie,
Enger,
Fuller,

Messrs—

Gregory,
Haggart,
Hillier,
Lamb,
LaMoure,
Little,
Parkin,
Plain,

Messrs—

Sorley,
Stevens,
Strom,
Tufts,
Valentine,
White,
Wishek,
Young.

Absent and not voting—

Messrs—

Benedict,
Hanscom,

Messrs—

McCarten,
McGillivray,

Messrs—

Rourke,
Viets.

Messrs. Benedict, McCarten, McGillivray and Viets being excused.

So the bill passed and the title was agreed to.

Mr. Little moved

That the vote by which Senate Bill No. 85 was passed be reconsidered and that the motion to reconsider be laid on the table.

Mr. Little moved

That the rules be suspended and that the Code of Civil Procedure be given its first and second reading and reference,
Which motion prevailed.

First reading of House Bill No. 109,

A Bill for an act to establish a Code of Civil Procedure for the State of North Dakota,

Was read the first and second times, and
Referred to the Committee on Judiciary.

The President called Mr. Tufts to the Chair.

The President announced that he was about to sign
House Bill No. 77,

A Bill for an act to appropriate money to pay postage.

Mr. Valentine asked consent to return to the eighth order of business.

Mr. Valentine presented the following Concurrent Resolution:

CONCURRENT RESOLUTION.

Be it Resolved by the Senate, the House Concurring:

That we concur in and approve of the resolution passed by the Legislative Assembly of the State of Minnesota for the appointment of Commissioners from the States of Minnesota, Wisconsin, Iowa, Nebraska and North and South Dakota, to devise means for concerted action for the extermination of the Russian thistle, and the Governor of the State of North Dakota is hereby requested to appoint three persons to act as such Commissioners, one of which shall be a member of the Senate and one of the House.

Mr. Sorley moved

To adopt the resolution,
Which motion prevailed.

Mr. Little moved

That the rules be suspended and that House Bill No. 46 be given its first and second reading and referred,

Which motion prevailed, and
House Bill No. 46,

A Bill for an act to amend Section 7 of Chapter 110 of the Session Laws of 1890, entitled "an act to prescribe penalties for the unlawful manufacture, sale, barter and giving away of such intoxicating liquors for medicinal, scientific and mechanical purposes,"

Which was read the first and second times, and
Referred to the Committee on Temperance.

Mr. White moved

That House Bill No. 41 be given its first and second reading and reference,

Which motion prevailed, and

Substitute for House Bill No. 41.

A Bill for an act to amend Sections 5, 6 and 18 of the Military Code, being Chapter 86 of the Session Laws of 1891,

Was read the first and second times, and
Referred to the Committee on Military Affairs.

Mr. LaMoure moved

That a committee consisting of Messrs. Haggart, Little and Young be appointed to investigate the Governor's mansion and take such steps as they deem necessary to make the same habitable,

Which motion prevailed.

Mr. Little moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

FRED FALLEY,
Secretary.

THIRTIETH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 6, 1895.

The Senate was called to order by the President.

Prayer was offered by Senator Stevens.

Roll called.

All members present except Messrs. McCarten, McGillivray and Fuller, who were excused.

Mr. Little moved

That the reading of the Journal be dispensed with, and a Committee be appointed to revise and correct the same.

The President appointed as such Committee, Messrs. Hanscom, Valentine and Clark.

PETITIONS AND COMMUNICATIONS.

Mr. Dobie presented the following petition:

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

At a congregational meeting of the members of the First Presbyterian church of Hamilton, North Dakota, held at Hamilton, North Dakota, on the 27th day of January, A. D. 1895, the following resolution was unanimously adopted:

Resolved, That it is the sense of this meeting that the Honorable Legislative Assembly of the State of North Dakota, now in session, be requested by this meeting not to resubmit to the next Legislative Assembly of this State nor to the people of this State, Article Twenty of the Constitution of the State of North Dakota, prohibiting the manufacture and sale of intoxicating liquors.

Resolved, further, That the Legislative Assembly of this State now in session, be requested not to repeal nor amend any of the existing penalties in the present law of this State prohibiting the manufacture and sale of intoxicating liquors; but that they be requested to make only such amendments to said prohibition law as may more effectually secure its faithful enforcement.

E. H. McDONALD,
Chairman.

H. DAWSON, Secretary.

Referred to the Committee on Temperance.

Mr. Davis presented the following petition:

To the Legislative Assembly of the State of North Dakota:

The petition of the undersigned represents that they are citizens of the Twenty-second Legislative District of the State of North Dakota; that in their opinion it would be contrary to the best interests of the State to pass at your present session a resolution for the purpose of resubmitting the question of prohibition. We therefore respectfully petition that such resolution be not passed.

G. W. BROWNELL,
(And 50 others.)

Referred to the Committee on Temperance.

MOTIONS AND RESOLUTIONS.

Mr. Haggart moved

That the courtesies of the Senate be extended to Professor Pritchard, Colonel Power, Colonel Russell, Colonel Tuller, Messrs. A. E. Ellsworth, R. N. Ink, B. L. Bogart and E. Smith Peterson,

Which courtesies were granted, there being no objection.

Mr. Rourke moved

That Senate Bills No. 37 and No. 56 be recalled from the Committee on State Affairs and be referred to the Joint Committee on Compilation,

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. 67,

A Bill for an act to amend Subdivision 30 of Section 73 of the Laws of 1887.

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

Also,

House Bill No. 109,

A Bill for an act to establish a Code of Civil Procedure for the State of North Dakota,

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

C. B. LITTLE,
Chairman.

REPORT OF SPECIAL COMMITTEE.

MR. PRESIDENT:

Your Committee appointed to revise and correct the Journal of the twenty-ninth day, have examined the same, and make the following corrections:

That the words "twenty-ninth day" in the report of the Committee on Revision and Correction of the Journal be corrected to read "twenty-eighth day" instead of "twenty-ninth day."

And when so corrected, find the same correct.

GEORGE CLARK,
C. N. VALENTINE,
A. L. HANSCOM.

INTRODUCTION OF BILLS.

Mr. Little introduced

Senate Bill No. 105,

A Bill for an act fixing the fees of sheriffs and other officers for transporting insane persons to the asylum of the State,

Which was read the first and second times, and

Referred to the Committee on Judiciary.

Mr. Sorley, by request, introduced

Senate Bill No. 106,

A Bill for an act to provide clerk hire in the office of the register of deeds of the several counties of the State,

Which was read the first and second times, and

Referred to the Committee on Judiciary.

Mr. Hillier introduced

Senate Bill No. 107,

A Bill for an act to provide for the levy and collection of a road poll tax,

Which was read the first and second times, and

Referred to the Committee on Counties.

Mr. Arnold introduced

Senate Bill No. 108,

A Bill for an act repealing Chapter 20 of the Special Laws of Dakota Territory for the year 1885, being an act entitled "an act prescribing the duties and regulating the salaries of the county

treasurer and register of deeds for Grand Forks County, Dakota Territory."

Which was read the first and second times, and

Referred to the Committee on Judiciary.

Mr. Tufts (by request) introduced

Senate Bill No. 109,

A Bill for an act to amend Sections 20, 22 and 23 of Chapter 86 of the Laws of the year 1881, entitled "an act to provide a Military Code for the State of North Dakota, and to provide a Board of Control for the State encampment grounds,"

Which was read the first and second times, and

Referred to the Committee of Joint Compilation, and by them to be referred to the Committee on Military Affairs.

Senate Bill No. 103,

A Bill for an act to amend Section 8, Chapter 791 of the Laws of 1891, changing the place of holding district court in Wells county, North Dakota,

Was read the first and second times, and

Referred to the Committee on State Affairs.

Senate Bill No. 104,

A Bill for an act to amend Section 161 of an act entitled "an act to provide for a uniform system of free public schools throughout the State, and to prescribe penalties for violation of the provisions thereof of Chapter 62, Session Laws of 1890,"

Which was read the first and second times, and

Referred to the Committee on Education.

Mr. Little moved

That the rules be suspended, and that House Bill No. 109 be given its third reading and be put on its final passage,

Which motion prevailed.

House Bill No. 109,

A Bill for an act to establish a Code of Civil Procedure for the State of North Dakota,

Was taken up for third reading.

The President called Mr. Parkin to the Chair.

The third reading of House Bill No. 109 was continued.

Mr. President in the Chair.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 6, 1895.

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 29,

A Bill for an act to provide free and uniform school text books throughout the several counties of the 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. 14,

A Bill for an act entitled "an act to regulate the practice of veterinary science in the State of North Dakota."

Also,

House Bill No. 71,

A Bill for an act to provide for the acquisition of lands for township cemeteries,

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

Also,

I have the honor to inform you that the House has concurred in the Senate resolution to have a Joint Committee appointed by the Governor, which Committee shall confer with like Committees from the States of Minnesota, Nebraska, Iowa, Wisconsin and South Dakota, for the purpose of discussing and establishing some plan for the extermination of the Russian cactns.

Respectfully,

J. M. DEVINE,

Chief Clerk.

Mr. Enger asked consent to return to the sixth order of business.

The Committee on Temperance made the following report:

Mr. PRESIDENT:

Your Committee on Temperance to whom was referred

Senate Bill No. 5, Concurrent Resolution,

Have had the same under consideration, and recommend that the same do not pass.

F. G. ENGER,

Chairman.

House Bill No. 2 being a special order for this time, 3 o'clock.

Mr. Tufts moved

That the consideration of House Bill be postponed until Saturday, February 10, at 3 o'clock p. m.,

Which motion prevailed.

The third reading of House Bill No. 109 continued.

The President called Mr. Day to the Chair.

MESSAGE FROM THE GOVERNOR.

The following communication received from the Governor was read at this time.

EXECUTIVE CHAMBER,
BISMARCK, N. D., Feb. 6, 1895. }

To the Senate:

GENTLEMEN—I have the honor to inform you that I have appointed the following named persons to constitute a Commission to confer with a like Commission, appointed at the request of His Excellency, D. M. Clough, Governor of Minnesota, on “extinction of Russian cactus,” the same having been approved by both Houses:

From the Senate, Charles M. Valentine.

From the House, Frank W. Brainard.

And A. H. Laughlin, Commissioner of Agriculture and Labor. I have the honor to remain,

Yours respectfully,

ROGER ALLIN,
Governor.

The third reading of House Bill No. 109 was continued.

Mr. President in the Chair.

Mr. Day moved

That the Senate take a recess until tomorrow morning at 10 o'clock,

Which motion prevailed.

FRED FALLEY,
Secretary.

MORNING SESSION THIRTIETH DAY.

THURSDAY, February 6, 1895.

The Senate was called to order by the President, pursuant to adjournment.

The third reading of
House Bill No. 109,

A Bill for an act to establish a Code of Civil Procedure for the State of North Dakota,

Was concluded.

Mr. LaMoure moved

That further action on House Bill No. 109 be deferred until this afternoon,

Which motion prevailed.

Mr. Young moved
That the Senate do now adjourn,
Which motion prevailed, and
The senate adjourned.

THIRTY-FIRST DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 7, 1895.

The Senate was called to order by the President.

Prayer by the Chaplain.

Roll called.

All members presented, except Messrs. Fuller, McCarten and McGillivray, who were excused.

Mr. Tufts moved

That the reading of the Journal be dispensed with and that the President appoint a committee to examine and report on the same,

Which motion prevailed, and

The President appointed Messrs. Davis, Hillier and White.

The President announced that he was about to sign Senate Bill No. 13,

A Bill for an act providing for and regulating the redistricting of counties into commissioner districts.

Also,

A Concurrent Resolution approving the Governor's communication in relation to the appointment of a Commission to meet a like Commission from the States of Wisconsin, South Dakota, Iowa, North Dakota and Minnesota at St. Paul, February 14, 1895.

UNFINISHED BUSINESS.

House Bill No. 109,

A Bill for an act to establish a Code of Civil Procedure for the State of North Dakota,

Having been read the third time at length,

Mr. White offered the following amendment to Section 57:

Add at end of the subdivision the following proviso: "That six months after the taking effect of this act shall be allowed in which to commence an action upon any instrument affected,"

Which amendment was adopted.

The question being upon the final passage of the bill, as amended,

The roll being called, there were ayes 27, nays none, not voting 4.

Those who voted in the affirmative were:

Messrs--	Messrs--	Messrs--
Arnold,	Haggart,	Sorley,
Benedict,	Hanscom,	Stevens,
Brown,	Hillier,	Strom,
Burke,	Lamb,	Tufts,
Clark,	LaMoure,	Valentine,
Davis,	Little,	Viets,
Dobie,	Parkin,	White,
Enger,	Plain,	Wishek,
Gregory,	Rourke,	Young.

Absent and not voting:

Messrs--	Messrs--	Messrs--
Day,	McCarten,	McGillivray.
Fuller,		

Messrs. Day, Fuller and McGillivray being excused.

So the bill passed and the title was agreed to.

PETITIONS AND COMMUNICATIONS.

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

At a congregational meeting of the members of Zion's Lutheran congregation of Cavalier county, North Dakota, held at its church near Union P. O., Cavalier county, on the 3d day of February, 1895, the following resolution was unanimously adopted:

Resolved, That it is the sense of this meeting that the Honorable Legislative Assembly of the State of North Dakota, now in session, be requested by this meeting not to resubmit to the next Legislative Assembly of this State nor to the people of this State, Article 20 of the Constitution of the State of North Dakota, prohibiting the manufacture and sale of intoxicating liquors.

Resolved, further, That the Legislative Assembly of this State now in session be requested not to repeal nor amend any of the existing penalties in the present law of this State prohibiting the manufacture and sale of intoxicating liquors; but that they be requested to make only such amendments to said prohibition law as may more effectually secure its faithful enforcement.

H. O. UNDERBAKK, Secretary.

J. T. LANGEMO,
Chairman.

Mr. Arnold presented the following petition:

To the Legislative Assembly of the State of North Dakota:

The petition of the undersigned represents that they are citizens of the Fifth Legislative District of the State of North Dakota; that in their opinion it would be contrary to the best interests of the State to pass at your present session a resolution for the purpose of resubmitting the question of prohibition. We therefore respectfully petition that such resolution be not passed.

GEO. M. NAYLOR,
(And 38 Others.)

Mr. Haggart presented the following communication:

BISMARCK, NORTH DAKOTA, February 7, 1895.

To the President and Members of the Senate:

On behalf of the Literary Tea Cup of Fargo, I am authorized to extend an invitation to the State officials, the members of the Senate and House and officials thereof, to be guests of the club on Thursday evening, February 14, at a fancy dress ball at A. O. U. W. Hall, Fargo.

Respectfully,
EVAN S. TYLER.

Mr. Arnold moved

To accept the invitation of the Literary Tea Cup, and extend that society the compliments of the Senate,

Which motion prevailed by a rising vote.

Mr. Haggart presented a petition from the Trades, Labor and Protective Union of Fargo, asking for a free and uniform school book system, but protesting against any law by which any firm or corporation could gain a monopoly in the business.

Also,

A petition from the same Union protesting against the passage of House Bill No. 66, relating to convict labor.

Mr. Strom presented a petition against resubmission, signed by Albert Twitchell and twenty others of Mayville.

REPORTS OF STANDING COMMITTEES.

The Committee on Military Affairs made the following report:

MR. PRESIDENT:

Your Committee on Military Affairs to whom was referred
Substitute for House Bill No. 41,

A Bill for an act to amend Sections 4, 5, 6, 18, 22, 23, 43, 57
and 61 of the Military Code, being Chapter 86 of the Session
Laws of 1891,

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

FRANK WHITE,
Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred
Senate Bill No. 108,

A Bill for an act repealing Chapter 20 of the Special Laws of
Dakota Territory for the year 1885, being an act entitled "an act
prescribing the duties and regulating the salaries of the county
treasurer and register of deeds for Grand Forks county, D. T.,

Have had the same under consideration and recommend that
the same 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
Senate Bill No. 103,

A Bill for an act to amend Section 8, Chapter 79, Laws of 1891,
changing the place of holding court in Wells county,

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

P. H. ROURKE,
Chairman.

The Committee on Temperance made the following report:

MR. PRESIDENT:

Your Committee on Temperance to whom was referred
Senate Bill No. 99,

A Bill for an act to provide for the treatment and cure of habit-
ual drunkards,

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

In line 4 of Section 1, of printed bill, after the word "reputable" insert the
words "double chloride of"

In line 5, Section 2, of printed bill, after the word "reputable" insert the
words "double chloride of."

That the bill be further amended by adding the following as Section 4:

• SECTION 4. Any person who shall be treated for such addictions under the provisions of this act, and who may desire to reimburse the county, at whose expense he has been treated, may tender the county treasurer of said county the amount expended for his treatment, and said treasurer shall give a receipt for the amount so paid, which receipt shall state that such payment is for reimbursement as aforesaid, and the amount so paid shall be covered into the treasury of the county.

And when so amended recommend that the same do pass.

F. G. ENGER,
Chairman.

Mr. Stevens moved

That Senate Bill No. 77 be recommitted to the Committee on Counties; also that the bill be printed,

Which motion prevailed.

Mr. Gregory moved

That the following report received from the Public Examiner be printed in the Journal.

Which motion prevailed.

OFFICE OF STATE EXAMINER,
BISMARCK, N. D., Feb. 6, 1895. }

To the Honorable Senate of the Fourth Legislative Assembly of the State of North Dakota:

GENTLEMEN—In compliance with the request from your Honorable Body, concerning the State Bank of Dawson, which request was officially brought to my notice on the 4th inst., by the Hon. Fred Falley, Secretary of the Senate, I have the honor to herewith transmit to your Honorable Body a full report relating to the affairs of said bank.

I assume from the nature of your request, and the language therein used, that your Honorable Body is laboring under a false impression, both as to the name of this bank, and as to its condition at the beginning of my term of office.

You ask for a "statement of the affairs of the State Bank of Dawson at the time of its reorganization."

I find no evidence in the State Examiner's office, nor in the office of Secretary of State, that such an organization ever existed within the State as the State Bank of Dawson, but I presume that the information desired by your Honorable Body is in reference to the Dawson State Bank, the organization of which was perfected on the 26th day of April, A. D. 1890.

On page 494 of the letter copying book in my office, I find the following copy of letter:

November 24th, 1892.

Hon. C. A. M. Spencer, Attorney General, Bismarck, N. D.:

DEAR SIR—The Dawson State Bank, at Dawson, N. D., will not make reports called for by this office.

It is not sound, never was solvent, the deposits are very small and the stockholders able to pay off all debts.

The officers promised me, that if I did not have action commenced against the bank, they would at once wind it up, paying off all claims, but promises are all that I could get out of them. I desire action commenced to forfeit their charter.

Very respectfully,

R. E. WALLACE,

Public Examiner.

I also find that the Public Examiner's report for the year ending October 31, 1892, contains no published reports from the Dawson State Bank, and no mention is made of said bank in the Examiner's report except the following, under the head of "Gone Out of Business:"

"The Dawson State Bank at Dawson has done but little, if any, business during the year. The officers of this institution having lost the confidence of the public, were requested by this office to close up its affairs. After frequent promises to do so, promises always unfulfilled, the Public Examiner requested the Attorney General to commence action to forfeit its charter."

The letter addressed to the Attorney General, together with the above extract from my predecessor's report, led me to believe that the Dawson State Bank had been legally and permanently closed, but on or about the first of June, 1893, my attention was called to the unsettled condition of the affairs of this institution, whereupon I immediately made an examination, and learned to my surprise that the Dawson State Bank had never been closed according to law.

I then visited the bank and made an examination in reference to its assets and liabilities, and from about \$6,000 worth of bills receivable, I selected \$1,583.32 which had the appearance of being good.

On the 6th day of June, 1893, I required said bank to make a report to the State Examiner, and also to have the same published in the Dawson Standard, a weekly newspaper. Said report was as follows:

RESOURCES.

Notes and bills discounted.....	\$ 1,583 32
Overdrafts.....	654 74
Due from the Capital National Bank, Bismarek.....	2,100 00
Furniture and fixtures.....	1,000 00
Other real estate and mortgages.....	1,398 08
Current expenses and taxes paid.....	466 69
Cash.....	245 95
Total.....	\$ 7,448 78

LIABILITIES.

Capital stock paid in.....	\$ 5,000 00
Individual deposits subject to check.....	2,448 78
Total.....	\$ 7,448 78

At the time of making the examination of the Dawson State Bank in June, 1893, said bank had a statement from the Capital National Bank of this city showing that the Dawson State Bank had a credit on the books of said National bank of over \$2,000, as shown by the books of the Dawson State Bank.

Relying upon the statement from the Capital National Bank, as to the cash assets of the Dawson State Bank, I permitted it to continue business, but determined to keep a close watch on this institution. I again called for a statement as to its financial condition at the close of business, July 29th, 1893, and had the same published as before.

The statement rendered at this time was quite favorable, in as much as the deposits had been reduced from \$2,448.78, as reported on June 6th, 1893, to \$1,156.27.

This last report, while showing that more than half of the deposits had been paid, also exhibited the fact that J. D. Thompson had become indebted to the bank in the sum of \$600, and that the balance due from the Capital National Bank had been reduced to \$24.26, although the bank under the same report claimed a credit with Winslow, Loring & Co., New York, of \$700, with assurances from the officers that the bank would continue to pay off its deposits and thus reduce its liabilities, the institution was still permitted to do business. But after a visit to this bank in September, 1893, at which time it was discovered that \$2,000 of the credit with the Capital National Bank had been obtained by discounting a note of J. D. Thompson, and also that the credit with said National Bank had been obtained on the 6th of June, 1893, for the sole purpose of deceiving the State Examiner, since the books of the Dawson State Bank show that the account of the Capital National Bank was credited June 7th, 1893, with \$2,000 on account of a note of J. D. Thompson, and being finally convinced that the Dawson State Bank secured credit for the purpose of deceiving the State Examiner and the public, I wrote to said bank on September 28th, 1893, allowing them ten days in which to pay off their deposits and close up their business. I also wrote them to make no further drafts on their New York correspondent, and immediately called the attention of the Attorney General to the matter. As soon as the Attorney General could find time to act, I made a final examination and formal complaint, which was on November 13th, 1893.

At this examination I found that the liabilities of the institution had been reduced to about \$500, while in June, 1893 they were \$2,448.78.

C. H. Stanley, of Steele, N. D., was appointed receiver for this bank as soon as I could secure the aid of the Attorney General, and thus the Dawson State Bank was legally closed for the first time.

There has never been any reorganization of this institution. It was not necessary, not even possible, since no liquidation nor legal dissolution of this association occurred prior to the appointment of C. H. Stanley, receiver, as above mentioned.

I have the honor to be, yours respectfully,

KEMPER PRABODY,
State Examiner.

Mr. Arnold moved

That the Senate accept the invitation from the Fargo Literary Tea Cup,

Which motion prevailed.

MOTIONS AND RESOLUTIONS.

Mr. Haggart moved

That the courtesies of the floor be extended to Geo. E. Fuller, A. E. Jones and R. E. Shattuck.

Mr. Arnold moved

That the courtesies of the Senate be extended to W. E. Hoover.

Mr. Brown moved

That the courtesies of the Senate be extended to M. F. Minehan.

Mr. Plain moved

That the courtesies be extended to D. H. McMillan.

Which courtesies were granted, there being no objection.

INTRODUCTION OF BILLS.

Mr. Day introduced

Senate Bill No. 110,

A Bill for an act to amend Sections 13, 62 and 71, of Chapter 118 of Laws of 1893, entitled "an act to amend all of Chapters 25, 146, 147 and 148 of the Laws of 1891, and to provide for the management, control and disposal of university, school and all other public lands of the State, and the management of the funds arising therefrom and making an appropriation therefor,"

Which was read the first and second times, and

Referred to the Committee on Counties.

Mr. Strom introduced

Senate Bill No: 111,

A Bill for an act entitled "an act indemnifying the owners of sheep in case of damage by dogs, and creating a fund to pay for the same by a tax on dogs," and to repeal Chapter 155, Laws of 1890,

Which was read the first and second times, and

Referred to the Committee on State Affairs.

THIRD READING OF SENATE BILLS.

Senate Bill No. 34,

A Bill for an act to require railway companies to keep their right of way free from dead grass and other combustible material, so as to prevent the starting of running fires from the operation of their railway,

Was read the third time.

Mr. LaMoure moved

That the Committee on Railroads be discharged from further consideration of Senate Bill No. 34,

Which motion prevailed.

Senate Bill No. 50,

A Bill for an act for the consolidation and organization of contiguous unorganized counties,

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

The roll being called there were ayes 23, nays none, not voting 8.

Those who voted in the affirmative were:

Messrs—
 Arnold,
 Benedict,
 Burke,
 Clark,
 Davis,
 Day,
 Dobie,
 Gregory,

Messrs—
 Haggart,
 Hillier,
 Lamb,
 Little,
 Parkin,
 Plain,
 Rourke,
 Sorley,

Messrs—
 Stevens,
 Strom,
 Tufts,
 Valentine,
 Viets,
 Wishek,
 Young.

Absent and not voting:

Messrs—
 Brown,
 Enger,
 Fuller,

Messrs—
 Hanscom,
 LaMoire,
 McCarten,

Messrs—
 McGillivray
 White,

Messrs. Fuller, McCarten and McGillivray being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 39,

A Bill for an act to amend an act entitled "an act prescribing the mode of making assessment and the levy and collection of taxes, and for other purposes relative thereto."

Was read the third time.

Mr. Sorley moved

To amend by striking out in lines 8 and 10 the words "October" and inserting "November,"

Which amendment was lost.

Mr. Sorley moved

That Senate Bill No. 39 be recommitted to the Judiciary Committee,

Which motion prevailed.

Senate Bill No. 86,

A Bill for an act to provide for the abolishment of Chapter 38 of the Code of Civil Procedure, entitled "Herd Law," in counties where a majority of the qualified electors so elect to provide for an election upon the question of such abolishment, and to establish a fence law in such counties.

Was read the third time and put upon its final passage,

The roll being called, there were ayes 24, nays none, not voting 7.

Those who voted in the affirmative were:

Messrs—
 Arnold,
 Benedict,
 Brown,
 Burke,
 Clark,
 Davis,
 Day,
 Dobie,

Messrs—
 Enger,
 Gregory,
 Haggart,
 Hillier,
 Lamb,
 LaMoire,
 Little,
 Plain,

Messrs—
 Rourke,
 Sorley,
 Stevens,
 Strom,
 Tufts,
 Valentine,
 Viets,
 Wishek.

Absent and not voting:

Messrs—
Fuller,
Hanscom,
McCarten,

Messrs—
McGillivray,
Parkin,

Messrs—
White,
Young.

Messrs. Fuller, McCarten and McGillivray being excused.

So the bill passed and the title was agreed to.

SPECIAL ORDERS.

The time having arrived for the consideration of Special Orders

A CONCURRENT RESOLUTION

That in the judgment of the Fourth Legislative Assembly no State fair should be held for the ensuing two years.

Mr. Sorley moved to strike out all after the word "years,"
Which motion prevailed.

The question being upon the final passage of the resolution as amended,

Mr. Sorley moved
That the resolution be adopted as amended,
Which motion prevailed, and
The resolution was adopted.

The Senate returned to the eighth order of business.

Mr. Burke moved
That the courtesies of the Senate be extended to John Barton and Geo. Else,
Which courtesies were extended, there being no objection.

Senate Bill No. 44,

A Bill for an act to provide for a geological and natural history survey of the State of North Dakota,

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

The roll being called there were ayes 22, nays 5, not voting 4.

Those who voted in the affirmative were—

Messrs—
Arnold,
Benedict,
Brown,
Burke,
Clark,
Davis,
Day,
Dobie,

Messrs—
Gregory,
Haggart,
Hanscom,
Lamb,
LaMoure,
Little,
Plain,

Messrs—
Rourke,
Sorley,
Strom,
Valentine,
Viets,
Wishek,
Young.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Enger,	Stevens,	White.
Hillier,	Tufts.	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fuller,	McGillivray,	Parkin.
McCarten,		

Messrs. Fuller, McCarten and McGillivray being excused.

So the bill passed and the title was agreed to.

Mr. Arnold moved

That the vote by which Senate Bill No. 44 was passed be reconsidered, and that the motion to reconsider be laid upon the table,

Which motion prevailed.

The President called Mr. LaMoure to the Chair.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
February 7, 1895. }

MR. PRESIDENT:

I have the honor to return herewith a Concurrent Resolution and Memorial to Congress relating to Russian Cactus and to inform you that the House has concurred therein.

Also,

House Bill No. 108,

A Bill for an act requiring county treasurers to report to town clerks amounts of township funds on hand and amounts drawn by town treasurers and requiring town clerks to keep accounts of township funds.

Also,

House Bill No. 85,

A Bill for an act to amend Section 3 of Chapter 38, of the Session Laws of 1890, relating to the construction of county bridges.

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

Also,

I have the honor to transmit herewith

House Bill No. 64,

A Bill for an act compelling railroad companies to provide a certain number of men to man trains and prescribing penalties for neglect thereof.

Also,

House Bill No. 67,

A Bill for an act providing for the appointment of the Governor as superintendent of census and to carry out the Constitutional provisions regarding the taking of a census in 1895.

Also,

House Bill No. 105,

A Bill for an act to amend Section 18 of Chapter 60 of the Laws of 1893, providing for printing and distributing ballots at public expense and regulating voting at all general elections.

Respectfully,

J. M. DEVINE,
Chief Clerk.

Senate Bill No. 65,

A Bill for an act to secure safe keeping of all funds coming into the hands of county treasurers by prescribing and regulating deposit thereof,

Was read the third time.

Mr. Strom moved

That the report of the Committee be adopted,

Which motion prevailed, and

The report was adopted.

The roll being called on the final passage of the bill there were ayes 22, nays 1, not voting 8.

Those who voted in the affirmative were:

Messrs—

Arnold,
Benedict,
Brown,
Burke,
Clark,
Davis,
Day,
Dobie,

Messrs—

Enger,
Haggart,
Hillier,
Lamb,
LaMoure,
Plain,
Rourke,

Messrs—

Sorley,
Strom,
Tufts,
Viets,
White,
Wishek.
Young.

Mr. Valentine voting in the negative.

Absent and not voting:

Messrs—

Fuller,
Gregory,
Hanscom,

Messrs—

Little,
McCarten,
McGillivray,

Messrs—

Parkin,
Stevens.

Messrs. Fuller, McCarten and McGillivray being excused.

So the bill passed.

Mr. Strom offered the following amendment as the title,

A Bill for an act providing for the deposit and loaning of county funds and defining the duties of county auditor, treasurer and county commissioners with reference thereto,

The motion being on the adoption of the title, the title was agreed to.

Mr. President in the Chair.

Mr. White moved

That Senate Bill No. 92 be referred to the Committee on Military Affairs.

Which motion prevailed.

Senate Bill No. 58,

A Bill for an act to provide for State depositories and to regulate the deposit of public moneys therein, and the interest thereon, and prescribing the means thereof.

Mr. LaMoure raised the point of order that the bill had been amended and not engrossed.

Mr. Arnold asked consent to return to the ninth order of business for the purpose of introducing a bill.

Mr. Arnold introduced

Senate Bill No. 112,

A Bill for an act to provide for uniform free text books for use in the public schools in this State,

Which was read the first and second times, and

Referred to the Committee on Education.

FIRST READING OF HOUSE BILLS.

House Bill No. 14,

A Bill for an act entitled "an act to regulate the practice of veterinary science in the State of North Dakota,"

Was read the first and second times, and

Referred to the Committee on State Affairs.

House Bill No. 76,

A Bill for an act requiring county auditors to furnish township clerks lists of real and personal taxes assessed in their townships, and the amounts thereof,

Was read the first and second times, and

Referred to the Committee on Judiciary.

House Bill No. 101,

A Bill for an act to provide for the licensing of public warehouses,

Which was read the first and second times, and

Referred to the Committee on Warehouses, Grain and Grain Grading.

House Bill No. 24,

A Bill for an act to amend Section 162 of Chapter 62 of the Laws of 1890, being an act entitled "an act to provide for a uniform system of free public schools throughout the State, and to prescribe penalties for violation of the provisions thereof,"

Was read the first and second times, and
Referred to the Committee on Education.

House Bill No. 29,

A Bill for an act to provide free and uniform school text books throughout the several counties of the State,
Was read the first and second times, and
Referred to the Committee on Education.

House Bill No. 71,

A Bill for an act to provide for the acquisition of lands for township cemeteries,
Was read the first and second times, and
Referred to the Committee on Ways and Means.

House Bill No. 72,

A Bill for an act to amend Section 24, Chapter 132, Laws of 1890, entitled "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 Banks and Banking.

House Bill No. 53,

A Bill for an act to amend Paragraph 3 of Chapter 49 of the Laws of 1893, being an act relating to the deposit and loaning of county funds.

Was read the first and second times, and
Referred to the Committee on Judiciary.

House Bill No. 35,

A Bill for an act entitled "an act to amend Section 39 of Chapter 132 of the Session Laws of 1890, entitled "an act prescribing the mode of making assessment and the levy and collection of taxes and for other purposes relative thereto,"

Was read the first and second times, and
Referred to the Committee on Judiciary.

House Bill No. 51,

A Bill for an act to amend Section 687, Penal Code of Revised Codes of 1877, being Section 6876 of the Compiled Laws of 1887,
Was read the first and second times, and
Referred to the Committee on Highways, Bridges and Ferries.

House Bill No. 74,

A Bill for an act to cure defective acknowledgments,"
Was read the first and second times, and
Referred to the Committee on Judiciary.

THIRD READING OF HOUSE BILLS.

House Bill No. 39,

A Bill for an act entitled "an act prohibiting the sale of cigarettes."

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

The question being upon the final passage of the bill,

The roll being called, there were ayes 16, nays 5, not voting, 8.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Enger,	Sorley,
Benedict,	Hillier,	Strom,
Burke,	LaMoure,	Viets,
Clark,	Plain,	Wishek,
Day,	Rourke,	Young.
Dobie,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Brown,	Tufts,	White.
Haggart,	Valentine,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Davis,	Hanscom,	McGillivray,
Fuller,	Little,	Parkin.
Gregory,	McCarten,	

Messrs. Fuller, McCarten and McGillivray being excused.

So the bill passed and the title was agreed to

Mr. LaMoure moved

That the vote by which House Bill No. 39 was passed be reconsidered and that the motion to reconsider be laid on the table,

Which motion prevailed.

The Committee on Revision of the Journal made the following report:

MR. PRESIDENT:

Your Committee appointed to revise and correct the Journal of the thirtieth day have examined and found the same correct.

D. T. DAVIS,
Chairman.

Mr. Haggart moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

FRED FALLEY,
Secretary.

THIRTY-SECOND DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 8, 1895.

The Senate was called to order by Mr. Haggart, President *pro tempore*.

Prayer by the Chaplain.

Roll called.

All members present.

The following were sworn in as enrolling and engrossing clerks, John C. Williams, May Hanscom, J. I. Roop, E. Chapman, H. Rumley, A. U. Thomas and Minnie Almen.

Mr. Little moved

That the reading of the Journal be dispensed with and that a committee be appointed to revise and correct the same,

Which motion prevailed.

The President appointed as such committee, Messrs. Little, Viets and Clark.

PETITIONS AND COMMUNICATIONS.

Mr. President in the Chair.

Mr. Valentine presented the following petition:

We, the undersigned, citizens of LaMoure County, desire to petition the

Legislative Assembly of the State of North Dakota to take no action to enact measures looking to the resubmission of Article 20 of the Constitution to a vote of the people.

MRS. MAY WALDIE,
(And 31 others.)

Dr. A. V. Benedict presented the following petition:

In behalf of the citizens of Richland county we, your petitioners, most earnestly entreat you, as our representatives, to do your utmost in the support and continuance of our Prohibitory Law; we ask this in the name of our citizens, our children and our homes.

While we have a right to expect that Richland county will not dishonor herself and our State in the crisis that is now upon us, yet there is so much at stake that we urge upon you the great importance of standing by our Prohibitory Law, and while we expect our representatives to do this we pledge ourselves to do what we can to sustain our lawmakers in maintaining and retaining our Prohibitory Law.

The congregation of the Methodist-Episcopal church, Sunday, January 20, 1895, to the number of 128, I charge of the service,

D. C. PLANNETTE, P. E.

M. V. B. KNOX, President R. R. V. University.

Also,

In behalf of the citizens of Richland county we most earnestly entreat you, as our representatives, to do your utmost in the support and continuance of our Prohibitory Law; we ask this in the name of our citizens, our children and our homes.

While we have a right to expect that Richland county will not dishonor herself and our State in the crisis that is now upon us, yet there is so much at stake that we urge upon you the great importance of standing by our Prohibitory Law, and while we expect our representatives to do this, we pledge ourselves to do what we can to sustain our lawmakers in maintaining and retaining our Prohibitory Law.

Professors and students of Red River Valley University (every one) present, Wahpeton, N. D.—61, January 19, 1895.

M. V. B. KNOX,
President.

Also,

In behalf of the citizens of Richland county we, your petitioners, most earnestly entreat you, as our representatives, to do your utmost in the support and continuance of our Prohibitory Law. We ask this in the name of our citizens, our children and our homes.

While we have a right to expect that Richland county will not dishonor herself and our State in the crisis that is now upon us, yet there is so much at stake that we urge upon you the great importance of standing by our Prohibitory Law, and while we expect our representatives to do this we pledge ourselves to do what we can to sustain our lawmakers in maintaining and retaining our Prohibitory Law.

The above was adopted without a dissenting vote by the congregation at the Baptist church, Wahpeton, Sunday, January 20, 1895.

E. C. MYERS,
Pastor.

Also,

In behalf of the citizens of Richland county, we, your petitioners most earnestly entreat you as our representatives, to do your utmost in the support and continuance of our prohibitory law. We ask this in the name of our citizens, our children and our homes.

While we have a right to expect that Richland county will not dishonor herself and our State in the crisis that is now upon us, yet there is so much at stake that we urge upon you the great importance of standing by our prohibitory law; and while we expect our representatives to do this, we pledge ourselves to do what we can to sustain our lawmakers in maintaining and retaining our prohibitory law.

J. J. HULL,
(And 25 others.)

Also,

To the Honorable Senators and Representatives of the Legislature of North Dakota, Assembled:

We, the undersigned, citizens and voters of Hankinson, N. D., and vicinity, believing that the best interests of the State, morally and intellectually, are not being served by the present prohibition laws; believing that it has been and is still a failure in every particular and part; that it leads to the practice of deceit and encourages law breaking, and breeds in the minds of the young a contempt of law and order; believing that the enforcement of the law in the future, as in the past, can be only an unqualified failure, and that the evils of intemperance are increasing rather than diminishing under the regulations of the present law, we earnestly wish for its abolition.

The people of the county, and of the State in general, believing that they are being burdened and oppressed by taxation which is being increased to a fabulous extent by the prosecution of the liquor sellers, which prosecutions invariably fail to convict. The costs of such prosecutions, with the expenses of the grand jury investigations in the January term of the court in this county amounts to nearly \$10,000.

Believing the law to be impractical and the non-enforcement of it encourages corruption, and that it answers not the purpose of prohibiting the sale of intoxicants, while it renders impossible the regulation of their sale, we urge upon all Senators and Representatives, and especially upon the Senator and Representatives of our county, to use every honorable means to secure the passage of the resubmission act at this session of the Legislature.

A. G. DUET,
(And many others.)

Mr. Young presented the following petition:

To the Legislative Assembly of the State of North Dakota:

The petition of the undersigned represents that they are citizens of the Eleventh Legislative District of the State of North Dakota; that in their opinion it would be contrary to the best interests of the State to pass at your present session a resolution for the purpose of resubmitting the question of prohibition. We therefore respectfully petition that such resolution be not passed.

G. C. WARD,
(And 175 others.)

Mr. Hillier presented the following petition:

To the Honorable Members of the Legislature, State of North Dakota:

We, the undersigned, citizens of Fertile township, County of Walsh, State of North Dakota, believing our prohibition law to be a blessing to our people earnestly ask your honorable body to use your influence and vote for its preservation.

M. A. HOGHAUG,
(And 50 others.)

Mr. Benedict presented the following petition:

LIDGERWOOD, RICHLAND COUNTY, NORTH DAKOTA, }
January 12, 1895. }

To the Honorable Senators and Representatives of the Legislature of the State of North Dakota, Assembled:

We, the undersigned, citizens and voters of Lidgerwood, Richland County, North Dakota, believing that the best interests of the State, morally and intelligently, are not being served by the present Prohibition Law; believing that it has been, and still is, a failure in every particular and part; believing it to be vicious, in that it leads to the practice of deceit and encouraging law breaking, and breeds in the minds of the young a contempt of law and order; believing that the enforcement of the law in the future, as in the past, can only be an unqualified failure, and that the evils of intemperance are increasing rather than diminishing under the regulations of this so called Prohibition Law, we earnestly wish for its abolition.

The people of this county, and of the State in general, believe that they are being burdened and oppressed by taxation, which is increased to a fabulous extent by the prosecution of liquor sellers, which prosecutions invariably fail to convict. The cost of such prosecutions, together with the expense of the grand jury investigation in the January term of court in this county, amounting to the sum of ten thousand dollars.

Believing that the law encourages corruption, and that it answers not the purpose of prohibiting the sale of intoxicating liquors, while it renders impossible the regulation of their sale, we urge upon all Senators and Representatives, and especially upon Senators and Representatives from our county, to use every honorable means to secure the passage of the Resubmission Act at this session of the Legislature.

GEORGE MONTGOMERY,
(And 108 others.)

Mr. Plain presented the following petition:

To the Honorable Members of the Legislature of North Dakota, Bismarck, N. D.:

We, the undersigned, citizens of North Dakota would request your honorable body to pass a law prohibiting non-residents of this State from killing wild ducks, geese, brant, cranes, prairie chickens, grouse, pheasants or quail during any part of the year, or in your discretion to grant a license of not less than \$25.00 per week during the open season to such non-residents, and that more stringent regulations be adopted to prevent shipping game out of the State.

GEORGE DIEBEL.
(And many others.)

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
February 8, 1895. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 4,

A Bill for an act to amend Subdivision 11 of Section 1, Chapter 100, Laws of 1891.

Also,
 House Bill No. 28,
 A Bill for an act entitled "an act making Labor Day a legal holiday,"
 Which the House has passed, and your approval thereof is respectfully requested.

Respectfully,
 J. M. DEVINE,
 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. 106,
 A Bill for an act to provide clerk hire in the office of the register of deeds of the several counties of the State,
 Have had the same under consideration, and recommend that the same do pass.

Also,
 Senate Bill No. 105,
 A Bill for an act fixing the fees of sheriffs and other officers for transporting insane persons to the asylums of the State,
 Have had the same under consideration and recommend that the same be amended as follows:

Strike out the word "two" in line 9, Section 1 of the printed bill, and insert in lieu thereof the word "one."

And when so amended recommend that the same 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
 Senate Bill No. 78,
 A Bill for an act to repeal Chapter 113 of the Session Laws of 1893, being an act to amend Section 91, Chapter 132, of the Laws of 1890, being an act entitled "an act prescribing the mode of making assessment, and the levy and collection of taxes, and other purposes relating thereto,"

Have had the same under consideration and recommend that the same be referred to General Orders.

Also,
 House Bill No. 1,
 A Bill for an act entitled "an act to provide for State deposit-

ories and to regulate the deposit of public moneys therein, and the interest thereon and prescribing the means therefor,"

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

P. H. ROURKE,
Chairman.

The Committee on Education made the following report:

MR. PRESIDENT:

Your Committee on Education to whom was referred

Senate Bill No. 71,

A Bill for an act relating to the duties of county superintendent of schools,

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

Amend Section 2 by adding the words "for such time and in such manner as to interfere with the proper discharge of his duties as county superintendent of schools,"

And when so amended recommend that the same do pass.

Also,

Senate Bill No. 4,

A Bill for an act to amend Section 130, Chapter 62, of the Session Laws of 1890, entitled "an act to provide for a uniform system of free public schools throughout the State, and to prescribe penalties for the violation of the provisions thereof,"

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

Also,

Senate Bill No. 104,

A Bill for an act to amend Section 161 of an act entitled "an act to provide for a uniform system of free public schools throughout the State, and to prescribe penalties for violation of the provisions thereof of Chapter 62, Session Laws of 1890,"

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

Also,

Senate Bill No. 27,

A Bill for an act to amend Section 24 of Chapter 56, of the Session Laws of 1891, entitled "an act to provide for a uniform system for free public schools throughout the State and prescribe penalties for the violation thereof,"

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

A. V. BENEDICT,
Chairman.

The Joint Committee on Compilation made the following report:

MR. PRESIDENT:

The Joint Committee to consider the report of the Revision Commission have had under consideration a Justices' Code prepared by the Commission, and report that they have examined the same section by section and have made such corrections, amendments and additions as in their judgment would best serve the interests of the State, and herewith report a bill to establish a Justices' Code for the State of North Dakota. The favorable consideration thereof is respectfully requested.

Respectfully,
C. E. GREGORY,
Chairman.

The Committee on Temperance made the following report:

MR. PRESIDENT:

Your Committee on Temperance to whom was referred Substitute for House Bill No. 46,

A Bill for an act to amend Section 7 of Chapter 110, of the Session Laws of 1890, entitled "an act to prescribe penalties for the unlawful manufacture, sale, barter and giving away of such intoxicating liquors for medicinal, scientific and mechanical purposes,"

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

In line 13 of Section 1 of said Substitute Bill as printed in House Journal of Wednesday, January 30th, on page 7 of said Journal that the words "in this act" following the words "Section 2" in said line 13 be stricken out, and the words "Chapter 110 of Session Laws of 1890" be inserted in lieu thereof; and also be amended by providing Section 2 of said Bill as follows:

"Section 2. Whereas an emergency exists in that druggist's permits usually expire in June of each year, and it would work unnecessary hardships to prevent this act from taking effect before July 1, 1895; therefore, this act shall be in force and effect from and after its passage and approval,"

And when so amended recommend that the same do pass.

F. G. ENGER,
Chairman.

The Committee on Agriculture made the following report:

MR. PRESIDENT:

Your Committee on Agriculture to whom was referred Senate Bill No. 98,

A Bill for an act authorizing the counties in the State of North Dakota to raise and expend a fund for the purchase of poison for the destruction of gophers and repealing Chapter 144 of the Session Laws of 1890,

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

H. H. STROM,
Chairman.

MESSAGE FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE CHAMBER,
BISMARCK, N. D., Feb. 8, 1895. }

To the Senate:

GENTLEMEN:

I have the honor to inform you, that I have this day approved Senate Bill No. 13,

A Bill for an act entitled "an act providing for and regulating the redistricting of counties into commissioner districts."

I have the honor to remain,

Yours respectfully,
ROGER ALLIN,
Governor.

INTRODUCTION OF BILLS.

The Judiciary Committee introduced
Senate Bill No. 113,

A Bill for an act fixing the minimum time for which offenders may be committed to the penitentiary,
With the recommendation that it do pass.

Which was read the first and second times, and
Referred to the Committee on Judiciary.

The Joint Compilation Committee introduced
Senate Bill No. 114,

A Bill for an act to establish a Justice Code for the State of North Dakota,

Which was read the first and second times, and
Referred to the Committee on Judiciary.

Mr. Davis introduced
Senate Bill No. 115,

A Bill for an act fixing the fees of sheriffs and other officers for transporting convicts to the penitentiary of the State,

Which was read the first and second times, and
Referred to the Committee on Ways and Means.

Mr. Brown introduced
Senate Bill No. 116,

A Bill for an act to provide for the furnishing of free text books and school supplies to the pupils of the public schools,

Which was read the first and second times, and
Referred to the Committee on Education.

THIRD READING OF SENATE BILLS.

Senate Bill No. 5,

A Concurrent Resolution to amend the Constitution,
Was read the third time.

Mr. Haggart moved
That the resolution be adopted.

Mr. Hiller raised a question of consideration referring to Section 120 of Reed's rules.

The question being upon the consideration of Senate Bill No. 5,
The motion prevailed.

The question being upon the final passage of Senate Bill No. 5,
(A Concurrent Resolution.)

The roll being called.

Mr. Gregory explained his vote.

Mr. Burke moved

That Mr. Dobie be granted the privilege of speaking to the
question during roll call.

Mr. Burke asked unanimous consent of the Senate to explain
his vote.

Which consent was granted.

Mr. Sorley explained his vote.

Mr. Stevens explained his vote.

Mr. Strom explained his vote.

The roll being called on the passage of the resolution there were
ayes 16, nays 15.

Those who voted in the affirmative were:

Messrs—

Benedict,
Brown,
Burke,
Clark,
Fuller,
Gregory,

Messrs—

Haggart,
LaMoure,
Little,
McGillivray.
Parkin,

Messrs—

Plain,
Sorley,
Viets,
White,
Wishek,

Those who voted in the negative were:

Messrs—

Arnold,
Davis,
Day,
Dobie,
Enger,

Messrs—

Hanscom,
Hillier,
Lamb,
McCarten,
Rourke,

Messrs—

Stevens,
Strom,
Tufts,
Valentine,
Young.

So the resolution was adopted.

Mr. Haggart moved

That the vote by which the resolution was adopted be reconsidered and that the motion to reconsider be laid on the table,
Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
February 8, 1895. }

MR. PRESIDENT:

I have the honor to inform the Senate that the House has concurred in the Senate amendments to

House Bill No. 109,

A Bill for an act to establish a Code of Civil Procedure.

And has passed the bill as so amended.

Also,

I have the honor to transmit herewith

Senate Bill No. 85,

A Bill for an act to establish a Civil Code for the State of North Dakota,

Which the House has passed unchanged.

Also,

I have the honor to transmit herewith

House Bill 119,

A Bill for an act to establish a Probate Code for the State of North Dakota,

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

Respectfully,

J. M. DEVINE,

Chief Clerk.

SPECIAL ORDERS.

The time having arrived for the consideration of Senate Bill No. 14, it having been made a special order for this time,

Senate Bill No. 14,

A Bill for an act to reduce the salaries of railroad commissioners of the State of North Dakota from two thousand dollars per year to one hundred dollars per year from and after December 31, 1896,

Was read the third time.

Mr. Gillivray moved

That the further consideration of Senate Bill No. 14 be indefinitely postponed.

Which motion prevailed.

Senate Bill No. 108,

A Bill for an act repealing Chapter 20 of the Special Laws of Dakota Territory for the year 1885, being an act entitled "an act prescribing the duties and regulating the salaries of the county treasurer and register of deeds for Grand Forks County, Dakota Territory,"

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

The roll being called there were ayes 23, nays none, not voting 8.

Those who voted in the affirmative were:

Messrs—

Arnold,
Benedict,
Burke,
Clark,
Davis,
Day,
Dobie,
Fuller,

Messrs—

Gregory,
Hanscom,
Lamb,
Little,
McCarten,
Parkin,
Plain,
Rourke,

Messrs—

Stevens,
Strom,
Tufts,
Valentine,
Viets,
White,
Wishek.

Absent and not voting:

Messrs—

Brown,
Enger,
Hillier,

Messrs—

Haggart,
LaMoure,
McGillivray,

Messrs—

Sorley,
Young.

So the bill passed and the title was agreed to.

Mr. Arnold moved

That the vote by which Senate Bill No. 108 was passed be reconsidered and that the motion to reconsider be laid on the table,

Which motion prevailed.

Senate Bill No. 103,

A Bill for an act to amend Section 8, Chapter 79, of the Laws of 1891, changing the place of holding district court in Wells county,

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

The roll being called there were ayes 28, nays none, not voting 3.

Those who voted in the affirmative were:

Messrs—

Arnold,
Benedict,
Brown,
Burke,
Clark,
Davis,
Day,
Dobie,
Fuller,
Gregory,

Messrs—

Haggart,
Hanscom,
Hillier,
Lamb,
LaMoure,
Little,
McCarten,
Parkin,
Plain,

Messrs—

Rourke,
Sorley,
Stevens,
Strom,
Tufts,
Valentine,
Viets,
White,
Young.

Absent and not voting:

Messrs—	Messrs—	Messrs—
McGillivray,	Enger,	White.

So the bill passed and the title was agreed to.

Mr. Gregory moved

That the vote by which Senate Bill No. 103 was passed be reconsidered, and that the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 67,

A Bill for an act to amend Subdivision 30 of Section 73 of the Laws of 1887,

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

The roll being called there were ayes 22, nays 8, not voting 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Fuller,	McGillivray,
Benedict,	Gregory,	Parkin,
Brown,	Haggart,	Plain,
Burke,	Hanscom,	Rourke,
Clark,	Lamb,	Tufts,
Davis,	LaMoure,	Viets,
Day,	Little,	Wishek.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Dobie,	McCarten,	Strom,
Enger,	Sorley,	Valentine,
Hillier,	Stevens,	White.

Mr. Young absent and not voting.

So the bill passed and the title was agreed to.

Mr. Little moved

That the vote by which Senate Bill No. 67 was passed be reconsidered and that the motion to reconsider be laid on the table,

Which motion prevailed.

Mr. Strom moved

That Senate Bill No. 94 be referred to the Committee on Public Lands,

Which motion prevailed.

Mr. McCarten moved

That Senate Bill No. 66 be made a special order for Wednesday, February 13, at 3 o'clock p. m.,

Which motion prevailed.

Mr. Burke moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

FRED FALLEY,
Secretary.

THIRTY-THIRD DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 9, 1895.

The Senate was called to order by the President.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Fuller, Gregory, Haggart, LaMoure, Tufts and Viets, who were excused.

Mr. Burke moved

That the reading of the Journal be dispensed with, and that a committee be appointed to revise and correct the same.

Which motion prevailed.

The President appointed as such Committee Messrs. Burke, Wishek and Hanscom.

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. 86,

A Bill for an act to provide for the abolishment of the provisions of Chapter 38 of the Code of Civil Procedure, entitled "Herd Law," in counties where a majority of the qualified electors so elect to provide for an election upon the question of such abolishment, and to establish a fence law in such counties, And find the same correctly engrossed.

E. YOUNG,
Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred

Senate Bill No. 95,

A Bill for an act declaring void notes and other contracts, the signatures to which have been obtained by fraudulent representation or artifice as to the name and terms of the instrument so signed,

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

By striking out the word "merchant" in lines 3 and 11 in Section 1 of the printed bill; and further, by striking out Section 2 of the printed bill.

And when so amended recommend that the same do pass.

C. B. LITTLE,
Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred

Senate Bill No. 39,

A Bill for an act to amend an act entitled "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 the same be amended as follows:

Strike out all after the word "taken," as found in line 17 of printed bill and in lieu thereof insert "*Provided*, That if the tax to be so collected amounts to the sum of fifteen (15) dollars, or over, then such property so distrained shall also be advertised in one official newspaper, if there is one published in the county. Said notices and advertisement shall give a general description of the property to be sold and state the time when and place where such property will be sold, and if the taxes for which such property is distrained and the costs which accrue thereon are not paid before the time appointed for such sale, which shall not be less than ten days after the taking of such property, such treasurer or his deputy shall proceed to sell such property at public vendue, or so much thereof as will be sufficient to pay said taxes and costs of such distress and sale; *Provided*, That at any

time after taxes become due and whenever the county treasurer of any county in this State has reason to believe and is of the opinion that any person against whom personal property taxes have been assessed and have become due is about to remove from the county or is about to remove his or her goods, chattels or other personal property from the county in which the same are situated and have been assessed, and if in the opinion of the said county treasurer his county is in danger or is liable to lose the amount of said personal property tax so due and unpaid as aforesaid, then the said county treasurer is authorized, and it is hereby made his duty to seize, distrain and sell sufficient personal property belonging to said person forthwith to satisfy and pay the amount of personal property tax so due and unpaid against such person, together with the costs and expenses of said seizure, distress and sale, as provided by law."

Add the following:

Section 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Number the Emergency clause as Section 3.

And when so amended recommend that the same do pass.

C. B. LITTLE,
Chairman.

MR. PRESIDENT:

Your Committee appointed to correct the Journal of the thirty-second day report the follows:

On page 10—"Mr. Sorley moved to strike out all after the word drawn"—strike out the word "drawn" and insert the word "years," and to amend the title of the Concurrent Resolution in accordance therewith.

C. B. LITTLE,
Chairman.

The Committee on Railroads made the following report:

MR. PRESIDENT:

Your Committee on Railroads, to whom was referred

Concurrent Resolution for the appointment of Committee to confer with the Legislatures of Minnesota, Montana and Washington relative to suitable legislation looking towards taxation of the various sleeping car companies operating in the States and also with a view of establishing uniform rates,

Have had the same under consideration and recommend that the same be indefinitely postponed.

H. T. PARKIN,
Chairman.

The Committee on Railroads made the following report:

MR. PRESIDENT:

Your Committee on Railroads, to whom was referred
House Bill No. 23,

A Bill for an act defining the duties of railways in regard to station houses,

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

That in line eleven (11) of original bill the figures "20,000" be stricken out and in lieu thereof the figures "40,000" be inserted,

And in line twelve (12) the word "twenty" be stricken out and in lieu thereof the word "forty" be inserted,

And recommend that as so amended the bill do pass.

H. T. PARKIN,
Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred
Senate Bill No. 114,

A Bill for an act to establish a Justices' Code for the State of North Dakota,

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

C. B. LITTLE,
Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred
Senate Bill No. 80,

A Bill for an act defining usury and the penalty for taking the same,

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

By striking out the word "ten" and number (10) in brackets in line 7 of the printed bill and in lieu thereof insert the word "twelve" (12); and further by striking out the word "ten" in line 9 of Section 3, printed bill, and insert in lieu thereof the word "twelve;" and further by striking out the word "ten" (10) in line 10, Section 3, printed bill, and insert in lieu thereof the word "twelve" (12); and further by striking out the word "ten," line 13, Section 3, printed bill, and insert in lieu thereof the word "twelve,"

And when so amended recommend that the same do pass.

C. B. LITTLE,
Chairman.

The President announced that he was about to sign

House Bill No. 39,

A Bill for an act entitled "an act prohibiting the sale of cigarettes."

MOTIONS AND RESOLUTIONS.

Mr. Young moved
That House Bill No. 13 be taken from General Orders and referred to the Committee on State Affairs,
Which motion prevailed.

INTRODUCTION OF BILLS.

Mr. White introduced
Senate Bill No. 117,
A Bill for an act to amend Sections 1430 and 1431 of the Compiled Laws of 1887,
Which was read the first and second times, and
Referred to the Joint Committee on Compilation and by them referred to the Committee on Public Printing.

Mr. Rourke introduced
Senate Bill No. 118,
A Bill for an act providing for the deposit in court of money, property or effects for which there are adverse claimants,
Which was read the first and second times, and
Referred to the Judiciary Committee.

Mr. Little moved
That the rules be suspended and that Senate Bill No. 114 be given its third reading,
Which motion prevailed.

Senate Bill No. 114,
A Bill for an act to establish a Justices' Code for the State of North Dakota,
Was read the third time.

Mr. McGillivray asked unanimous consent to make a motion.

Mr. McGillivray moved
That the courtesies of the Senate be granted to Mr. Alexander Montague, of Dickinson,
Which courtesies were so extended, there being no objection.

Mr. Rourke offered the following amendment to Section 29, and moved its adoption:

SECTION 29. If neither party appears within the time limited by the preceding section, the action shall be deemed discontinued, and there shall be no further proceedings therein, except by the consent of both parties. If only one of the parties appears, the case shall not be called until the expiration of the hour; but if both parties appear the case may be called when they appear. When called, the case shall be disposed of as hereinafter provided.

Which amendment prevailed.

The President called Mr. Stevens to the Chair.

The time having arrived for the consideration of House Bill No. 21, it having been made a special order for this time,

Mr. Little moved
That House Bill No. 21 be made a special order for Thursday,
February 14, at 3 o'clock p. m.,
Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
February 9, 1895. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 99,
A Bill for an act to promote speedy justice, and a prompt hearing of cases appealed to the Supreme Court.

Also,

House Bill No. 92,
A Bill for an act to encourage the culture of sugar beets in the State of North Dakota and their manufacture thereof,
Which the House has passed, and your favorable consideration is requested.

Respectfully,
J. M. DEVINE,
Chief Clerk.

The third reading of Senate Bill No. 114 was continued.

The Chairman announced a recess of fifteen minutes.

The President in the Chair.

The third reading of Senate Bill No. 114 was continued.

Mr. Young moved

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

FRED FALLEY,
Secretary.

THIRTY-FIFTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 11, 1895.

The Senate was called to order by the President.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Gregory, Haggart, Hanscom, Viets and Tufts,
Who were excused.

The Journal was read and approved.

The following message was received from the House:

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
February 11, 1895. }

MR. PRESIDENT:

I have the honor to return herewith
Senate Bill No. 5,

A Concurrent Resolution providing for an amendment to the

State Constitution and repealing therefrom Article twenty (20), being Section two hundred and seventeen (217) thereof, Which the House has indefinitely postponed.

Respectfully,
 J. M. DEVINE,
 Chief Clerk.

UNFINISHED BUSINESS.

The third reading of Senate Bill No. 114, A Bill for an act to establish a Justice' Code for the State of North Dakota, was concluded.

Mr. Rourke moved To amend Section 152 by striking out in the fourth line the word "charged," Which motion prevailed.

The question being upon the final passage of Senate Bill No. 114, A Bill for an act to establish a Justice' Code for the State of North Dakota,

The roll being called there were ayes 22, nays none, not voting 9.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Enger,	Parkin,
Benedict,	Fuller,	Rourke,
Brown,	Hillier,	Stevens,
Burke,	Lamb,	Strom,
Clark,	La Moure,	White,
Davis,	McCarten,	Wishek,
Day,	McGillivray,	Young.
Dobie,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Gregory,	Little,	Tufts,
Haggart,	Plain,	Valentine,
Hanscom,	Sorley,	Viets.

Messrs. Gregory, Haggart and Viets being excused.

So the bill passed and the 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 Bill No. 103,

A Bill for an act to amend Section 8, Chapter 79, Laws of 1891, changing the place of holding district court in Wells county.

Also,
 Senate Bill No. 67,
 A Bill for an act to amend Subdivision 30 of Section 73 of the
 Laws of 1887,
 And find the same correctly engrossed.

E. YOUNG,
 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. 58,

A Bill for an act entitled "an act to provide for State depositories and to regulate the deposit of public moneys therein and the interest thereon and prescribing the means thereof."

Also,

Senate Bill No. 99,

A Bill for an act to provide for the treatment and cure of habitual drunkards.

Also,

Concurrent Resolution.

Also,

Senate Bill No. 108,

A Bill for an act repealing Chapter 20 of the Special Laws of Dakota Territory for the year 1885, being an act entitled "an act prescribing the duties and regulating the salaries of the county treasurers and registers of deeds for Grand Forks County, D. T.,

And find the same correctly engrossed.

E. YOUNG,
 Chairman.

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

MR. PRESIDENT:

Your Committee on Engrolled and Engrossed Bills have examined

Senate Bill No. 65,

A Bill for an act to secure the safe keeping of all funds coming into the hands of county treasurers by prescribing and regulating the deposit thereof,

And find the same correctly engrossed.

E. YOUNG,
 Chairman.

Mr. Little offered the following resolution on February 9th:

CONCURRENT RESOLUTION.

Be it Resolved by the Senate, the House Concurring:

SECTION 1. PROPOSED CONSTITUTIONAL AMENDMENT.] The following proposition to amend the Constitution of the State of North Dakota, is hereby submitted to the Fifth Session of the Legislative Assembly of the State of North Dakota to be by them submitted to the qualified electors of the State for approval or rejection, namely: The Constitution of the State of North Dakota is hereby amended to read as follows: "The State may, to meet casual deficits or failure in the revenue, or in case of extraordinary emergencies contract debts, but such debts shall never in the aggregate exceed the sum of five (5) mills on the dollar of the assessed valuation of all taxable property in the State, to be ascertained by the last assessment made for the State and county purposes, exclusive of what may be the debt of North Dakota at the time of the adoption of this Constitution. Every such debt shall be authorized by law for certain purposes, to be definitely mentioned therein, and every such law shall provide for levying an annual tax sufficient to pay the interest semi-annually, and the principal within thirty years from passage of such law, and shall specially appropriate the proceeds of such tax to the payment of said principal and interest, and such appropriation shall not be repealed nor the tax discontinued until such debt, both principal and interest, shall have been fully paid. No debt in excess of the limit named shall be incurred except for the purpose of repelling invasion, suppressing insurrection, defending the State in time of war, or to provide for public defense in case of threatened hostilities; but the issuing of new bonds to refund existing indebtedness shall not be construed to be any part or portion of said indebtedness.

Mr. Little moved

That the resolution be adopted,

Which motion prevailed.

INTRODUCTION OF BILLS AND MEMORIALS.

Mr. Clark introduced

Senate Bill No. 119,

A Bill for an act to provide for bonds of township and district officers,

Which was read the first and second times, and

Referred to the Committee on Joint Compilation, and by them to be referred to the Judiciary Committee.

THIRD READING OF SENATE BILLS.

Senate Bill No. 27,

A Bill for an act to amend Section 24 of Chapter 56 of the Session Laws of 1891, entitled "an act to provide for a uniform system of free public schools throughout the State and to prescribe penalties for the violation of the provisions thereof,"

Was read the third time.

Mr. Burke moved

That the blank be filled to show what section is intended,

Which motion prevailed.

Mr. McCarten moved

That the bill be referred to the Committee on Education,
Which motion was lost.

The question being upon the final passage of the bill as amended,

The roll being called there were ayes 16, nays 2, not voting 13.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Day,	Rourke,
Benedict,	Dobie,	Stevens,
Brown,	Enger,	Strom,
Burke,	Little,	Valentine,
Clark,	McCarten,	Wishek.
Davis,		

Messrs. LaMoure and Young voting in the negative.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fuller,	Lamb,	Sorley,
Gregory,	McGillivray,	Tufts,
Haggart,	Parkin,	Viets,
Hanscom,	Plain,	White.
Hillier,		

Messrs. Gregory, Haggart, Hanscom, Tufts and Viets being excused.

So the bill passed.

Mr. Rourke moved

To amend the title to read as follows:

A Bill for an act to amend Section 24 of Chapter 56 of the Session Laws of 1891, entitled "an act to amend Sections 3, 4, 7, 8, 22, 24, 32, 37, 40, 55, 66, 67, 68, 74, 75, 79, 81, 83, 86, 87, 101, 110, 121, 122, 135, 136, 137, 140, 143, 144, 148, 167, 169, and 192 of Chapter 62, Laws of 1890, entitled 'an act to provide for a uniform system of free public schools throughout the State and to prescribe penalties for the violation of the provisions thereof,' "

Which motion prevailed.

Senate Bill No. 98,

A Bill for an act authorizing the counties in the State of North Dakota to raise and expend a fund for the purchase of poison for the destruction of gophers and repealing Chapter 144 of the Session Laws of 1890,

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

The roll being called, there were ayes 16, nays 7, not voting, 8.

Those who voted in the affirmative were:

Messrs—
 Arnold,
 Burke,
 Clark,
 Davis,
 Day,
 Dobie,

Messrs—
 Enger,
 Fuller,
 Hillier,
 LaMoure,
 Little,

Messrs—
 McCarten,
 Plain,
 Strom,
 White,
 Young.

Those who voted in the negative were:

Messrs—
 Benedict,
 Brown,
 Lamb,

Messrs—
 Bourke,
 Stevens,

Messrs—
 Valentine,
 Wishek.

Absent and not voting:

Messrs—
 Gregory,
 Haggart,
 Hanscom,

Messrs—
 McGillivray,
 Parkin,
 Sorley,

Messrs—
 Tufts,
 Viets.

Messrs. Gregory, Haggart, Hanscom, Tufts and Viets being excused.

So the bill passed and the title was agreed to

Mr. Little moved

That the vote by which Senate Bill No. 114 was passed be reconsidered and that the motion to reconsider be laid on the table, Which motion prevailed.

Mr. Little moved

That the rules be suspended and that House Bill No. 119,

A Bill for an act to establish a Probate Code for the State of North Dakota,

Be read the first and second times, Which motion prevailed.

Mr. Brown asked consent, and

Mr. Brown moved

That Senate Bill No. 88 be taken from General Orders and be made a Special Order for Wednesday at 2:30 p. m., Which motion prevailed.

First reading of House Bill No. 119,

A Bill for an act entitled "an act to establish a Probate Code for the State of North Dakota,"

MR. PRESIDENT:

Your Committee to correct the Journal of the thirty-second day make the following corrections:

In sixth line after third reading of Senate bills should read: "Mr. Hillier raised the question of consideration." Strike out the balance of that line; also, the seventh and all of the eighth line.

In the fifteenth line after the word "moved" insert the word "that."

JOHN BURKE,
 Chairman.

The President called Mr. Wishek to the Chair.

The first reading of House Bill No. 119 was continued.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
February 11, 1895. }

MR. PRESIDENT:

I have the honor to transmit herewith

A Concurrent Resolution to report Codes presented by the Compilation Committee, with instructions to report back as properly enrolled,

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

Respectfully,
J. M. DEVINE,
Chief Clerk.

The first reading of House Bill No. 119 was continued.

Mr. Day moved

That the courtesies of the Senate be granted to Hon. James McCormick.

Mr. White moved

That the courtesies of the Senate be granted to Col. E. S. Miller and H. C. Stenshoel.

Mr. Arnold moved

That the courtesies of the Senate be granted to President Webster, of Merryfield.

Which courtesies were extended, there being no objection.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
February 11, 1895. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 117,

A Bill for an act entitled "an act to amend Section 51 of Chapter 118 of the Laws of 1893 in relation to the appraisement and lease of school and public lands,"

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

Also,

House Bill No. 135,

A Bill for an act to establish a Penal Code for the State of North Dakota,

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

Respectfully,

J. M. DEVINE,
Chief Clerk.

The first reading of House Bill No. 119 was continued.

Mr. Young moved

That the courtesies of the Senate be granted to Messrs. H. Stafford and F. Dickinson.

Which courtesies were so extended, there being no objection.

The first reading of House Bill No. 119 was continued.

The President in the Chair.

Mr. Little moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

FRED FALLEY,
Secretary.

THIRTY-SIXTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 12, 1895.

The Senate was called to order by the President.

Prayer was offered by Senator Stevens.

Roll called.

All members present except Messrs. Gregory and Hanscom, who were excused.

The Journal was read and approved.

The courtesies of the floor were extended to J. A. Delaney, H. A. Soule and Mr. Stockwell.

UNFINISHED BUSINESS.

House Bill No. 119,

A Bill for an act entitled "an act to establish a Probate Code for the State of North Dakota."

Mr. Haggart, President *pro tempore*, in the Chair.

The first reading of

House Bill No. 119,

A Bill for an act entitled "an act to establish a Probate Code for the State of North Dakota,

Was concluded and read the second time and referred to the Judiciary 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. 13,

A Bill for an act entitled "an act to encourage the manufacture of potato starch in the State of North Dakota,"

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

P. H. ROURKE,
Chairman.

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

MR. SPEAKER:

Your Committee on Enrolled and Engrossed Bills have examined

Senate Bill No. 98,

A Bill for an act authorizing the counties of the State of North Dakota to raise and expend a fund for the purchase of poison for the destruction of gophers, and repealing Chapter 144 of the Session Laws of 1890,

And find the same correctly engrossed.

E. YOUNG,
Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred

Concurrent Resolution Memorial to Congress for the appropriation of forty thousand acres of land of the unappropriated public lands lying within the limits of the State of North Dakota for the use and support of a School of Forestry in said State,

Have had the same under consideration and recommend that the same be concurred in.

C. B. LITTLE,
Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred

Senate Bill No. 68,

A Bill for an act to amend Section 11 of Chapter 13 of the Code of Civil Procedure, being Sections 5126 to Section 5140 inclusive, and to repeal Section 1 of Chapter 50 of the Laws of 1883, being Section 5137 of the Compiled Laws,

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

C. B. LITTLE,
Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate Bill No. 82,

A Bill for an act establishing an emergency commission, prescribing their duties and appropriating money for the expenses thereof,

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

By striking out the words "Attorney General and Commissioner of Agriculture" in lines 2 and 3, Section 2 of the printed bill,

And when so amended recommend that the same do pass.

C. B. LITTLE,
Chairman.

Mr. Strom moved

That the Senate take a recess for ten minutes,

Which motion prevailed.

Mr. President in the Chair.

Mr. Little moved

That the rules be suspended, and that

House Bill No. 135,

A Bill for an act to establish a Penal Code for the State of North Dakota,

Be given its first and second reading and reference,

Which motion prevailed, and

Reading was commenced.

The courtesies of the floor of the Senate were extended to Hon. T. F. Selby, John DeGerot, E. M. L. Carlson, of Hillsboro; N. F. Boucher, of Bismarck, and G. N. Midgarden.

The President called Mr. Benedict to the Chair.

The first reading of House Bill No. 135 was continued.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
February 12, 1895. }

MR. PRESIDENT:

I have the honor to transmit herewith the Concurrent Resolution regarding the investigation by a committee of a reported

lesson of disloyalty taught in one of the public educational institutions:

CONCURRENT RESOLUTION.

WHEREAS, The following uncalled for and disloyal lesson was given in one of our State educational institutions, as we observe from the columns of one of our reputable newspapers of this State, viz:

A professor in one of our State educational institutions gave his class a few days ago this item of unwritten history: "Abraham Lincoln was nothing but a vagabond and a wretch, and there is no use to try to cover it up, for this is all he was; that he was not genteel, that squibs had been found written by him simply disgraceful. Send him to Timbucto;" therefore, be it

Resolved, That a committee of three be appointed, one from the Senate and two from the House, to investigate this matter.

Respectfully,

J. M. DEVINE,
Chief Clerk.

The President in the Chair.

Mr. White moved

That the resolution be adopted,

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 Bill No. 105,

A Bill for an act fixing the fees of sheriffs and other officers for transporting insane persons to the asylum of the State.

Also,

Senate Bill No. 80,

A Bill for an act defining usury, and the penalty for taking the same.

And find the same correctly engrossed.

E. YOUNG,
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. 39,

A Bill for an act to amend an act entitled "an act prescribing the mode of making assessment and the levy and collection of taxes, and for other purposes relative thereto."

Also,

Senate Bill No. 27,

A Bill for an act to amend Section 24 of Chapter 56 of the Ses-

sion Laws of 1894, entitled "an act to amend Sections 3, 4, 7, 8, 22, 24, 32, 37, 40, 55, 66, 67, 68, 74, 75, 79, 81, 83, 86, 87, 101, 110, 121, 122, 135, 136, 137, 140, 143, 144, 148, 167, 169 and 192 of Chapter 62, Laws of 1890, entitled "an act to provide for a uniform system of free public schools throughout the State, and to provide penalties for the violation of the provisions thereof,"

And find the same correctly engrossed.

E. YOUNG,
Chairman.

The first reading of House Bill No. 135 being in progress.

Mr. Little moved

That the Senate take a recess until tomorrow morning at 10 o'clock,

Which motion prevailed.

FRED FALLEY,
Secretary.

MORNING SESSION.—THIRTY-SIXTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 13, 1895.

The Senate was called to order by the President pursuant to adjournment.

The first reading of
House Bill No. 135,

A Bill for an act to establish a Penal Code for the State of North Dakota,

Was continued.

The President called Mr. Enger to the Chair.

The first reading of House Bill No. 135 was concluded.

House Bill No. 135,

A Bill for an act to establish a Penal Code for the State of North Dakota.

Was read the second time, and

Referred to the Committee on Judiciary.

Mr. White moved

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

FRED FALLEY,
Secretary.

THIRTY-SEVENTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 13, 1895.

The Senate was called to order by the President.

Prayer by Mr. Stevens.

Roll called.

All members present except Messrs. Gregory, Parkin, Hanscom and Valentine,
Who were excused.

The Journal was read and approved.

The President appointed Senator Benedict as the Senate member of the Joint Committee to investigate the alleged utterances of a member of the faculty of a certain State educational institution.

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. 119,

A Bill for an act to establish a Probate Code for the State of
North Dakota,

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

C. B. LITTLE,
Chairman.

Also,

Your Committee on Judiciary to whom was referred
Senate Bill No. 113,

A Bill for an act fixing the minimum time for which offenders
may be committed to the penitentiary,

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

C. B. LITTLE,
Chairman.

Mr. Little presented the following Concurrent Resolution:

CONCURRENT RESOLUTION.

WHEREAS, The low price of wheat and the increased labor incident to its production on account of the Russian cactus, combining to make the growing of wheat and other small grains precarious and unremunerative, thereby necessitating mixed or diversified farming; and,

WHEREAS, It has been demonstrated that sheep are natural weed destroyers, and that the climate and all other conditions of this State are eminently favorable to the growth of wool and flocks; and,

WHEREAS, Prior to the repeal of the tariff on wool and the consequent depression in the price of that product wholly eliminating the element of profit from what was rapidly becoming the paramount industry of the State and destroying the farmers and the flock masters' sure source of revenue; and,

WHEREAS, It is impossible for the American farmer to compete with the low-priced labor and milder climate of the southern wool growing nations; therefore, be it

Resolved, That this Legislative Assembly memorialize Congress to restore the tariff on wool and protect this great American industry for Americans, until our waste lands are filled with flocks and our own countrymen be allowed to supply American mills with American wool.

Mr. Little moved

The adoption of the resolution,

Which motion prevailed.

The courtesies of the Senate were extended to Hon. E. H. Bly.

The Committee on Judiciary introduced

Senate Bill No. 120,

A Bill for an act regulating voting at primary elections,

Which was read the first and second times, and

Referred to the Committee on Judiciary.

Mr. Burke introduced

Senate Bill No. 121,

A Bill for an act fixing the time and place for holding general and special terms of the Supreme Court of the State of North Dakota,

Which was read the first and second times, and

Referred to the Committee on Judiciary.

Mr. Strom introduced

Senate Bill No. 123,

A Bill for an act entitled "an act declaring it a misdemeanor on the part of employers to require as a condition of employment the surrender of any right of citizenship,

Which was read the first and second times, and

Referred to the Committee on State Affairs.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
February 13, 1895. }

MR. PRESIDENT:

I have the honor to return herewith

Senate Bill No. 69.

A Bill for an act making boards of trustees, commissioners, directors, person or persons liable for amounts expended in excess of appropriations, and providing for emergency expenditures,

Which the House has passed without change.

Also,

Senate Bill No. 7,

A Bill for an act to amend Section one (1) of Chapter nine (9) of the Laws of 1891, providing clerk hire for the various State officers and making an appropriation therefor.

Which the House has passed with the following amendments:

By striking out the words "eighteen hundred" in line 6 of page 1, and the words "three thousand" be inserted in lieu thereof.

By striking out the word "nine" in line 4, page 2, of the original bill, and inserting the word "fifteen" in lieu thereof.

Respectfully,

J. M. DEVINE,
Chief Clerk.

Mr. Haggart moved

That the House amendments to Senate Bill No. 7 be made a special order for Friday, the 15th, at 3 o'clock,

Which motion prevailed.

Mr. Little moved

That the rules be suspended, and that House Bill No. 119 be given its third reading and put on its final passage,

Which motion prevailed.

House Bill No. 119,

A Bill for an act to establish a Probate Code for the State of North Dakota.

Reading was commenced.

SPECIAL ORDERS.

The hour having arrived for the consideration of Special Orders Senate Bill No. 88,

A Bill for an act to amend Section 1 of Chapter 100, Session Laws of 1891, being an act to amend Chapter 132 of the Laws of 1890, being an act entitled "an act prescribing the mode of making assessments and the levy and collection of taxes, and for other purposes relative thereto,"

Was read the third time.

Mr. Strom moved

To amend by striking out in line 45, printed bill, the words "twenty-five dollars" and insert in lieu thereof the words "100 dollars,"

Which motion was lost.

Mr. White moved

To amend by striking out the 49th line of the printed bill,
Which motion prevailed.

The question being upon the final passage of the bill as amended,

The roll being called there were ayes 21, nays 5, not voting 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Fuller,	Plain,
Benedict,	Haggart,	Rourke,
Brown,	Hillier,	Sorley,
Burke,	Lamb,	Viets,
Clark,	LaMoure,	White,
Davis,	Little,	Wishek,
Enger,	McGillivray,	Young.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Day,	McCarten,	Strom.
Dobie,	Stevens,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Gregory,	Parkin.	Valentine.
Hanscom,	Tufts.	

Messrs. Gregory, Hanscom and Valentine being excused.

So the bill passed as amended and the title was agreed to.

Mr. Little moved

That the vote by which Senate Bill No. 88 was passed be reconsidered, and that the motion to reconsider be laid on the table,
Which motion prevailed.

Mr. Haggart moved

To take a recess of fifteen minutes,

Which motion prevailed.

The third reading of House Bill No. 119 being in progress,

Mr. Little moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

FRED FALLEY,
Secretary.

THIRTY-EIGHTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 14, 1895.

The Senate was called to order by the President.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Parkin, Valentine and Hanscom,

Who were excused.

The Journal was read and approved.

The courtesies of the floor were extended to Prof. Stockwell, Hon. D. E. Morgan, Prof. Holland and Thos. Neal.

UNFINISHED BUSINESS.

The third reading of
House Bill No. 119,
A Bill for an act to establish a Probate Code for the State of
North Dakota,
Was resumed.

Mr. Gregory asked consent to take up the ninth order of business to introduce a bill.

Mr. Gregory introduced

Senate Bill No. 123,

A Bill for an act to amend Chapter 93 of the Laws of 1891, being an act entitled "an act for the prevention of prairie fires and to provide against damage done by them, also prescribing the duties of county commissioners in relation thereto,"

Which was read the first and second times, and

Referred to the Committee on Counties.

Mr. Young introduced

Senate Bill No. 124,

A Bill for an act amending Section 20 of Chapter 119 of the Session Laws of 1890, being an act providing for public printing of the State,

Which was read the first and second times, and

Referred to the Committee on Public Printing.

The Joint Committee on Cactus introduced

Senate Bill No. 125,

A Bill for an act to provide for the extermination of Russian thistles,

Which was read the first and second times, and

Referred to the Committee on Judiciary.

Also,

Senate Bill No. 126,

A Bill for an act to appropriate \$30,000 to pay the expenses necessary incident to the eradication of Russian thistles,

Which was read the first and second times, and

Referred to the Committee on Appropriations.

Mr. Arnold introduced

Senate Bill No. 127,

A Bill for an act to amend Section 1 of Chapter 55 of the Session Laws of 1891, relating to cruelty to animals,

Which was read the first and second times, and

Referred to the Committee on Stock.

The third reading of House Bill No. 119 was continued.

The President called Mr. Davis to the Chair.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
February 14, 1895. }

MR. PRESIDENT:

I have the honor to return herewith

Senate Bill No. 114,

A Bill for an act to establish a Justice' Code for the State of North Dakota,

Which the House has passed with the Senate amendments.

J. M. DEVINE,
Chief Clerk.

Mr. President in the Chair.

COMMUNICATION FROM THE GOVERNOR.

The Senate went into executive session to consider the following communication from the Governor:

EXECUTIVE SESSION.

The Senate went into executive session to consider a sealed message from the Governor.

Upon reassembling in open session the confirmation of the following appointments was announced:

As members of the Agricultural College Board of Directors at Fargo—for a term of four years:

W. H. Robinson	Trail County
Lyman R. Casey	Stutsman County
George E. Osgood	Cass County
Alexander Stern	Cass County

For a term of two years:

E. H. Sykes	Ward County
H. F. Miller	Cass County
J. O. Smith	Cass County

In open session.

SPECIAL ORDERS.

The time having arrived for the consideration of Special Orders, House Bill No. 21 being made a special order for this time,

A Bill for an act prescribing the duties of states' attorneys, fixing their compensation and the method of determining the same,

Was read the third time.

Mr. Enger moved

To amend Section 10, line 7: Strike out "5,000" and insert "6,000;" strike out "\$700" and insert "600;" strike out "5,000" and insert "6,000."

Mr. Plain moved

To adopt the amendment.

Mr. White moved as a substitute

That House Bill No. 21 be recommitted to the Judiciary Committee,

Which motion prevailed.

Mr. Tufts asked consent to return to the thirteenth order of business.

Which consent was granted, and
Senate Bill No. 39,

A Bill for an act to amend an act entitled "an act prescribing the mode of making assessments and the levy and collection of taxes, and for other purposes relative thereto,"

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

The roll being called there were ayes 23, nays 5, not voting 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	Rourke,
Benedict,	Hillier,	Sorley,
Brown,	Lamb,	Stevens,
Burke,	LaMoure,	Strom,
Davis,	Little,	Tufts,
Enger,	McCarten,	Wishek,
Fuller,	McGillivray,	Young.
Gregory,	Plain,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Clark,	Dobie,	White.
Day,	Viets,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Hanscom,	Parkin,	Valentine,

Who were excused.

So the bill passed and the title was agreed to.

Mr. Tufts moved

That the vote by which Senate Bill No. 39 was passed be reconsidered, and that the motion to reconsider be laid on the table,
Which motion prevailed.

Mr. Haggart asked consent to take up the eighth order of business.

MOTIONS AND RESOLUTIONS.

Mr. Haggart moved

That Senate Bill No. 6 be recommitted to the Committee on Corporations Other Than Municipal,
Which motion prevailed.

Mr. Benedict presented the following Concurrent Resolution:

CONCURRENT RESOLUTION.

Resolved by the Senate of the Fourth Legislative Assembly of the State of North Dakota, the House Concurring:

That the Joint Committee appointed pursuant to the Concurrent Resolution adopted February 12, 1895, to investigate certain alleged aspersions cast upon the memory of Abraham Lincoln by a professor in one of our State institutions, be empowered at its discretion to visit said institution and to send for persons and papers.

Mr. Little moved
That the resolution be adopted,
Which motion prevailed.

Mr. Strom moved
That the rules be suspended and that Senate Bill No. 99 be
given its third reading and put upon its final passage,
Which motion prevailed.

Senate Bill No. 99,
A Bill for an act to provide for the treatment and cure of
habitual drunkards,
Was read the third time.

Mr. Stevens moved
That the words "double chloride of gold cure" be stricken out,

Mr. Sorley moved
As a substitute that wherever the words "double chloride of
gold cure" occur be stricken out and insert "any reputable
institute,"

Which amendment was lost.

The question recurring on the final passage of Senate Bill No.
99 as amended in Committee,

The roll being called there were ayes 23, nays 4, not voting 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Enger,	McGillivray,
Benedict,	Fuller,	Plain,
Brown,	Gregory,	Rourke,
Burke,	Haggart,	Sorley,
Clark,	Lamb,	Strom,
Davis,	LaMoure,	Tufts,
Day,	Little,	Wishek.
Dobie,	McCarten,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Hillier,	Viets,	Young.
Stevens,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Hanscom,	Valentine,	White,
Parkin,		

Who were excused.

So the bill passed and the title was agreed to.

Mr. Haggart moved

That the vote by which Senate Bill No. 99 was passed be recon-
sidered, and that the motion to reconsider be laid on the table,
Which motion prevailed.

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

MR. PRESIDENT:

Your Committee on Enrolled and Engrossed Bills have examined

Senate Bill No. 88,

A Bill for an act to amend Section 1 of Chapter 100, Session Laws of 1891, being an act to amend Chapter 132 of the Laws of 1890, being an act entitled "an act prescribing the mode of making assessments and the levy and collection of taxes, and for other purposes relative thereto,"

And find the same correctly engrossed.

E. YOUNG,
Chairman.

The third reading of House Bill No. 119 being in progress,

Mr. McGillivray moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

FRED FALLEY,
Secretary.

THIRTY-NINTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 15, 1895.

The Senate was called to order by the President.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Parkin and Valentine, who were excused.

The Journal was read and approved.

REPORTS OF STANDING COMMITTEES.

The Committee appointed to visit, investigate and report upon the needs of the various State institutions, submitted the following report:

Mr. LaMoure moved

That the report be printed in the Journal,

Which motion prevailed.

REPORTS OF SELECT COMMITTEES.

The Joint Committee to visit the State institutions submitted the following report:

To the Senate and House of Representatives of the State of North Dakota:

We the undersigned members of the committee appointed by the authority of a Concurrent Resolution of the Senate and House of Representatives of North Dakota report:

As we understand the purport of the resolution, our duty was to visit the State University at Grand Forks, the Agricultural College at Fargo and the State Normal Schools at Mayville and Valley City, a School for the Deaf at Devils Lake and report upon the following particulars, "conditions of all State buildings, condition of schools, employes, fuel, recommendations," all of which we have carefully performed.

We took up the work for which we were appointed at the State Normal School at Valley City and found the manner and quality of the construction, state of repair and sanitary condition of this institution fairly good. The number of students in actual attendance in the different departments at the time of our visit was as follows:

Total enrollment to date:

Primary department.....	156
Practice department.....	72
Total enrollment in all departments.....	228
Actual attendance in Normal department, January 31.....	153
Actual attendance in Practice department.....	70
Total attendacne in all departments.....	223
Number attending at the close of last term.....	140
Average age of students of the Normal department.....	19 $\frac{3}{4}$
Number who have taught or will teach soon.....	131
Per cent. of attendance:	
From outside of Valley City.....	87
Counties represented in the Normal department.....	22
Graduates in June, 1894.....	3
Number preparing to graduate in June, 1895.....	11
Total number of students enrolled since the organization of the school.....	343

The character of the work done is excellent; earnestness and thoroughness were marked features; good order prevailed and attendance is constantly and rapidly increasing. The aims of the school, as expressed in the laws providing for its establishment, are kept in view. It is designed "to prepare teachers in the science of education and the art of teaching." All students are instructed in the history and philosophy of education, and given a thorough course in the method of presenting the subject of instruction to the child mind by an abundant training, or drill in the practice of these methods, before the classes of the practice department. The practice school, one of observation, in which the students may see good work done before undertaking the work of instructing themselves. The faculty keep closely in touch with the common school of North Dakota, and so far as possible supply their needs, which is shown by their unselfish devotion to the interest of the institution and their work of their several departments. There is no question but the school is filling a want and the work done is commendable.

Number of persons composing the faculty.....	8
Average salary, exclusive of principal.....	\$ 765 00

The salary and work of each member of the faculty are as follows:

George A. MacFarland, M. S., principal	\$2,000 00
Teaches three hours and often four per day.	
Laura L. Perrine, A. B.	1,000 00
Teaches five hours per day and the week following our visit will begin teaching six.	
Marcellus M. Barnes	900 00
Teaches six hours per day.	
Florence Woodward, salary	900 00
Employed at the school almost constantly from 8:30 a. m. till 6 p. m.	
Joseph Shafer, B. L., salary	800 00
Teaches five hours per day.	
Cora M. Rawlins, A. M., salary	700 00
Teaches five hours per day and part of the time six.	
Seth Harvey, B. S., salary	750 00
Teaches five hours per day.	
Myrtle A. Nesmith, salary	300 00
Teaches two hours per day, but is required to attend all general exercises.	

There are no other employes except a janitor at a salary of \$50.00 per month.

This institution uses North Dakota coal exclusively (the price paid is \$3.50 per ton.)

We recommend for the maintenance of this institution for the next biennial period the following amounts:

For fuel and lights	\$ 2,400 00
For incidentals	1,000 00
For janitor services	1,200 00
For furniture	500 00
For library and apparatus	500 00
For faculty	17,000 00
For improvements	1,500 00
For heating improvements and repairs	200 00

Total

\$24,300 00

The school now occupies the building to its full capacity, and in fact needs additional room. Cloak room, janitor's quarters, and one large class room can be fitted up at a small cost in the basement. It is almost impossible to warm comfortably the rooms on the windward side of the building in cold weather. We feel sure that with storm windows a saving in fuel equal to their cost would be made in the next two years. For this purpose and for fitting up the basement rooms we have recommended under the head of improvements, the sum of \$1,500.00.

AGRICULTURAL COLLEGE.

1. The condition of buildings, "manner and quality of construction," and state of repair were found to be very satisfactory. The sanitary condition would be much improved by some needed drainage.

2. The condition of the school is very good. The number of students in actual attendance, 56; 14 in college department and 42 in preparatory department.

The total number enrolled in all departments during two years past is 83, as shown by last catalogue (see biennial report). The average age of students is 20 years. So far as we were able to judge the "quality and character" of the work done is thorough, and such as to compare favorably with that of like institutions in other States.

3. Instructors salaries, other employes and wages are as follows:

President	\$3,000 00
Professor of Chemistry	2,000 00

Professor of Mechanical Engineering.....	\$1,200 00
Professor of Botany and Zoology	1,500 00
Professor of Veterinary Science	1,600 00
Professor of Agriculture	1,300 00
Assistant in Agriculture	800 00
Professor of Horticulture and Fofestry	1,500 00
Professor of Mathematics.....	1,000 00
Professor of Geology.....	1,000 00
Professor of Modern Languages	1,600 00
Professor of Domestic Science.....	800 00
Secretary and Accountant.....	1,000 00
Stenographer and Librarian.....	600 00
Farm Foreman (with board).....	500 00
Engineer and Blacksmith.....	660 00
Assistant and Watchman (eight months)	300 00
Janitors.....	700 00

Other employes average about ten in number, at wages varying from \$35 per month to \$1 per day.

4. Some wood is used, some hard coal, but generally speaking lignite coal is the fuel used. Costs per annum for all kinds of fuel, about \$3,000.

5. We believe the State derives the greatest benefit from this institution in the scientific research and experiments there carried on in view of the following: First—The large sums received by the institution from the national government. Second—The considerable sums received from the sale of farm products. Third—The comparatively few of the youth of our State who avail themselves of the advantages offered. Fourth—The necessity on the part of the State of keeping the appropriations within the limits of its probable income. We are of the opinion and recommend that no more should be appropriated by the State for this institution than is necessary for making available the sums provided for by the National Congress under the "Hatch Act" of 1887, and the "Morrill Act" of 1890.

SCHOOL FOR THE DEAF.

1. The condition of the buildings—The building appears to be of poorer material and faulty construction. In some places the walls are not plumb, but, as in most cases they lean toward the interior, they are perhaps sufficiently safe. It appears that the defects and faults above mentioned occurred under the management of a previous board or boards, and that the present board is in no way responsible for them.

2. Conditions of school:—

Number of pupils in attendance.....	36
Number in attendance at the close of last term.....	32
Average age of pupils, about.....	13 years

There are pupils in attendance from sixteen counties in the State. The work being done in this institution is of very excellent character.

3. Employes—Number of instructors, 4; number of classes taught by each, 4. Salaries:—

Prof. A. R. Spear, per annum.....	\$1,800 00
Mr. M. M. Taylor, per annum.....	600 00
Miss Clara Halverson, per annum.....	500 00
Miss Mary Whedon, per annum.....	300 00

Other employes—Matron, duties, general supervision of household, care of pupils, instruct girls in sewing and needlework, salary, \$300 per annum.

Janitor's duties—Besides the janitor work, has care of the stock belonging to the institution, and at present hauls water from the city for the use of the school, salary, \$240 per annum.

Night watchman--Besides his regular duties, the watchman works on the grounds and in the garden during the summer, salary, \$500 per annum.

One laundress, salary per annum.....	\$240 00
One cook, salary per annum.....	240 00
Three girls for general housework, each per annum.....	156 00

4. Fuel--Kind used, white oak; amount used, from 150 to 200 cords; price, from \$4.50 to \$5 per cord.

5. Recommendations--The buildings should be supplied with storm windows. The room in the attic should be fitted up and finished for the use of pupils. The teachers of the Deaf School work more hours per day and receive less salary than the teachers of any other State institution. Considering the quality and character of the work done, the committee is of the opinion that the teachers do not receive sufficient compensation for their services. Following is an estimate of the sums which, in the opinion of the Committee, will be necessary for the support of the institution for the next two years:

Maintenance.....	\$7,000 00
Salaries.....	7,000 00
Fuel and lights.....	2,000 00
Household supplies.....	200 00
Furniture.....	300 00
Books and school supplies.....	\$ 200 00
Drugs and medical attendance.....	300 00
Clothing for pupils.....	150 00
Farm machinery and stock.....	100 00
Repairs.....	1,000 00
Wages of employes.....	4,000 00
Incidentals.....	500 00
Food for stock.....	200 00
Water supply.....	200 00
Workshop and tools.....	400 00
Total.....	\$23,550 00

STATE UNIVERSITY AT GRAND FORKS.

The State University at Grand Forks was next in turn visited. This institution dates its beginning from an act of the Territorial Legislature dated February 20, 1883. The University was first opened in September, 1884. By the division of the Territory of Dakota and the admission of North Dakota as a State in 1889, the University became the State University of the new State. By the terms of the enabling act of Congress, under which the State was admitted, the University was granted 40,000 acres of public land, and the School of Mines located by the Constitution as a part of the University, was given a grant of 40,000 acres. University buildings consist of three in number. The main building is 50x150 feet, four stories high, including basement. All the work of instruction is carried on in this building. It also contains the laboratories, armory, recitation rooms, museum, assembly hall and library. This building is constructed of brick and stone, and is fair as to manner and quality of construction. The young ladies' hall is a well built, commodious structure, three stories high including the basement, and affords accommodations for upwards of one hundred students. This building is well constructed, special attention being paid to the sanitary arrangement. A dormitory for young men, built of brick and stone, was erected two years ago. This building is exceptionally well arranged, and has accommodations for about fifty students. All the buildings are in a good state of repair, heated with steam throughout and supplied with running water. So far as we could see the sanitary surroundings of all the buildings are good. The buildings are erected upon well selected, high ground, nicely laid out and enclosed by a good fence, about one and one-half miles from the city of Grand

Forks. The school is in an excellent condition in every department. Following find a list showing the actual number of students in the different departments now, and at the end of last term the average age of those below college, as well as those in college, the counties represented in the college and the number from each county. You will observe that there are twelve students from the State of Minnesota. There are 112 year students in the university.

COUNTIES REPRESENTED IN THE UNIVERSITY.

Benson	1
Cavalier	2
Cass	9
Dickey	1
Foster	1
Grand Forks county	33
Grand Forks city	30
Griggs	6
LaMoure	1
McHenry	2
McLean	2
Morton	1
Nelson	4
Pembina	18
Ramsey	8
Richland	2
Rolette	1
Towner	1
Trail	12
Walsh	12
Wells	1
Minnesota	12

At present total..... 160

At close of fall term..... 145

Average age of student below college, nineteen and one-half years.

Average age of students in college department, twenty-one years.

Number of students in preparatory department..... 63

Elementary normal students..... 39

Advanced normal students..... 8

College students (including advanced normals)..... 58

Below is a list showing the number of instructors, classes taught by each daily, salaries of each; all other employes, duties, wages paid and time employed:

Statistics in regard to instructors and professors at the University of North Dakota:

R. J. Bancroft, professor, five hours daily..... \$ 2,000 00

A. F. Beachdolt, professor, four hours, rhetorical equivalent to five hours..... 2,000 00

M. A. Brannon, professor, five hours..... 2,000 00

L. Estes, professor, five hours..... 2,000 00

C. S. Townsend, professor, four hours and natural science, Federal Government pays for natural science..... 400 00

Mrs. Davis, instructor, three hours in duties as preceptress.. 1,000 00

J. Kennedy, professor, four hours' registers work and classification of students in preparatory and Normal department..... 2,000 00

J. Macine, professor, five hours..... 2,000 00

W. Merrifield, professor, two hours and administrative and executive work as president.....	\$ 2,500 00
George T. Rygh, assistant professor, four hours	1,200 00
G. St. J. Perrott, instructor, four hours and clerical work of State high school examinations	900 00
H. B. Wooworth, professor, three hours and work of librarian	2,000. 00
Geo. A. Breman, assistant librarian, (student).....	80 00
J. F. Douglass, assistant librarian, (student).....	80 00
E. B. Robbins, assistant in physical laboratory, (student)....	100 00
C. A. Engebretson, assistant in biological laboratory, (student)	100 00
W. C. Hawthorne, assistant in chemical laboratory, (student)	100 00
Dr. Cora Smith, Eton, director in physical culture.....	50 00
And assistant, Emma C. Crans.....	50 00
Joseph Guyot, janitor.....	1,300 00
Total.....	\$ 23,860 00

The president of the university is enthusiastic, thoroughly going, sincere and earnest and evidently the right man in the right place. He is assisted in the work by an excellent corps of instructors, each a specialist in the work assigned him. The character of the work done is thorough, modern and useful. With such a president and such a faculty the quality of work must be good.

5. The fuel used consists of elm, cottonwood and box-elder and poplar wood. About 800 cords are used yearly. This wood is grown for the most part in the State of Minnesota, just across the river and the average price for the past two years has been \$3.30 per cord. The mental, physical and moral welfare of the students are as well looked after as they are in the best universities of the country. You will observe that a large per cent of the students come from the City and County of Grand Forks, yet it must be borne in mind that Grand Forks city and county are the second largest city and county in the State. There are but ten students in the preparatory department from the City of Grand Forks. The assertion that this institution is local in its character is well founded. If this State had a graded system of high schools your Committee would be inclined to disapprove of so much work being done in preparatory and elementary and normal departments of the University, but under the present conditions the following facts must be borne in mind. If the normal course was dropped the same instructors except the professors of pedagogy would be necessary, the same buildings, library, laboratory and museum answer for both. The status of the preparatory and normal must not be misunderstood.

The instructional force is not increased or duplicated because of either of those departments. In the best colleges and universities in the land chairs of pedagogy are now being established, so that even this chair would have to be retained if the University intends to recognize the teaching profession and be progressive. The preparatory course of the University is practically a first class high school. Only four or five cities in the State offer a three years' high school course, hence, all pupils in other places, country and village, if they wish to get even a high school course, must go away from home to get it. If they go to those four or five cities they will be charged tuition. The remedy for this is the establishment and maintenance of high schools throughout the State. But it seems, in the absence of high schools, the State should make provisions for such pupils, and it does so in the preparatory department of the university and normal schools. The college professors do the teaching in the preparatory and elementary normal and the expense of the institution could not be materially reduced were the preparatory and normal departments dropped. Then the normal and preparatory students coming in contact with higher educational life is broadened and deepened thereby.

We recommend that the following appropriations be made for the University for ensuing biennial period:

Salaries	\$ 44,720 00
Department of chemistry and zoology.....	500 00
Department of biology.....	500 00
Department of physics and astronomy.....	500 00
Department of languages.....	300 00
School of Mines.....	1,500 00
Library.....	1,000 00
Repairs to buildings and grounds.....	1,500 00
Fuel and lights.....	8,000 00
Engineer and assistants.....	2,800 00
Incidental fund.....	3,000 00
Water supply.....	500 00
Salary of secretary of board.....	1,000 00
Commutation of quarters for military instructor.....	720 00
Military department.....	300 00
Total0.....	\$ 66,840 00

THE REPORT OF THE STATE NORMAL SCHOOL, LOCATED AT MAYVILLE.

This building is the most substantially constructed and best finished of any building we visited; it is in good repair; the sanitary condition first class. Number of students in actual attendance on the day of our visit, February 7, 1895:

Gentlemen.....	63
Ladies.....	64
Total	127
Number whose homes are in the limits of Mayville.....	16
Number whose home postoffice is Mayville.....	47
Number from Traill County.....	53
Number who have taught before entrance to school.....	55
Number who are preparing to teach.....	117
Number who anticipate taking college later.....	84
Number who are wholly self-supporting.....	63
Number who are partly self-supporting.....	25
Sons and daughters of farmers.....	100

Average age of students, 20 years and 3 months.

At the end of last term there were 104 in attendance; at the same date last year there were an attendance as follows:

December 21, 1893.....	69
February 7, 1894.....	79

Average age of students as taken from their statements at time of enrollment, 19 years and 5 months.

We would say the work done in this school is first-class and a credit to the State. There are six instructors in the faculty including the president and exclusive of the critic teachers. By critic teachers we refer to the teachers of the three departments of the public school in which members of the senior class practice the art of teaching under criticism. The school at present pays \$400 for this privilege; this is much less expensive than would attend the operation of a practice school of their own. Salaries paid at present is as follows:

Principal, Louis B. Avery.....	\$2,000 00
L. C. Webster.....	1,300 00
J. S. Perigo.....	1,200 00

Mrs. M. V. Mustard	\$900 00 and home
Miss Electa A. Sylvester	650 00
Mr. Vinge	630 00
Practice School	400 00

The only other employes is a janitor who receives \$600 per year. He is an experienced mechanic and steam fitter, is reliable and should be retained if possible. He raised upon the school grounds during the summer vegetables enough to last the boarding department most of the year.

The number of classes taught by each daily: The principal has three recitations besides performing the work of the secretary of the institution additional to his other professional duties. Mr. Wooster has seven recitations in laboratory work. Mrs. Mustard has five recitations and has charge of the dormitory as preceptress. Mr. Perigo has four recitations and entire charge of the practice of the senior class.

Mrs. Sylvester has five recitations and charge of the text books, and the general library and reading room. Mr. Vinge has six recitations. The boarding department is on a separate basis, and is at present self-supporting. It pays the matron \$30 per month and home for the nine school months. Two servants are employed at the combined wages of \$33 per month. There are at present forty taking table board and twenty-six young ladies have rooms in the building. Three dollars per week is charged for board, room, heat and light. Table board costs \$2.50 per week. Kind of fuel used: they are at present using wood at the following rates: Oak and tamarack, \$3.80; basswood, \$3.30, per cord.

We recommend the appropriations for this institution to the sum of \$24,300, same being the amount recommended for the Normal School at Valley City. The work in general at these institutions of learning is most excellent. The members of the different faculties are able, conscientious and painstaking, the students are enthusiastic, obedient and teachable. The Normal Schools, together with the State University, are, in our judgment, doing much to create an educational spirit of high standard, and which will as a natural result make more efficient our system of education in the State. Were it not for the absolute necessity of rigid economy along all lines we would be pleased indeed to recommend liberal appropriations.

A. C. MCGILLIVRAY,
 RICHARD McCARTEN,
 On part of Senate.
 J. S. MURPHY,
 JOHN E. HODGSON,
 J. B. SHARPE,
 On part of House.

REPORTS OF STANDING COMMITTEES.

The Committee on Education made the following report:

MR. PRESIDENT:

Your Committee on Education to whom was referred
 Senate Bill No. 93,
 A Bill for an act for the encouragement of higher education
 and appropriating money therefor,
 Have had the same under consideration and recommend that
 the substitute bill do pass.

SUBSTITUTE FOR SENATE BILL No. 93.

A Bill for an Act for the Encouragement of Secondary Education.

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

SECTION 1. The Governor, the Superintendent of Public Instruction, and the President of the State University, *ex-officio*, are hereby constituted a board of commissioners on preparatory schools for the encouragement of higher education in the State. This board shall be called the "High School Board" and shall perform the duties, and have and exercise the power hereinafter mentioned.

SEC. 2. Any public graded school in any city, or incorporated village or township, organized into a district, under the so-called township or district system, which school shall give instruction according to the terms and provisions of this act, and shall admit students of either sex from any part of the State, shall be entitled to be classified as a State High School; PROVIDED, HOWEVER, That no such school shall be required to admit non-resident pupils unless they shall pass an examination in orthography, reading in English, penmanship, arithmetic, grammar, modern geography and the history of the United States.

SEC. 3. The said board shall require of the schools desiring to be classified as State High Schools, compliance with the following conditions, to-wit:

FIRST. That there be regular and orderly courses of study, embracing all the branches prescribed by said board for the first two years of the high school course.

SECOND. That the said schools classified as State High Schools under this act shall at all times permit the said board of commissioners, or any of them, to visit and examine the classes pursuing the said preparatory courses.

SEC. 4. The said board of commissioners shall cause each school classified as a State High School under this act to be visited, at least once in each school year, by a committee of one or more members, who shall carefully inspect the instruction and discipline of the said high schools, and make a written report on the same immediately; PROVIDED, That the said board may, in their discretion, appoint, in any case, competent persons to visit and inspect any schools, and to make report thereon; and no school shall be classified as a State High School in any case until after such report shall have been received and examined by the board and the work of the school approved by vote of the board.

SEC. 5. The members of said board shall serve without compensation.

SEC. 6. The high school board shall have full discretionary power to consider and act upon applications of schools for classification and to prescribe the conditions upon which said classification shall be made; and it shall be its duty to accept such schools only as will, in its opinion, if accepted, efficiently perform the service contemplated by law. Any school once accepted and continuing to comply with law and regulations of the board made in pursuance thereof, shall be so classified not less than three years. The board shall have power to establish any necessary and suitable rules and regulations relating to examinations, reports, acceptance of schools, courses of studies, and other proceedings under this act.

SEC. 8. The said board shall keep a careful record of all their proceedings, and shall make on or before the first day of December in each year, a report, covering the previous school year, to the Superintendent of Public Instruction, showing the names and number of schools classified as State High Schools, and the number of pupils attending the classes in each, to which report they may add such recommendations as they may deem useful and proper.

SEC. 9. This act shall take effect and be in force from and after its passage

A. V. BENEDICT,
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. 69,

A Bill for an act making boards of trustees, commissioners, directors, person or persons liable for amounts expended in excess of appropriation, and providing for emergency expenditures,

And find the same correctly enrolled.

E. YOUNG,
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. 71,

A Bill for an act relating to the duties of county superintendent of schools.

Also,

Senate Bill No. 95,

A Bill for an act declaring void notes and other contracts, the signatures to which have been obtained by fraudulent representation, trick or artifice as to the nature and terms of the instrument as signed,

And find the same correctly engrossed.

E. YOUNG,
Chairman.

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

MR. PRESIDENT:

Your Committee on Engrolled and Engrossed Bills have examined

Senate Bill No. 82,

A Bill for an act establishing an emergency commission, prescribing their duties and appropriating money for the expense thereof,

And find the same correctly engrossed.

E. YOUNG,
Chairman.

The Committee on Education made the following report:

MR. PRESIDENT:

Your Committee on Education, to whom was referred

Senate Bill No. 3,
A Bill for an act to amend Section 23, Chapter 56, Laws of 1891,

Have had the same under consideration and recommend that the Substitute for Senate Bill No. 3 do pass.

A. V. BENEDICT,
Chairman.

SUBSTITUTE FOR SENATE BILL No. 3.

A BILL

For an Act to Amend Section 23 of Chapter 56, Laws of 1891, Being "An Act to Amend Sections 3, 4, 7, 8, 22, 24, 32, 37, 40, 55, 66, 67, 68, 74, 75, 79, 81, 83, 86, 87, 101, 110, 121, 122, 135, 136, 137, 140, 143, 144, 148, 167, 169 and 192 of Chapter 62, Laws of 1890, Entitled 'An Act to Provide for a Uniform System of Free Public Schools Throughout the State and to Prescribe Penalties for Violation of the Provisions Thereof.'"

Be It Enacted by the Legislative Assembly of the State of North Dakota:

SECTION 23. AMENDMENT.] That Section 121 be amended to read as follows:

SEC. 121. Such certificates shall be of three regular grades; the first grade for a term of three years; the second grade for the term of two years; and the third grade for one year, according to the ratio of correct answers of each applicant and other evidence of qualification appearing from the examination. No certificate shall be granted unless the applicant shall be found proficient in, and qualified to teach the following branches of a common English education; reading, writing, orthography, language lessons and English grammar, geography, United States History, arithmetic, (civil government) and physiology and hygiene, and for a first and second grade can pass a satisfactory examination in theory and practice of teaching. In addition to the above applicants for first grade certificates shall pass a satisfactory examination in physical geography, elements of natural philosophy, elementary geometry and algebra and psychology. The percentage required to pass any branch shall be prescribed by the State Superintendent. In addition to these regular grades of certificates the county superintendent may grant a permission to teach until the next regular examination to any person applying at any other time than at a regular examination, who can show satisfactory reasons for failing to attend such examination, subject to rules and regulations to be prescribed by the State Superintendent. Such permit shall not be granted more than once to any person. 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, by paying a fee of two (2) dollars into the institute fund of the county, and notifying both county and State Superintendent of the same, shall have his or her papers re-examined by the State Superintendent; the county superintendent shall, upon receipt of such notice from such complaining candidate, transfer said papers to the State Superintendent, who shall re-examine such answers, and if such answers warrant it, shall instruct the county superintendent to issue to such complaining candidate a county certificate of the proper grade and the county superintendent shall carry out such instructions.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred

Senate Bill No. 64,
A Concurrent Resolution,
Have had the same under consideration and recommend that
the same do pass.

C. B. LITTLE,
Chairman.

The Committee on Stock made the following report:

MR. PRESIDENT:

Your Committee on Stock to whom was referred
Senate Bill No. 87,

A Bill for an act to prevent the spread of contagious, infectious
and epidemic diseases among domestic animals; creating the
office of Chief State Veterinarian; prescribing the duties thereof,
and appropriating money for necessary expenses thereof,

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

A. L. HANSCOM,
Chairman.

Mr. Brown moved

That Alva A. Hall, postmaster, be excused on account of sick-
ness,

Which motion prevailed.

Mr. Brown moved

That H. D. Brown be elected assistant postmaster,

Which motion prevailed.

Mr. Benedict moved

That the courtesies of the floor be extended to Rev. E. P. Hall,

Which courtesies were granted.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE CHAMBER,
BISMARCK, N. D., Feb. 15, 1895. }

To the Senate:

GENTLEMEN:

I have the honor to transmit herewith copy of a letter this day
received from Governor Clough, the same relating to the appoint-
ment of a Committee of Conference in the matter of securing
lower freight rates on grain and coal. I remain.

Yours very respectfully,

ROGER ALLIN,
Governor.

Hon. Roger Allin, Governor of North Dakota, Bismarck, N. D.:

DEAR SIR: I have the honor to inform you that the Legislature has ap-
pointed the following Committee to confer with a committee from North Da-

kota with regard to the matter of securing lower freight rates on grain and coal:

On behalf of the Senate, J. Q. Conkhite and J. H. Smith.

On behalf of the House, B. F. Hartshorn, Howard M. DeLaittre and Daniel Shell.

I am, yours very sincerely,

D. M. CLOUGH,
Governor.

The President announced his signature to
Senate Bill No. 69,

A Bill for an act making boards of trustees, commissioners, directors, person or persons liable for amounts expended in excess of appropriation, and providing for emergency expenditures.

Mr. Benedict moved

That the rules be suspended and that House Bill No. 13 be given its third reading and put on its final passage,

Which motion prevailed.

House Bill No. 13,

A Bill for an act entitled "an act to encourage the manufacture of potato starch in the State of North Dakota,"

Was read the third time.

Mr. Tufts moved

To amend by providing that not more than \$2,000 be paid for bounty in any one year,

Which amendment was lost.

Mr. Day moved

To amend Section 2, lines 1 and 4 by striking out the words "State" where it appears and insert "county" in lieu thereof,

Which amendment was lost.

The question being on the final passage of the bill,

The roll being called there were ayes 22, nays 7, not voting 2.

Those who voted in the affirmative were:

Messrs—

Arnold,
Benedict,
Brown,
Clark,
Davis,
Enger,
Fuller,
Gregory,

Messrs—

Haggart,
Hanscom,
LaMoure,
Little,
McGillivray
Rourke,
Sorley,

Messrs—

Stevens,
Strom,
Tufts,
Viets.
White,
Wishek,
Young.

Those who voted in the negative were:

Messrs—

Burke,
Day,
Dobie.

Messrs—

Hillier,
Lamb,

Messrs—

McCarten,
Plain.

Absent and not voting, Messrs. Parkin and Valentine, who were excused.

So the bill passed and the title was agreed to.

Mr. Sorley moved

That the vote by which House Bill No. 13 was passed be reconsidered, and that the motion to reconsider be laid on the table,
Which motion prevailed.

Messrs. Tracy R. Bangs, D. B. Fisk, James McCormick and Dr. Evans were extended the courtesies of the Senate.

SPECIAL ORDER.

The hour having arrived for the consideration of the House amendments to Senate Bill No. 7,

A Bill for an act to amend Section one (1) of Chapter nine (9), of the Laws of 1891, providing clerk hire for the various State officers and making an appropriation therefor,

Mr. Haggart moved

That the Senate do now concur in the House amendments to Senate Bill No. 7.

Mr. LaMoure moved as a substitute

That the Senate do not concur in the House amendments to Senate Bill No. 7.

Roll call demanded.

The roll being called there were ayes 13, nays 14, not voting 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Benedict,	Gregory,	McCarten,
Burke,	Hillier,	McGillivray,
Davis,	Lamb,	Plain,
Dobie,	LaMoure,	White.
Enger,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hanscom,	Strom,
Brown,	Little,	Tufts,
Clark,	Rourke,	Viets,
Day,	Sorley,	Wishek.
Haggart,	Stevens,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Parkin,	Young,	Fuller.
Valentine,		

So the substitute motion was lost and the amendments were concurred in.

The question recurring on the final passage of the bill as amended by the House.,

The roll being called there were ayes 21, nays 6, not voting 4.

Those who voted in the affirmative were:

Messrs—

Arnold,
Benedict,
Brown,
Burke,
Clark,
Davis,
Day,

Messrs—

Dobie,
Enger,
Haggart,
Hanscom,
Lamb.
LaMoure,
Little,

Messrs—

McGillivray,
Rourke,
Sorley,
Strom,
Tufts,
Viets,
Wishek.

Those who voted in the negative were:

Fuller,
Gregory,

Hillier,
McCarten,

Plain,
Stevens.

Absent and not voting:

Messrs—

Parkin,
Valentine,

Messrs—

White,

Messrs—

Young.

So the bill passed and the title was agreed to.

Mr. Haggart moved

That the vote by which Senate Bill No. 7 was passed be reconsidered, and that the motion to reconsider be laid on the table,
Which motion prevailed.

Mr. Haggart moved

That the courtesies of the floor be extended to W. D. Sweet, J. H. Bowers and D. W. Shield,

Which courtesies were so extended, there being no objection.

The President *pro tempore* in the Chair.

The third reading of

House Bill No. 119,

A Bill for an act entitled "an act to establish a Probate Code for the State of North Dakota,"

Was continued.

Mr. Rourke asked consent to take up the ninth order of business.

INTRODUCTION OF BILLS.

Mr. Rourke introduced

Senate Bill No. 129,

A Bill for an act to amend Section 1961 (a) of the Civil Code,

Which was read the first and second times, and

Referred to the Judiciary Committee.

Mr. Dobie introduced

Senate Bill No. 130,

A Bill for an act to amend Chapter 5 of the Penal Code, Revised Statutes of 1877, entitled "crimes against the elective franchise, by adding them to certain sections as Sub-Chapter 5,"

Which was read the first and second times, and

Referred to the Committee on Joint Compilation, by them to be referred to the Committee on Elections.

Mr. Burke presented a Concurrent Resolution amending the Constitution, as Senate Bill No. 128,

Which was read and referred to the Judiciary Committee.

The President *pro tempore* called Mr. Brown to the Chair.

The third reading of House Bill No. 119 continued.

Mr. Rourke asked consent to take up the eighth order of business,

Which consent was granted.

Mr. Rourke moved

That 200 extra copies of Senate Bill No. 125 be printed,

Which motion prevailed.

PETITIONS AND COMMUNICATIONS.

Mr. Davis presented the following petition:

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

The undersigned, citizens and taxpayers of the City of Grand Forks and State of North Dakota, and who now are, and for ten years last past have been engaged in the business of peddling goods through the country districts, represent to your honorable body that the present laws of the State of North Dakota regulating the licensing of peddlers is a hardship on those engaged in the business of peddling, and we do most respectfully petition your honorable body to enact laws regulating the issuance of license to peddlers similar to those in force in the States of Minnesota and Wisconsin, whereby a license can be procured from the State good in all portions of the State, and thereby avoid the necessity of procuring a license in each county.

MAX RABINOVICH,

(And 40 others.)

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
February 15, 1895. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 50,

A Bill for an act to amend Section 2 (a) of Chapter 122 of the General Laws of 1890, 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,

House Bill No. 69,

A Bill for an act entitled "an act to encourage the culture of the sugar beet in the State of North Dakota and the manufacture of

sugar from the same and to appropriate three hundred dollars or so much as may be necessary to defray the expenses thereof,"

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

Also,

A Concurrent Resolution memorializing Congress to restore the tariff on wool,

In which the House has concurred.

Respectfully,
J. M. DEVINE,
Chief Clerk.

Mr. President in the Chair.

The third reading of
House Bill No. 119,

A Bill for an act entitled "an act to establish a Probate Code for the State of North Dakota,"

Was concluded.

Mr. Haggart moved

That the rules be suspended and that House Bill No. 135 be given its third reading,

Which motion prevailed.

House Bill No. 135,

A Bill for an act to establish a Penal Code for the State of North Dakota.

Was put upon its third reading.

Mr. McGillivray moved

That the Senate take a recess until tomorrow morning at 10 o'clock,

Which motion prevailed.

FRED FALLEY,
Secretary.

MORNING SESSION—THIRTY-NINTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 16, 1895.

The Senate was called to order by Mr. Enger pursuant to adjournment.

The third reading of
House Bill No. 135,

A Bill for an act to establish a Penal Code for the State of North Dakota.

Mr. President in the Chair.

The President announced he was about to sign
Senate Bill No. 7,

A Bill for an act to amend Section one (1) of Chapter nine (9), of the Laws of 1891, providing clerk hire for the various State officers and making an appropriation therefor.

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. 7,

A Bill for an act to amend Section 1 of Chapter 9 of the Laws of 1891, providing clerk hire for the various State officers and making an appropriation therefor.

Also,

A Concurrent Resolution memorializing Congress to restore the tariff on wool,

And find the same correctly enrolled.

E. YOUNG,
Chairman.

The courtesies of the floor of the Senate were extended to C. E. Leslie, A. C. Sorler and Gunder Howard, of Hillsboro, and Dr. John Montgomery, of Walsh county.

Third reading of
House Bill No. 135,

A Bill for an act to establish a Penal Code for the State of North Dakota,

Being in progress,

Mr. Strom moved

That, the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

FORTIETH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 16, 1895.

The Senate was called to order by the President.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Parkin, Valentine and Gregory,

Who were excused.

The Journal was read and approved.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
February 16, 1895.

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 26,

A Bill for an act to repeal Chapter 101, Session Laws of 1893.

Also,

House Bill No. 112,

A Bill for an act to suppress and prevent the printing, selling, loaning, making, advertising, giving away or exposing to view, or showing or taking subscriptions for any indecent or obscene literature, prints, etchings, drawings or papers, or any article or instrument of immoral use, and prescribing the punishment therefor.

Also,

House Bill No. 103,

A Bill for an act to create the seventh judicial district of the State of North Dakota, and defining the boundaries of the first and seventh judicial districts, and providing for terms of court in the seventh judicial district.

Also,

House Bill No. 146,

A Bill for an act to prescribe penalties for the unlawful manufacture, keeping, sale of illuminating oils manufactured from petroleum as coal oils, and to repeal Chapter 107 of the Laws of 1890 and Chapter 77 of the Laws of 1893.

Also,

House Bill No. 10,

A Bill for an act to amend Section 2578, Compiled Laws of 1887, relating to divorce.

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

Respectfully,

J. M. DEVINE,

Chief Clerk.

Mr. Little moved

That the regular order of business be taken up and disposed of,
Which motion prevailed.

Mr. LaMoure rose to a question of personal privilege, denying certain allegations contained in the Jamestown Alert.

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. 118,

A Bill for an act providing for the deposit in court of money, property or effects for which there are adverse claimants,

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

By striking out the word "Legislature" in the enacting clause and insert in lieu thereof the words "Legislative Assembly."

And when so amended recommend that the same do pass.

C. B. LITTLE,
Chairman.

Also,

Your Committee on Judiciary to whom was referred

Senate Bill No. 120,

A Bill for an act regulating voting at primary elections,

Have had the same under consideration and recommend that the same 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

Senate Bill No. 89,

A Bill for an act to repeal Chapter 145 of the Session Laws of 1893 providing a State bounty for the destruction of wolves,

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

P. H. ROURKE,
Chairman.

The Committee on Highways, Bridges and Ferries the made following report:

MR. PRESIDENT:

Your Committee on Highways, Bridges and Ferries to whom was referred

House Bill No. 51,

A Bill for an act to amend Section 687, Penal Code of Revised Codes of 1877, being Section 6876 of the Compiled Laws of 1887,

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

RICHARD McCARTEN,
Chairman.

The Committee on Warehouses and Grain Grading made the following report:

MR. PRESIDENT:

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

House Bill No. 101,

A Bill for an act to provide for the licensing of public warehouses,

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

E. P. DAY,
Chairman.

The Committee on Public Lands made the following report:

MR. PRESIDENT:

Your Committee on Public Lands to whom was referred Senate Bill No. 94,

A Bill for an act to amend Sections 5 and 69, Chapter 118, Laws of 1893, entitled "an act to amend all of Chapters 25, 146, 147 and 148 of the Laws of 1890, and Chapter 65 of the Laws of 1891, and to provide for the management, control and disposal of university, school and all other public lands of the State, and the management of the funds arising therefrom, and making an appropriation therefor,"

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

JOHN BURKE,
Chairman.

Mr. McGillivray moved

That the courtesies of the Senate be extended to Hon. T. S. Underhill, of Stark County,

Which courtesies were so extended, there being no objection.

Mr. Sorley moved

That House Bill No. 1 be given its third reading and put upon its final passage.

Mr. McGillivray moved

To amend and that House Bill No. 1 be referred to the Committee on Judiciary,

So the amendment prevailed, and

House Bill No. 1 was referred to the Committee on Judiciary.

INTRODUCTION OF BILLS.

Mr. Haggart introduced

Senate Bill No. 131,

A Bill for an act to amend Chapter 100 of the Session Laws of 1890, being an act to amend Articles 4, 9 and 16 of Chapter 73 of the General Laws of 1887, entitled "an act to provide for the incorporation of cities, and to repeal Section 1 of Chapter 97 of the Laws of 1890 in so far as the same relates to cities,"

Which was read the first and second times, and

Referred to the the Committee on Cities and Municipalities.

The Committee on Education introduced

Senate Bill No. 132.

A Bill for an act to provide free text books for use in public schools of this State,

Which was read the first and second times, and
Referred to the Committee on Education.

Also,
Senate Bill No. 133,

A Bill for an act to provide for a uniform system of free public schools,

Which was read the first and second times, and
Referred to the Committee on Education.

Mr. Haggart introduced
Senate Bill No. 134,

A Bill for an act to amend and re-enact Sections 2, 17, 21, 22
and 23 of Article 15 of Chapter 73 of the Laws of 1887,

Which was read the first and second times, and
Referred to the Committee on Cities and Municipalities.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
February 16, 1895. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 150,

A Bill for an act entitled "an act to establish a Code of Criminal Procedure for the State of North Dakota,"

Which the House has passed and your approval is respectfully requested.

Respectfully,
J. M. DEVINE,
Chief Clerk.

FIRST AND SECOND READING OF HOUSE BILLS.

House Bill No. 64,

A Bill for an act compelling railroad companies to provide a certain number of men to man trains, and prescribing penalties for neglect thereof,

Which was read the first and second times, and
Referred to the Committee on Railroads.

House Bill No. 4,

A Bill for an act to amend Subdivision 11 of Section 1, Chapter 100, Laws of 1891,

Was read the first and second times, and
Referred to the Judiciary Committee.

House Bill No. 103,

A Bill for an act to create the seventh judicial district of the State of North Dakota, and defining the boundaries of the first

and seventh judicial districts, and providing for terms of court in the seventh judicial district.

Mr. LaMoure moved

That House Bill No. 103 be referred to the delegation of the counties affected,

Which motion prevailed, and

The bill was referred to a committee consisting of Messrs. LaMoure, Dobie, Hillier, Clark, Plain, Viets, Sorley, Arnold, Burke and Lamb.

House Bill No. 99,

A Bill for an act to promote speedy justice and a prompt hearing of cases appealed to the supreme court,

Which was read the first and second times, and

Referred to the Judiciary Committee.

House Bill No. 108,

A Bill for an act requiring county treasurers to report to town clerks amounts of township funds on hand and amounts drawn by town treasurers and requiring town clerks to keep accounts of township funds,

Which was read the first and second times, and

Referred to the Committee on Counties.

House Bill No. 105,

A Bill for an act to amend Section 18 of Chapter 60 of the Laws of 1893, entitled "an act to amend Sections 1, 2, 4, 5, 16, 17, 18 and 24 of Chapter 66 of the Laws of 1891, known as the Australian Ballot Law and to amend Section 20 of Chapter 66 of the Laws of 1891, providing for printing and distributing ballots at public expense and to regulate voting at all general elections except municipal, town or school elections,"

Which was read the first and second times, and

Referred to the Committee on Elections.

House Bill No. 67,

A Bill for an act providing for the appointment of the Governor as superintendent of census and to carry out the Constitutional provisions regarding the taking of a State census in 1895 and an appropriation therefor,

Which was read the first and second times, and

Referred to the Committee on State Affairs.

House Bill No. 85,

A Bill for an act entitled "an act to amend Section 3 of Chapter 38 of the Session Laws of 1890, relating to the construction of county bridges,"

Which was read the first and second times, and

Referred to the Committee on Highways, Bridges and Ferries.

House Bill No. 50,

A Bill for an act to amend Section 2 (a) of Chapter 122 of the

General Laws of 1890, entitled "an act to regulate common carriers, and defining the duties of Commissioners of Railroads in relation thereto, in the State of North Dakota,

Which was read the first and second times, and
Referred to the Committee on Railroads.

House Bill No. 26,

A Bill for an act to repeal Chapter 101, Session Laws of 1893,
Which was read the first and second times, and
Referred to the Committee on Railroads.

House Bill No. 92,

A Bill for an act entitled "an act to encourage the culture of sugar beets in the State of North Dakota and their manufacture into sugar,"

Which was read the first and second times, and
Referred to the Committee on Agriculture.

House Bill No. 28,

A Bill for an act entitled "an act making Labor Day a legal holiday,"

Which was read the first and second times, and
Referred to the Committee on Ways and Means.

House Bill 112,

A Bill for an act to suppress and prevent the printing, selling, loaning, making, advertising, giving away or exposing to view, or showing or taking subscriptions for any indecent or obscene literature, prints, etchings, drawings or papers, or any article or instrument of immoral use, and prescribing the punishment therefor,

Which was read the first and second times, and
Referred to the Committee on Temperance.

House Bill No. 146,

A Bill for an act to prescribe penalties for the unlawful manufacture, sale and keeping for sale of illuminating oils manufactured from petroleum or coal oils, and to repeal Chapter 107 of the Laws of 1890, and Chapter 77 of the Laws of 1893,

Which was read the first and second times, and
Referred to the Committee on State Affairs.

House Bill No. 69,

A Bill for an act to encourage the culture of the sugar beet in the State of North Dakota, and the manufacture of sugar from the same, and to appropriate three hundred dollars or so much as may be necessary to defray the expenses thereof,

Which was read the first and second times, and
Referred to the Committee on Appropriations.

House Bill No. 117,

A Bill for an act to amend Section 51 of Chapter 118 of the

Laws of 1893, in relation to the appraisment for lease of school and public lands,

Which was read the first and second times, and
Referred to the Committee on State Affairs.

House Bill No. 10,

A Bill for an act entitled "an act to amend Section 2578, Compiled Laws of 1887, relating to divorce,"

Which was read the first and second times, and
Referred to the Committee on Judiciary.

Mr. Little moved

That House Bill No. 119 be put upon its final passage,
Which motion prevailed.

The question being on the final passage of House Bill No. 119,
A Bill for an act to establish a Probate Code for the State of North Dakota,"

Mr. Rourke, for the Joint Committee on Compilation, moved to amend as follows:

That House Bill No. 119 be amended as follows:

In Section 19 strike out the words "twenty-four" and insert "twenty-one."

In Section 22 strike out the words "twenty-two and twenty-three" and insert "nineteen and twenty," also the words "thirty-two" and insert "twenty-eight."

In Section 30 strike out "thirty-two" and insert "twenty-eight," strike out "twenty-three" and insert "nineteen," strike out "twenty-four" and insert "twenty."

In Section 46 strike out "thirty-nine" and insert "thirty-five."

In Section 69 strike out the words "sixty-nine" and insert "sixty-five."

In Section 78 strike out "sixty-nine" and insert "sixty-five."

In Section 99 strike out "ninety-eight" and insert "ninety four."

In Section 111, line 3, strike out "thirteen" and insert "nine."

In Section 117 strike out "eighty-three" and insert "seventy-nine."

In Section 130 strike out "sixty-six" and insert "sixty-two."

In Section 243, line 9, strike out the word "three."

In Section 248 strike out figures "256" and insert words "two hundred and fifty-two."

In Section 260, last line, strike out "fourth" and insert "fifth."

In Section 267 strike out, in line 7, the words "the first and second sections of Chapter 6" and insert "Section two hundred and forty."

Strike out all of Section 343.

In Section 347 strike out the word "probate" and insert "county."

Which motion prevailed, and

The amendment was adopted.

The question being upon the final passage of the bill as amended,

The roll being called there were ayes 25, nays none, not voting 6.

Those who voted in the affirmative were:

Messrs—

Arnold,
Benedict,
Brown,
Burke,

Messrs—

Haggart,
Hillier,
Lamb,
LaMoure,

Messrs—

Rourke,
Sorley,
Stevens,
Strom,

Messrs—

Clark,
Davis,
Dobie,
Enger,
Fuller,

Messrs—

Little,
McCarten,
McGillivray,
Plain,

Messrs—

Viets,
White,
Wishek,
Young.

Absent and not voting:

Messrs—

Day,
Gregory,

Messrs—

Hanscom,
Parkin,

Messrs—

Tufts,
Valentine.

Messrs. Gregory and Valentine being excused.

So the bill passed and the title was agreed to.

The President Announced has signature to a Concurrent Resolution memorializing Congress is to restore the tariff on wool.

Mr. Rourke moved

That the rules be suspended and that Senate Bill No. 68 be given its third reading and put upon its final passage,

Which motion prevailed.

Senate Bill No. 68,

A Bill for an act to amend Article 11 of Chapter 13 of the Code of Civil Procedure, being Section 5226 to Section 5140 inclusive and to repeal Section 1 of Chapter 50 of the Laws of 1893, being Section 5137 of the Compiled Laws,

Was read the third time.

Mr. Wishek moved

To amend in line 19, after the word "binder" insert the word "header,"

Which amendment prevailed.

The question being upon 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—

Arnold,
Benedict,
Brown,
Burke,
Clark,
Davis,
Day,
Dobie,
Enger,

Messrs—

Fuller,
Haggart,
Hanscom,
Hillier,
Lamb,
LaMoure,
Little,
McCarten,
McGillivray,

Messrs—

Plain,
Rourke,
Sorley,
Strom,
Tufts,
Viets,
White,
Wishek,
Young.

Mr. Stevens voting in the negative.

Absent and not voting:

Messrs—

Gregory,

Messrs—

Parkin,

Messrs—

Valentine.

Who were excused.

Mr. Arnold moved

To amend the title by striking out "and to repeal Section 1 of Chapter 50 of the Laws of 1893, being Section 5137 of the Compiled Laws."

Mr. Rourke moved

To amend the amendment by striking out after the word inclusive the words "and to repeal Section 1 of Chapter 50 of the Laws of 1893, being Section 5137."

Which amendment prevailed and the title was so agreed to.

Mr. Burke moved

That the Senate do now adjourn.

Roll call demanded.

The roll being called there were ayes 15, nays 12, not voting 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Brown,	LaMoure,	Sorley,
Burke,	Little,	Stevens,
Clark,	McGillivray,	Tufts,
Fuller,	Plain,	Viets,
Haggart,	Rourke,	Wishek.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Arnold,	Dobie,	McCarten,
Benedict,	Enger,	Strom,
Davis,	Hillier,	White,
Day,	Lamb,	Young.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Gregory,	Parkin,	Valentine.
Hanscom,		

Who were excused,

And the Senate adjourned.

FRED FALLEY,
Secretary.

FORTY-SECOND DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 18, 1895.

The Senate was called to order by the President.

Prayer by the Chaplain.

Roll called.

All members present except Messrs Little, Burke, Parkin and Valentine, who were excused.

The Journal was read and approved.

A sealed communication was received from the Governor.

Mr. Day moved

That the Senate now go into executive session to consider the communication,

Which motion prevailed.

After the executive session the Senate took a recess.

The Senate re-assembled.

The President in the Chair.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

EXECUTIVE CHAMBER,
BISMARCK, N. D., Feb. 18, 1895. }

To the Senate:

GENTLEMEN: I have the honor to inform you that, reposing confidence in the integrity and ability of the following named gentlemen, I do hereby nominate, and with the advice and consent of the Senate, do appoint each of them to the position and office hereinafter named:

Members of the Board of Trustees of the North Dakota Reform School at Mandan, North Dakota:

- Christian A. Heegaard.....Morton county
- John T. Nelson.....Morton county
- James R. Clark.....Morton county
- Henry Mann.....Morton county
- W. L. Yeater.....Emmons county

Each for the term of two years, as provided by Section 2, Chapter 164, Laws of 1890.

Trustees of the Deaf and Dumb Asylum:

- O. H. Aaberg.....Ramsey county
- L. P. LeMay.....Bottineau county

Each for a term of four years, as per Section 2, Chapter 122, Laws of 1893.

Members of the Board of Commissioners of the Soldiers' Home at Lisbon:

- J. D. Black.....Barnes county, for the term of five years
- H. Gardner.....Ransom county, for the term of four years
- M. F. Brown.....Ransom county, for a term of three years

As per Section 5, Chapter 12, Laws of 1893.

Trustees of the University of North Dakota:

- William Budge.....Grand Forks county
- Henry La Veyea.....Grand Forks county
- David Bartlett.....Griggs county

Each for a term of four years as per Section 1, Chapter 93, Laws of 1889.

Members of the Board of Management of the Normal School at Mayville:

- K. H. Brunsdahl.....Steele county
- W. C. Paulson.....Traill county
- H. M. Kiff.....Cass county

Each for a term of four years as per Sections 3 and 6, Chapter 89, Laws of 1891.

Members of the Board of Management of the Normal School at Valley City:

James Hackney.....Eddy county
F. P. Allen.....Ransom county

Each for a term of four years as per Sections 3 and 6, Chapter 89, Laws of 1891.

Trustees of the North Dakota Hospital for the Insane:

H. C. Cornwall.....Stutsman county
J. W. Mitchell.....Cass county
A. Montague.....Stark county

Each for a term of four years as per Section 1, Chapter 93, Laws of 1889.

Respectfully,

ROGER ALLIN,
Governor.

All of the nominations were confirmed except that of Mr. M. H. Kiff, which was rejected.

Sealed message received from the Governor.

Mr. Haggart moved

That the Senate now go into executive session to consider the Governor's communication.

Which motion prevailed.

The following communication was received from the Governor:

EXECUTIVE CHAMBER, }
BISMARCK, N. D., Feb. 18, 1895. }

To the Senate:

GENTLEMEN: I have the honor to inform you that, reposing confidence in the integrity and ability of the following named gentleman, I do hereby nominate and with the advice and consent of the Senate do appoint him to the position and office hereinafter named:

Member of the Board of Management of the Mayville Normal School:

Thomas Harrison.....Traill county

For a term of four years as per Sections 3 and 6, Chapter 89, Laws of 1891.

Respectfully,

ROGER ALLIN,
Governor.

The following communication was received from the Governor:

EXECUTIVE CHAMBER,
BISMARCK, N. D., Feb. 18, 1895. }

To the Senate:

GENTLEMEN: I have the honor to inform you that I have this day approved

Senate Bill No. 7, entitled

A Bill for an act to amend Section 3, Chapter 9 of the Laws of 1891, to provide clerk hire for the various State officers, and making appropriations therefor.

Also,

Senate Bill No. 69,

A Bill for an act making boards of trustees commissioners, directors, person or persons liable for amounts expended in excess of appropriations, and providing for emergency expenditures,

Yours respectfully,

ROGER ALLIN,
Governor.

The courtesies of the floor were extended to Rev. Sutherland, W. J. Kneeshaw, Geo. P. Harvey and Dr. Todd.

Mr. Sorley moved

That the rules be suspended, and that Substitute for House Bill No. 46 be read the third and put on its final passage,

Which motion prevailed.

Substitute for House Bill No. 46.

A bill for an act to amend Section 7 of Chapter 110 of the Session Laws of 1890, entitled "an act to prescribe penaltise for the unlawful manufacture, barter, sale and giving away of such intoxicating liquors for medicinal, scientific and mechanical purposes."

Mr. Sorley offered the following amendment:

In line 5 by striking out the word "said" and insert in lieu thereof the word "the."

Strike out "of 25" in lines 5 and 6 and insert after the word "number" the words "required by law."

Mr. White moved

To adopt the amendment.

Mr. LaMoure moved

To amend by striking out all after the enacting clause.

Mr. McGillivray moved

To make House Bill No. 46 a special order for Tuesday, Feb. 26, at 3 o'clock.

Roll call demanded.

The roll being called there were ayes 12, nays 14, not voting 5

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Benedict,	Haggart,	Sorley,
Brown,	Lamb,	White,
Davis,	McGillivray,	Wishek,
Day,	Plain,	Young.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gregory,	Stevens,
Clark,	Hanscom,	Strom,
Dobie,	Hillier,	Tufts,
Enger,	LaMoure,	Viets,
Fuller,	McCarten,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Burke,	Parkin,	Valentine.
Little,	Rourke,	

So the motion was lost.

Mr. McGillivray moved

That House Bill No. 46 be made a special order for Wednesday, Feb. 27, at 3 o'clock.

Roll call demanded.

The roll being called there were ayes 16, nays 10.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Benedict,	Hanscom,	Sorley,
Brown,	Hillier,	Viets,
Clark,	Lamb,	White,
Day,	McGillivray,	Wishek,
Gregory,	Plain,	Young.
Haggart,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Arnold,	Fuller,	Stevens.
Davis,	LaMoure,	Strom,
Dobie,	McCarten,	Tufts,
Enger,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Burke,	Parkin,	Rourke.
Little,	Valentine,	

So the motion prevailed.

Mr. White moved

That the Substitute for House Bill No. 41 be read the third time and put on its final passage,

Which motion prevailed.

Substitute for House Bill No. 41,

A Bill for an act to amend Sections 4, 5, 6, 18, 22, 23, 43, 57

and 61 of the Military Code, being Chapter 86 of the Session Laws of 1891,

Was read the third time.

Mr. White moved

To amend by adding at the end of Section 4 the words "or who, by reason of wounds incurred in the service, was sooner discharged,"

Which motion prevailed.

The question recurring on the final passage of the bill as amended,

The roll being called, there were ayes 21, nays 4, not voting 6.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Enger,	Sorley,
Benedict,	Gregory,	Stevens,
Brown,	Hillier,	Strom,
Clark,	Lamb,	Viets,
Davis,	McCarten,	White,
Day,	McGillivray,	Wishek,
Dobie,	Plain,	Young.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Haggart,	LaMoire,	Tufts.
Hanscom,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Burke,	Little,	Rourke,
Fuller,	Parkin,	Valentine.

So the bill passed and the title was agreed to.

Mr. White moved

That the vote by which House Bill No. 41 was passed be reconsidered, and that the motion to reconsider be laid on the table.

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
February 18, 1895. }

MR. PRESIDENT:

I have the honor to transmit herewith a Concurrent Resolution urging Senators Hansbrough and Roach to use all possible efforts to have the sundry civil appropriations of \$12,500 for measurement of streams and subterranean water supply in the arid and semi-arid States, increased to \$50,000,

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

Respectfully,
J. M. DEVINE,
Chief Clerk.

CONCURRENT RESOLUTION.

Be it Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring, that :

WHEREAS, There is a large area of land in this State that would be vastly benefited by a practicable system of irrigation; and

WHEREAS, The House of Representatives of the United States has appropriated the sum of \$12,500 only for the measurements of streams and subterranean supply of water of the entire United States; and

WHEREAS, The said sum is insufficient to cover the large area of arid and semi arid States of the whole United States; and

WHEREAS, The Sundry Civil Bill providing said appropriation is now in the hands of the United States Senate for final action; therefore, be it

Resolved, That the following telegram be sent this day to "Senator Hansbrough and Senator Roach, Washington D. C: 'If possible have Sundry Civil appropriation of \$12,500 for measurement of streams and subterranean water supply in the arid and semi-arid States increased to at least \$50,000,'" and the proper officers of the Legislative Assembly and Senate are hereby directed to sign the same.

Mr. La Moure moved

That the Senate do now concur in the resolution,

Which motion prevailed and the resolution was concurred in.

Mr. Day moved

That the secretary read the Attorney General's opinion on Senate Bill No. 72,

Which motion prevailed.

The following communication was received from the Attorney General:

BISMARCK, Feb. 18th, 1895.

To the Honorable Senate of the State of North Dakota:

Agreeably to the resolution of your honorable body of recent date referring Senate Bill No. 72 to this office for an opinion as to the legality of the same, I herewith return said bill and respectfully say, in my opinion, Section 2 is faulty in that the provisions for determining the damage that will be sustained by railroad companies are too indefinite and obscure. There seems to be doubt as to whose duty it shall be to assess the damage; whether that of the railroad commissioners or the jury.

I am of the opinion that Section 5 violates the inhibition contained in Subdivision 5 of Section 69, of the Constitution in that it amounts to a special law regulating the practice in a court of justice.

Very respectfully yours,

JOHN F. COWAN,
Attorney General.

Mr. La Moure moved

That Senate Bill No. 72 be referred to the Judiciary Committee for correction,

Which motion prevailed.

Mr. Sorley moved

That the rules be suspended for the purpose of introducing a bill and that Senate Bills have their first and second reading and reference,

Which motion prevailed.

Mr. Sorley introduced

Senate Bill No. 135,

A Bill for an act declaring the Carlisle tables of mortality to be competent evidence in certain cases,

Was read the first and second times, and

Referred to the Judiciary Committee.

Mr. Haggart introduced

Senate Bill No. 136,

A Bill for an act to repeal Section 24 of Article 15 of Chapter 73 of the Laws of 1887, being Section 982 of the Compiled Laws,

Which was read the first and second times, and

Referred to the Joint Committee on Compilation and by them to be referred to the Judiciary Committee.

The Committee on Education introduced

Senate Bill No. 137,

A Bill for an act to amend Sections 117, 118 and 120, Chapter 62, Laws of 1890, being an act providing for a uniform system of free public schools,

Which was read the first and second times, and

Referred to the Committee on Education.

Mr. Haggart moved

That the rules be suspended for the receiving and reading of the reports of Standing Committees,

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. 68,

A Bill for an act to amend Section 11 of Chapter 13 of the Code of Civil Procedure, being Sections 5126 to Section 5140 inclusive, of the Compiled Laws,

And find the same correctly engrossed.

E. YOUNG,
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 11,

A Bill for an act to amend the ninth paragraph of Section 7 of Chapter 132 of the Session Laws of 1890, entitled "an act pre-

scribing the mode of making assessment and the levy and collection of taxes, and for other purposes relative thereto,"

Have had the same under consideration and recommend that the same do not pass, for the reason that said bill does not comply with Senate Rule No. 38.

C. E. GREGORY,
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. 46,

A Bill for an act to provide for the payment of the salaries of county officers monthly,

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

By striking out the words "who are paid for any part of their salary fixed by law, or which salary has been determined by the board of county commissioners as provided by law" in Section 1 of said bill, and inserting in lieu thereof the words "who receive a salary, the amount of which is either fixed by law or determined by the board of county commissioners,"

And when so amended recommend that the same do pass.

C. E. GREGORY,
Chairman.

The Committee on Railroads made the following report:
MR. PRESIDENT:

Your Committee on Railroads, to whom was referred Senate Bill No. 48,

A Bill for an act fixing the maximum rates that railroad companies may charge for the transportation of soft coal within the State of North Dakota,

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

By striking out the word "soft" wherever it occurs just immediately before "coal" in said bill and in the title of said bill.

That the rate per ton be written out in full wherever the rate appears in figures and is not now written.

That Section 2 of said bill be amended to read as follows: "Any railroad company violating any of the provisions of this act shall be subject to a fine of not less than twenty-five dollars per day for each and every day during which such violation shall continue, to be recovered by any person prejudiced or suffering loss or damage by such violation."

That Section 3 of said bill be amended to read as follows: "It shall be the duty of the Attorney General or of the state's attorney of any county in which an action arises against any railroad company for a violation of any of the provisions of this act, upon demand of the Board of Railroad Commissioners, to commence and prosecute all actions necessary for the enforcement of the provisions of this act,"

And when so amended recommend that the same do pass.

C. E. GREGORY,
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. 91,

A Bill for an act to prohibit the selling or letting of the labor
of convicts to private parties or corporations,

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

C. E. GREGORY,
Chairman.

The Committee on Cities and Municipalities made the following report:

MR. PRESIDENT:

Your Committee on Cities and Municipalities to whom was referred

Senate Bill No. 131,

A Bill for an act to amend Chapter 100 of the Session Laws
of 1890, being an act amending Articles 4, 9 and 16 of Chapter 73
of the General Laws of 1887, entitled "an act to provide for the
incorporation of cities," and also to repeal Section 1 of Chapter
97 of the Laws of 1890, in so far as the same relates to cities,

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

B. W. FULLER,
Chairman.

The Committee on Cities and Municipalities made the following report:

MR. PRESIDENT:

Your Committee on Cities and Municipalities to whom was referred

Senate Bill No. 134,

A Bill for an act to amend and re-enact Sections 2, 17, 21, 22
and 23 of Article 15 of Chapter 73 of the Laws of 1887,

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

B. W. FULLER,
Chairman.

The Committee on Public Printing made the following report:

MR. PRESIDENT:

Your Committee on Public Printing to whom was referred

Senate Bill No. 124,

A Bill for an act amending Section 20 of Chapter 119 of the
Session Laws of 1890, being an act providing for the public
printing of the State,

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

By striking out all after the word "reports" in line 19 of original bill.

And when so amended recommend that the same do pass.

J. H. WISHEK,
Chairman.

UNFINISHED BUSINESS.

The third reading of House Bill No. 13.

A Bill for an act to establish a Penal Code for the State of North Dakota.

Was resumed,

The third reading of House Bill No. 135 being in progress,

Mr. McGillivray moved,

That the Senate take a recess until tomorrow morning at 10 o'clock,

Which motion prevailed, and

The Senate adjourned.

FRED FALLEY,
Secretary.

MORNING SESSION—FORTY-SECOND DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 19, 1895.

The Senate was called to order by Mr. Haggart, President *pro tempore*.

The third reading of
House Bill No. 135,

A Bill for an act to establish a Penal Code for the State of North Dakota,

Was concluded.

Mr. Young moved

That House Bill No. 135 be made a special order for Feb. 19, at 2:30 p. m.,

Which motion prevailed.

Mr. Young moved
That House Bill No. 150 be taken up and put on its first reading,

Which motion prevailed.

House Bill No. 150,
A Bill for an act to establish a Code of Criminal Procedure for the State of North Dakota,

First reading was commenced.

Mr. President in the Chair.

The first reading of House Bill No. 150 continued.

The President called Mr. McCarten to the Chair.

First reading of House Bill No. 150 was concluded and read the second time, and

Referred to the Judiciary Committee.

Mr. Davis moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

FRED FALLEY,
Secretary.

FORTY-THIRD DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 19, 1895.

The Senate was called to order by the President.

Prayer was offered by Senator Stevens.

Roll called.

All members present except Messrs. Valentine, Little and Burke, who were excused.

The Journal was read and approved.

The courtesies of the floor of the Senate were extended to Col. W. C. Plummer, Hon. C. T. Templeton, T. E. Burke, F. A. Hart, A. P. Howe and Geo. Peoples.

PETITIONS AND COMMUNICATIONS.

Mr. Davis presented the following petitions:

We, the undersigned, voters and taxpayers of Foster county, do hereby petition you to vote and use your influence for the enactment of Senate Bill No. 38, said bill being for an act to provide free and uniform text books throughout the several counties of the State of North Dakota.

J. R. ENGBERG,
(And 35 others.)

Also,

We, the undersigned voters and taxpayers of Foster county, do hereby

petition you to vote and use your influence for the passage of Senate Bill No. 38, said bill being for an act to provide free and uniform text books through out the several counties of the State of North Dakota.

A. D. CAMPBELL,
(and 38 others.)

REPORTS OF STANDING COMMITTEES.

The Committee on Education made the following report:

MR. PRESIDENT:

Your Committee on Education, to whom was referred
Substitute for Senate Bill No. 93,

A Bill for an act for the encouragement of higher education,
Have had the same under consideration and recommend that
the same do pass.

Also,

Senate Bill No. 133,

A Bill for an act to provide for a uniform system of free public
schools,

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

Also,

Senate Bill No. 132.

A Bill for an act to provide free text books for use in public
schools,

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

Also,

House Bill No. 24,

A Bill for an act to provide for a uniform system of free public
schools,

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

Also,

Substitute for Senate Bill No. 3,

A Bill for an act to amend Section 121, Chapter 62, of the
Session Laws of 1890, entitled "an act to provide for a uniform
system of free public schools throughout the State, and to pre-
scribe penalties for violating the provisions thereof,"

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

A. V. BENEDICT,
Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred
House Bill No. 150,

A Bill for an act to establish a Code of Criminal Procedure for the State of North Dakota.

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

C. E. GREGORY,
Chairman.

The Committee on Elections made the following report:

MR. PRESIDENT:

Your Committee on Elections, to whom was referred
House Bill No. 105,

A Bill for an act entitled "an act to amend Section 18 of Chapter 60 of the Laws of 1893, entitled 'an act to amend Sections 1, 2, 4, 5, 16, 17, 18 and 24, of Chapter 66, of the Laws of 1891, known as the Australian Ballot Law,' and to amend Section 20, of Chapter 66, of the Laws of 1891, providing for printing and distributing ballots at public expense and to regulate voting at all general elections except municipal, town or school elections,"

Have had the same under consideration and report that the subject has been treated by the Revision Committee, hence we recommend that same do not pass.

J. A. SORLEY,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Stevens, by request, presented a Concurrent Resolution amending the Constitution as
Senate Bill No. 139.

INTRODUCTION OF BILLS.

Mr. Haggart introduced
Senate Bill No. 138,

A Bill for an act determining the southern boundary of the State of North Dakota,

Which was read the first and second times, and
Referred to the Committee on State Affairs.

Mr. Brown introduced
Senate Bill No. 140,

A Bill for an act defining the qualifications of electors of Indian descent,

Which was read the first and second times, and
Referred to the Committee on Indian Affairs.

Mr. Viets introduced
Senate Bill No. 141,

A Bill for an act to prohibit the manufacture, sale and use of adulterated cigarettes, and the sale of cigarettes, cigars and tobacco to minors,

Which was read the first and second times, and
Referred to the Committee on Judiciary.

Also,
Senate Bill No. 142,

A Bill for an act to amend Section 46 of Chapter 132, of the Laws of 1890, entitled "an act prescribing the mode of making assessment and the levy and collection of taxes and for other purposes relative thereto,"

Which was read the first and second times, and
Referred to the Judiciary Committee.

Mr. Wishek introduced
Senate Bill No. 143,

A Bill for an act to amend Section 307 of the Probate Code of the State of North Dakota,

Which was read the first and second times, and
Referred to the Judiciary Committee.

SPECIAL ORDERS.

House Bill No. 135 being a special order for this time,

A Bill for an act to establish a Penal Code for the State of North Dakota,

Mr. Sorley moved to amend,

In Section 347, in second line, after the word "assault" add "or assault and battery,"

Which amendment prevailed.

The question being upon the final passage of the bill as amended,

The roll being called, there were ayes 24; nays none, not voting 7.

Those who voted in the affirmative were:

Messrs—

Arnold,
Benedict,
Brown,
Clark,
Davis,
Dobie,
Enger,
Fuller,

Messrs—

Gregory,
Haggart,
Hanscom,
Hillier,
Lamb,
LaMoure,
McCarten,
McGillivray,

Messrs—

Parkin,
Plain,
Sorley,
Stevens,
Strom,
Viets,
White,
Young.

Absent and not voting:

Messrs—

Burke,
Day,
Little,

Messrs—

Rourke,
Tufts,

Messrs—

Valentine,
Wishek.

So the bill passed and the title was agreed to.

Mr. LaMoure moved

That the vote by which House Bill No. 135 was passed be reconsidered, and that the motion to reconsider be laid on the table,
Which motion prevailed.

Mr. Gregory moved

That the rules be suspended and that House Bill No. 150 be put on its third reading,
Which motion prevailed.

House Bill No. 150,

A Bill for an act entitled "an act to establish a Code of Criminal Procedure for the State of North Dakota,"

Reading was commenced.

A sealed communication was received from the Governor.

Mr. LaMoure moved

That the Senate go into executive session to consider the Governor's communication,

Which motion prevailed.

EXECUTIVE SESSION.

On reassembling the confirmation of the following appointments was announced:

For Public Examiner—H. A. Langlie, Traill county, for the period of two years, as per Section 117, Compiled Laws of 1887.

For State Inspector of Oils—George B. Winship, Grand Forks county, for the term of two years, as per Section 1, Chapter 107, Laws of 1890.

Mr. Lamb moved

That the rules be suspended, and that Senate Bill No. 48 be read the third time and placed upon its final passage,

Which motion was lost.

The President announced that he was about to sign

House Bill No. 13,
A Bill for an act entitled "an act to encourage the manufacture of potato starch in the State of North Dakota."

The President called Mr. Viets to the Chair.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
February 19, 1895. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 62,
A Bill for an act to amend Section 6916 of the Compiled Laws of Dakota, 1887, being Section 3 of Chapter 57 of the Penal Code, pertaining to sale of intoxicating liquors.

Also,
House Bill No. 95,
A Bill for an act entitled "an act to amend Sections 3, 7 and 9, Chapter 125 of the Laws of 1893.

Also,
House Bill No. 104,
A Bill for an act to amend Section 6 of Chapter 27 of the General Laws of 1893, entitled "an act to provide for the organization and government of State banks."

Also,
House Bill No. 127,
A Bill for an act entitled "an act to reimburse Dr. F. R. Smyth for stamping diphtheria out of the County of Mercer by order of the State Board of Health, and making an appropriation therefor."

Also,
House Bill No. 144,
A Bill for an act to amend Section Ninety-seven (97) of Chapter One Hundred Thirty-two (132) of the Laws of 1890, being an act entitled "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. 147,
A Bill for an act to amend Section 10 of Chapter 38, Laws of 1887, being Section 545 of the Compiled Laws.

Also,

House Bill No. 128,

A Bill for an act to prevent the destruction of farm buildings in the State of North Dakota,

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

Respectfully,

J. M. DEVINE,
Chief Clerk.

The third reading of House Bill No. 150 was continued.

Mr. President in the Chair.

Mr. Gregory moved

That the Senate take a recess to listen to an address by Col. W. C. Plummer, complimentary of Mrs. Holley, of North Dakota,

Which motion prevailed.

The Senate reassembled.

Third reading of House Bill No. 150 was continued.

Mr. Enger moved

That the Senate take a recess until to-morrow morning at 10 o'clock,

Which motion was lost.

The third reading of

House Bill No. 150,

A Bill for an act to establish a Code of Criminal Procedure for the State of North Dakota,

Being in progress.

Mr. Rourke moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

FRED FALLEY,
Secretary.

FORTY-FOURTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 20, 1895.

The Senate was called to order by the President.

Prayer by Senator Stevens.

Roll called.

All members present except Messrs. Valentine and Burke,
Who were excused.

The Journal was read and approved.

The courtesies of the floor of the Senate were extended to
Oliver D. Comstock, J. H. Vosberg and J. M. Cochrane.

UNFINISHED BUSINESS.

The third reading of
House Bill No. 150,

A Bill for an act entitled "an act to establish a Code of Criminal Procedure for the State of North Dakota,"

Was continued.

Mr. White moved

That the further reading of House Bill No. 150 be deferred until tomorrow morning at 10 o'clock,

Which motion prevailed.

PETITIONS AND COMMUNICATIONS.

Mr. Davis presented the following petition :

We, the undersigned voters and taxpayers of Foster county, do hereby petition you to vote and use your influence for the passage of Senate Bill No. 38, said bill being for an act to provide free and uniform text books throughout the several counties of the State of North Dakota.

JOS. G. GRAB,
(And 28 others.)

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. 48,

A Bill for an act fixing the maximum rates that railroad companies may charge for the transportation of soft coal within the State of North Dakota.

Also,

Senate Bill No. 124,

A Bill for an act amending Section 20 of Chapter 119 of the Session Laws of 1890, being an act providing for the public printing of the State.

Also,

Senate Bill No. 46,

A Bill for an act to provide for the payment of the salaries of county officers monthly,

And find the same correctly engrossed.

E. YOUNG,
Chairman.

The Committee on Education made the following report:

MR. PRESIDENT:

Your Committee on Education to whom was referred

Senate Bill No. 137,

A Bill for an act to amend Sections 117, 118 and 120, Chapter 62, Laws of 1890, being an act providing for a uniform system of free public schools,

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

A. V. BENEDICT,
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. 6,

A Bill for an act entitled "an act to provide for the inspection of steam boilers and licensing of steam engineers,"

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

D. C. TUFTS,
Chairman.

The Committee on Agriculture made the following report:

MR. PRESIDENT:

Your Committee on Agriculture to whom was referred

House Bill No. 92,

A Bill for an act to encourage the culture of sugar beets in the State and their manufacture into sugar,

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

H. H. STROM,
Chairman.

The Committee on Highways, Bridges and Ferries made the following report:

MR. PRESIDENT:

Your Committee on Highways, Bridges and Ferries to whom was referred

House Bill No. 85,

A Bill for an act entitled "an act to amend Section 3 of Chapter 38 of the Session Laws of 1890, relating to the construction of county bridges,"

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

Amend the title by striking out all after and inclusive of the word "entitled" in the first line and substituting in lieu thereof the following: "To amend Section 3 of Chapter 38, Laws of 1890, being an act entitled 'an act authorizing counties to build all bridges within the county limits wherein the cost of the construction of same exceeds the sum of one hundred dollars,'"

And when so amended recommend that the same do pass.

RICHARD McCARTEN,
Chairman.

The Committee on Judiciary made the following report :

MR. PRESIDENT :

Your Committee on Judiciary to whom was referred
Senate Bill No. 135,

A Bill for an act declaring the Carlisle tables of mortality to be competent evidence in certain cases,

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

C. B. LITTLE,
Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred
House Bill No. 10,

A Bill for an act entitled "an act to amend Section 2578, Compiled Laws of 1887, relating to divorce."

Have had the same under consideration and recommend that the same be indefinitely postponed.

C. B. LITTLE,
Chairman.

The Committee on Temperance made the following report:

MR. PRESIDENT:

Your Committee on Temperance to whom was referred
House Bill 112,

A Bill for an act to suppress and prevent the printing, selling, loaning, making, advertising, giving away or exposing to view, or showing or taking subscriptions for any indecent or obscene literature, prints, etchings, drawings or papers, or any article or instrument of immoral use, and prescribing the punishment therefor,

Have had the same under consideration and report it back without recommendation.

F. G. ENGER,
Chairman.

The Committee on Stock made the following report:

MR. PRESIDENT:

Your Committee on Stock to whom was referred
Senate Bill No. 127,

A Bill for an act to amend Section 1 of Chapter 55 of the Session Laws of 1891, relating to cruelty to animals,

Have had the same under consideration and recommend that the same be referred to the Committee of the Whole.

A. L. HANSCOM,
Chairman.

Mr. Tufts moved

That 125 copies of Substitute for Senate Bill No. 6 be printed,
Which motion prevailed.

Mr. White moved

That House Bill No. 8 be recalled from the Committee on Ways
and Means, and Senate Bill No. 90 be recalled from the Judiciary
Committee and be referred to the Committee of the Whole for
February 21st,

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
February 20, 1895. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 136,

A Bill for an act entitled "an act to appropriate for the support
of organized fire companies within this State a portion of the
tax paid by fire insurance companies upon premiums received,
and repealing Chapter 53 of the Session Laws of 1887 of the
Territory of Dakota, and Chapter 66 of the Session Laws of 1893
of the State of North Dakota."

Also,

House Bill No. 140,

A Bill for an act making an appropriation to pay Nellie Mc-
Donald for labor as clerk for Commissioners of Railroads.

Also,

House Bill No. 152,

A Bill for an act to amend Section 33 of Chapter 56, Laws of
1891, being an act to amend Sections 3, 4, 7, 8, 22, 24, 32, 37, 40,
55, 66, 67, 68, 74, 75, 79, 81, 83, 86, 87, 101, 110, 121, 122, 135, 136,
137, 140, 143, 144, 148, 167, 169 and 192 of Chapter 62 of the Laws
of 1890 entitled "an act to provide for a uniform system of free
public schools throughout the State and to prescribe penalties for
violation of the provisions thereof."

Also,

House Bill No. 89,

A Bill for an act to amend Section 5 of Chapter 118 of the Laws
of 1893, entitled "an act to amend all of Chapters 25, 146, 147 and
148 of the Laws of 1890 and Chapter 65 of the Laws of 1891 and
to provide for the management, control and disposal of university,
school and all other public lands of the State and the manage-
ment of the fund arising therefrom and making an appropriation
therefor."

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

Also,

Senate Bill No. 10,

A Bill for an act to amend Section 2 of Chapter 110 of the Session Laws of 1890, entitled "an act to prescribe penalties for unlawful manufacture, sale, barter and giving away of such liquors for medicinal, scientific and mechanical purposes."

Also,

Senate Bill No. 44,

A Bill for an act to provide for a geological and natural history survey of the State of North Dakota.

Which the House has passed without change.

Respectfully,

J. M. DEVINE,
Chief Clerk.

INTRODUCTION OF BILLS.

Mr. Plain introduced

Senate Bill No. 144, Substitute for Senate Bill No. 57,

A Bill for an act to amend Section 37 of Chapter 62 of the Session Laws of 1890, State of North Dakota, as amended by Section 8, Chapter 56 of the Laws of 1891, State of North Dakota.

Which was read the first and second times, and

Referred to the Committee on Education.

Mr. Fuller moved

That the Senate take a recess to hear the distinguished lady speak on woman's suffrage,

Which motion prevailed.

Mr. Clark moved

That Senate Bills Nos. 63 and 64 be given their third reading and be put upon their final passage,

Which motion prevailed.

Senate Bill No. 63,

A Concurrent Resolution amending the Constitution,

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

The roll being called there were ayes 16, nays 7, not voting 8.

Those who voted in the affirmative were:

Messrs—

Benedict,
Brown,
Clark,
Davis,
Day,
Dobie,

Messrs—

Enger,
Hillier,
LaMoure,
McCarten,
Plain,

Messrs—

Sorley,
Stevens,
Strom,
Tufts,
Viets.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Fuller,	Rourke,	Wishek,
Gregory,	White,	Young.
Haggart,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Lamb.	Parkin,
Burke,	Little.	Valentine.
Hanscom,	McGillivray,	

So the bill passed and the title was agreed to.

Mr. Hillier moved

That the vote by which Senate Bill No. 63 was passed be reconsidered, and that the motion to reconsider be laid on the table,

Which motion prevailed.

Senate Bill No. 133,

A Bill for an act to provide for a uniform system of free public schools,

Was read the third time and put upon its final passage,

The roll being called there were ayes 22, nays 3, not voting 6.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gregory,	McGillivray,
Benedict,	Haggart,	Parkin,
Clark,	Hanscom,	Plain,
Davis,	Hillier,	Sorley,
Day,	Lamb,	Stevens.
Dobie,	LaMoure,	Tufts,
Enger,	McCarter,	Viets.
Fuller.		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
White,	Wishek.	Young.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brown,	Little,	Strom,
Burke,	Rourke,	Valentine.

So the bill passed and the title was agreed to.

Senate Bill No. 134,

A Bill for an act to amend and re-enact Sections 2, 17, 21, 22 and 23 of Article 15 of Chapter 73 of the Laws of 1887,

Was read the third time.

The question being upon the final passage of the bill as amended,

The roll being called there were ayes 29, nays none, not voting 2.

Those who voted in the affirmative were:

Messrs--

Arnold,
Benedict,
Brown,
Clark,
Davis,
Day,
Dobie,
Enger,
Fuller,
Gregory,

Messrs--

Haggart,
Hanscom,
Hillier,
Lamb,
LaMoure,
Little,
McCarten,
McGillivray,
Parkin,
Plain,

Messrs--

Rourke,
Sorley,
Stevens,
Strom,
Tufts,
Viets,
White,
Wishek,
Young.

Messrs. Burke and Valentine absent and not voting.

So the bill passed and the title was agreed to.

Substitute for Senate Bill No. 3,

A Bill for an act to amend Section 121, Chapter 62 of the Session Laws of 1890, entitled "an act to provide for a uniform system of free public schools throughout the State, and to prescribe penalties for violating the provisions thereof,"

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

The roll being called there were ayes 26, nays none, not voting 5.

Those who voted in the affirmative were:

Messrs--

Arnold,
Benedict,
Brown,
Clark,
Davis,
Day,
Dobie,
Enger,
Haggart,

Messrs--

Hanscom,
Hillier,
Lamb,
LaMoure,
Little,
McCarten,
Parkin,
Plain,
Rourke,

Messrs--

Sorley,
Stevens,
Strom,
Tufts,
Viets,
White,
Wishek,
Young.

Absent and not voting:

Messrs--

Burke,
Fuller,

Messrs--

Gregory,
McGillivray

Messrs--

Valentine.

So the bill passed and the title was agreed to.

Senate Bill No. 4,

A Bill for an act to amend Section 130, Chapter 62 of the Session Laws of 1890, entitled "an act to provide for a uniform system of free public schools throughout the State, and to prescribe penalties for the violation of the provisions thereof,"

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

The roll being called there were ayes 25, nays none, not voting 6.

Those who voted in the affirmative were:

Messrs--

Arnold,
Benedict,
Brown,
Clark,

Messrs--

Hillier,
Lamb,
LaMoure,
Little,

Messrs--

Stevens,
Strom,
Tufts,
Viets,

Messrs--	Messrs--	Messrs--
Davis,	McCarten,	White,
Day,	Parkin,	Wishek,
Dobie,	Plain,	Young.
Enger,	Rourke,	
Haggart,	Sorley,	

Absent and not voting:

Messrs--	Messrs--	Messrs--
Burke,	Gregory,	McGillivray,
Fuller,	Hanscom,	Valentine.

So the bill passed and the title was agreed to.

Senate Bill No. 131,

A Bill for an act to amend Chapter 100 of the Session Laws of 1890, being an act to amend Articles 4, 9 and 16 of Chapter 73 of the General Laws of 1887, entitled "an act to provide for the incorporation of cities, and to repeal Section 1 of Chapter 97 of the Laws of 1890 in so far as the same relates to cities,"

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

The roll being called, there were ayes 28, nays none, not voting, 3.

Those who voted in the affirmative were:

Messrs--	Messrs--	Messrs--
Arnold,	Haggart,	Rourke,
Benedict,	Hanscom,	Sorley,
Brown,	Hillier,	Stevens,
Clark,	Lamb,	Strom,
Davis,	LaMoure,	Tufts,
Day,	Little,	Viets,
Dobie,	McCarten,	White,
Enger,	Parkin,	Wishek,
Fuller,	Plain,	Young.
Gregory,		

Absent and not voting:

Messrs--	Messrs--	Messrs--
Burke,	McGillivray,	Valentine.

So the bill passed and the title was agreed to.

Mr. Haggart moved

That the vote by which Senate Bills No. 131 and 134 were passed be reconsidered, and that the motion to reconsider be laid on the table,

Which motion prevailed.

Senate Bill No. 94,

A Bill for an act to amend Sections 5 and 69, Chapter 118, Laws of 1893, entitled "an act to amend all of Chapters 25, 146, 147 and 148 of the Laws of 1890, and Chapter 65 of the Laws of 1891, and to provide for the management, control and disposal of university, school and all other public lands of the State, and the management of the funds arising therefrom, and making an appropriation therefor,"

Was read the third time.

Mr. LaMoure moved
That Senate Bill No. 94 be made a special order for Monday,
Feb. 25, at 2:30 p. m.,
Which motion prevailed.

Substitute for Senate Bill No. 93,
A Bill for an act for the encouragement of higher education and
appropriating money therefor,
Was read the third time.

Mr. Strom moved

To amend in Section and line 2 strike out the word "and" and after the
word "university" in same line insert "the president of the Agricultural col-
lege and the presidents of the Normal schools,"

Which amendment was lost.

Mr. Rourke moved
That Senate Bill No. 93 be made a special order for Monday
next at 3 o'clock p. m.,
Which motion prevailed.

Senate Bill No. 106,
A Bill for an act to provide clerk hire in the office of register
of deeds of the several counties of this State,
Was read the third time and put upon its final passage.

The roll being called there were ayes 7, nays 19, not voting 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Clark,	LaMoure,	Rourke,
Haggart,	Little,	Sorley.
Lamb,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gregory,	Stevens,
Benedict,	Hanscom,	Strom,
Davis,	Hillier,	Tufts,
Day,	McGillivray,	Viets,
Dobie,	Parkin,	Wishek.
Enger,	Plain,	Young.
Fuller,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brown,	McCarten,	White.
Burke,	Valentine,	

So the bill was lost.

Senate Bill No. 120,

A Bill for an act regulating voting at primary elections,
Was read the third time and put upon its final passage.

Mr. Sorley moved

To amend Section 13 to read as follows :

The city council of any city, and board of supervisors of any township, except in counties which have no township organization, shall furnish the inspector of election with a suitable ballot box, which ballot box shall be returned to said chairman of the board of supervisors of the township, or the city auditor of any city, within ten days after such primary election,

Which amendment prevailed.

Mr. Arnold moved

To amend by striking out Section thirteen (13) and insert in lieu thereof:
"The election board of each precinct shall provide a ballot box,"

Which amendment prevailed.

The question recurring on the final passage of the bill as amended,

The roll being called, there were ayes 24, nays 3, not voting 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	Plain,
Benedict	Hanscom,	Sorley,
Brown,	Hillier,	Stevens,
Clark,	Lamb,	Strom,
Davis,	Little,	Tufts.
Dobie,	McCarten,	White,
Enger,	McGillivray,	Wishek,
Gregory,	Parkin,	Young.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Day,	LaMoure,	Rourke,

Absent and not voting:

Messrs—	Messrs—	Messrs—
Burke,	Valentine,	Viets.
Fuller,		

So the bill passed and the title was agreed to.

Mr. Sorley moved

That the vote by which House Bill No. 10 was passed be reconsidered, and that the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. LaMoure moved

That the further consideration of House Bill No. 10 be indefinitely postponed.

Roll call demanded.

The roll being called there were ayes 21, nays 6, not voting 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	Plain,
Benedict,	Hanscom,	Rourke,
Brown,	Lamb,	Sorley,
Clark,	LaMoure,	Tufts,
Davis,	Little,	White,
Day,	McGillivray,	Wishek,
Gregory,	Parkin,	Young.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Dobie,	Hillier,	Stevens,
Enger,	McCarten,	Strom.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Burke,	Valentine,	Viets.
Fuller,		

Mr. LaMoure moved

That the Senate take a recess until tomorrow morning at 10 o'clock,

Which motion prevailed, and

The Senate adjourned.

FRED FALLEY,
Secretary.

MORNING SESSION—FORTY-FOURTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 21, 1895.

The Senate was called to order by the President, pursuant to adjournment.

The third reading of
House Bill No. 150,

A Bill for an act to establish a Code of Criminal Procedure for
the State of North Dakota,

Was concluded.

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

FORTY-FIFTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 21, 1895.

The Senate was called to order by the President.
Prayer was offered by Senator Stevens.

Roll called.

All members present except Messrs. Clark and Valentine and Arnold and Viets, who were excused.

The Journal was read and approved.

The courtesies of the floor of the Senate were extended to Johan Rott, of McIntosh county, and John F. Wallace, of Burleigh county.

UNFINISHED BUSINESS.

House Bill No. 150,

A Bill for an act to establish a Code of Criminal Procedure, for the State of North Dakota,

Having been read the third time, was put upon its final passage.

The roll being called there were ayes 27, nays none, not voting 4.

Those who voted in the affirmative were:

Messrs—

Benedict,
Brown,
Burke,
Davis,
Day,
Dobie,
Enger,
Fuller,
Gregory,

Messrs—

Haggart,
Hanscom,
Hillier,
Lamb,
LaMoure,
Little,
McCarten,
McGillivray,
Parkin,

Messrs—

Plain,
Rourke,
Sorley,
Stevens,
Strom,
Tufts,
White,
Wishek,
Young.

Absent and not voting:

Messrs—

Arnold,
Clark,

Messrs—

Valentine,

Messrs—

Viets.

Who were excused.

So the bill passed and the title was agreed to.

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. 141,

A Bill for an act to prohibit the manufacture, sale and use of adulterated cigarettes, and the sale of cigarettes, cigars and tobacco to minors,

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

By striking out the word "Legislature" in the enacting clause and inserting in lieu thereof the words "Legislative Assembly." Also by striking out the abbreviation "N" in the enacting clause and insert in lieu thereof the word "north." And further by striking out all words in Section 3 prior to the word "all" in line 2,

And when so amended recommend the same do pass.

C. B. LITTLE,
Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred
House Bill No. 1,

A Bill for an act entitled "an act to provide for State deposit-
ories and to regulate the deposit of public moneys therein and
the interest thereon and prescribing the means thereof,"

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

By striking out the emergency clause and inserting in lieu thereof the
words "the provisions of this act shall be in force and effect on after the first
day of January 1897,"

And when so amended recommend that the same do pass.

C. B. LITTLE,
Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred
Senate Bill No. 143,

A Bill for an act to amend Section 307 of the Probate Code of
the State of North Dakota,

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

C. B. LITTLE,
Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred
Senate Bill No. 129,

A Bill for an act to amend Section 1961a of the Civil Code,

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

C. B. LITTLE,
Chairman.

The Committee on Judiciary made the following report :

MR. PRESIDENT :

Your Committee on Judiciary to whom was referred
Senate Bill No. 128,

Being a Concurrent Resolution,

Have had the same under consideration, and recommend that
the same do not pass.

C. B. LITTLE,
Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred
Senate Bill No. 139,
Concurrent Resolution,

Have had the same under consideration and recommend that
the same be indefinitely postponed.

C. B. LITTLE,
Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred
Senate Bill No. 125,

A Bill for an act to provide for the extermination of the Russian
thistle,

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

C. B. LITTLE,
Chairman.

The Committee on Indian Affairs made the following report:

MR. PRESIDENT:

Your Committee on Indian Affairs to whom was referred
Senate Bill No. 140,

A Bill for an act defining the qualifications of electors of
Indian descent,

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

C. G. BROWN,
Chairman.

The Committee on Enrolled and Engrossed Bills made the fol-
lowing report:

MR. PRESIDENT:

Your Committee on Engrossed Bills have examined
Senate Bill No. 87,

A Bill for an act to prevent the spread of contagious, infectious
and epidemic diseases among domestic animals, creating the office
of chief State veterinarian, prescribing the duties thereof and
appropriating money for the necessary expenses thereof,

And find the same correctly engrossed.

E. YOUNG,
Chairman.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs to whom was referred

Senate Bill No. 138,

A Bill for an act determining the southern boundary of the State of North Dakota,

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

P. H. ROURKE,
Chairman.

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

MR. SPEAKER:

Your Committee on Enrolled and Engrossed Bills have examined

Senate Bill No. 3,

A Bill for an act to amend Section 23 of Chapter 56, Laws of 1891, being an act to amend Sections 3, 4, 7, 8, 22, 24, 32, 37, 40, 55, 66, 67, 68, 74, 75, 79, 81, 83, 86, 87, 101, 110, 121, 122, 135, 136, 137, 140, 143, 144, 148, 167, 169, and 192 of Chapter 62, Laws of 1890, entitled "an act to provide for a uniform system of free public schools throughout the State and to prescribe penalties for the violation of the provisions thereof."

Also,

Senate Bill No. 4,

A Bill for an act to amend Section 130, Chapter 62 of the Session Laws of 1890, entitled "an act to provide for a uniform system of free public schools throughout the State, and to prescribe penalties for the violation of the provisions thereof."

Also,

Senate Bill No. 133,

A Bill for an act to amend Section 63, Chapter 62, Laws of 1890, being an act entitled "an act to provide for a uniform system of free public schools throughout the State and to provide penalties for violation of provisions thereof."

And find the same correctly engrossed.

E. YOUNG,
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. 134,

A Bill for an act to amend and re-enact Sections 2, 17, 21, 22 and 23 of Article 15 of Chapter 73 of the Laws of 1887,

And find the same correctly engrossed.

E. YOUNG,
Chairman.

INTRODUCTION OF BILLS AND MEMORIALS.

The Judiciary Committee introduced
Senate Bill No. 145,

A Bill for an act providing for printing and distributing ballots at public expense, and to regulate voting at all general elections, except municipal, town and school elections,

Which was read the first and second times, and
Referred to the Judiciary Committee.

Mr. Gregory introduced
Senate Bill No. 146,

A Bill for an act to amend Chapter 110 of the Laws of 1890, being an act to prescribe penalties for the unlawful manufacture, sale, barter and giving away of such liquors for medicinal, scientific and mechanical purposes.

Which was read the first and second times, and
Referred to the Committee on Temperance.

THIRD READING OF SENATE BILLS.

Senate Bill No. 91,

A Bill for an act to prohibit the selling or letting of the labor of convicts for private parties or corporations,

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

The roll being called there were ayes 17, nays 4, not voting 10.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Benedict,	Hanscom,	Rourke,
Brown,	Lamb,	Sorley,
Burke,	LaMoure,	Stevens,
Fuller,	McCarten,	Strom,
Gregory,	Parkin,	Wishek.
Haggart,	Plain,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Davis,	Hillier,	Young.
Day,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Little,	Valentine.
Clark,	McGillivray,	Viets,
Dobie,	Tufts,	White.
Enger,		

So the bill passed and the title was agreed to.

Mr. Haggart moved

That the vote by which Senate Bill No. 91 was passed be reconsidered, and that the motion to reconsider be laid upon the table,

Which motion prevailed.

Senate Bill No. 48,

A Bill for an act fixing the maximum rates that railroad companies may charge for the transportation of coal within the State of North Dakota,

Was read the third time.

Mr. Lamb moved

That wherever the words "per ton" are omitted that they be supplied,

Which amendment prevailed.

The question being on the final passage of the bill as amended,

The roll being called, there were ayes 21, nays 2, not voting 7.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Benedict	Hanscom,	Plain,
Brown,	Hillier,	Rourke,
Burke,	Lamb,	Sorley,
Davis,	LaMoure,	Stevens,
Day,	McCarten,	Strom,
Dobie,	McGillivray,	White,
Enger,	Parkin,	Young.
Fuller,		

Messrs. Gregory and Wishek voting in the negative.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Little,	Valentine,
Clark,	Tufts,	Viets.
Haggart,		

So the bill passed and the title was agreed to.

Mr. McGillivray moved

That the vote by which Senate Bill No. 48 was passed be reconsidered, and that the motion to reconsider be laid on the table,

Which motion prevailed.

Senate Bill No. 104,

A Bill for an act to amend Section 161 of an act entitled "an act to provide for a uniform system of free public schools throughout the State, and to prescribe penalties for the violation of the provisions thereof of Chapter 62, Session Laws of 1890,"

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

The roll being called there were ayes 22, nays none, not voting 9.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Benedict,	Gregory,	Plain,
Brown,	Hanscom,	Sorley,
Burke,	Hillier,	Stevens,
Davis,	LaMoure,	Strom,
Day,	McCarten,	Tufts,
Dobie,	McGillivray,	Wishek,
Enger,	Parkin,	Young.
Fuller,		

Absent and not voting:

Messrs—
Arnold,
Clark,
Haggart,

Messrs—
Lamb,
Little,
Valentine.

Messrs—
Rourke,
Viets,
White.

So the bill passed and the title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
February 21, 1895. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 82,

A Bill for an act to amend Subdivisions 4 and 5 of Section 2134 of Chapter 22 of the Political Code, Compiled Laws of 1887, relating to settlement and support of the poor.

Also,

House Bill No. 100,

A Bill for an act requiring railway corporations to provide bulletin boards at stations and providing penalties.

Also,

House Bill No. 122,

A Bill for an act entitled "an act to protect dairy interests of the State of North Dakota, and to prevent fraud in dairy products, and to regulate the traffic in adulterated butter and cheese."

Also,

House Bill No. 102,

A Bill for an act entitled "an act to authorize the Secretary of State of North Dakota to receive, preserve and turn over to his successor in office, portraits of State officials and Members of Congress."

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

Respectfully,

J. M. DEVINE,

Chief Clerk.

Senate Bill No. 105,

A Bill for an act fixing the fees of sheriffs and other officers for transporting insane persons to the asylums of the State,

Was read the third time.

Mr. LaMoure moved

That further consideration of Senate Bill No. 105 be indefinitely postponed.

Roll call demanded.

The roll being called, there were ayes 11, nays 12, not voting 8.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Burke,	Gregory,	LaMoure,
Day,	Hanscom,	McCarten,
Dobie,	Hillier,	Sorley.
Enger,	Lamb,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Benedict,	McGillivray,	Strom,
Davis,	Parkin,	Tufts,
Haggart,	Rourke,	Wishek,
Little,	Stevens,	Young.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Fuller,	Viets,
Brown,	Plain,	White.
Clark,	Valentine,	

Mr. Little moved

That the bill be made a special order for Tuesday, February 26, at 3 o'clock.

Mr. Strom moved as a substitute

That the bill be referred to the Committee on Appropriations, Which motion was lost.

Mr. LaMoure moved

That the bill be referred to the Committee on Ways and Means, Which motion was lost.

The question recurring on the original motion for special order, Senate Bill No. 105 was made a special order for February 26, at 3 p. m.

Senate Bill No. 113,

A Bill for an act fixing the minimum time for which offenders may be committed to the penitentiary,

Was read the third time.

Mr. LaMoure moved

That further consideration of the bill be indefinitely postponed Which motion prevailed.

Senate Bill No. 82,

A Bill for an act establishing an emergency commission, prescribing their duties and appropriating money for the expenses thereof,

Was read the third time.

Mr. Burke moved

That Section three (3) of the bill be stricken out.

Which amendment prevailed.

Mr. White moved

To amend in Section 2, line 8, after the word "money" insert the words "from the State treasury,"

Which amendment prevailed.

The roll being called there were ayes 23, nays none, not voting 8

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Benedict,	Hillier,	Sorley,
Brown,	Lamb,	Stevens,
Burke,	LaMoure,	Strom,
Davis,	McCarten,	Tufts,
Dobie,	McGillivray,	White,
Enger,	Parkin,	Wishek,
Fuller,	Plain,	Young.
Gregory,	Rourke,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	Valentine,
Clark,	Hanscom,	Viets.
Day,	Little,	

So the bill passed.

Mr. Burke moved

To amend the title by striking out the word "three" after the word "pre-
scribing" and insert the word "the."

In next line strike out the words "appropriating money for the expense"
and after the word "commission" insert the word "and,"

Which motion prevailed, and

The title was so amended.

Senate Bill No. 71,

A Bill for an act relating to the duties of county superintend-
ent of schools,

Was read the third time.

Mr. Little moved

That the further consideration of Senate Bill No. 71 be in-
definitely postponed,

Which motion was lost.

Mr. Little moved

That Senate Bill No. 71 be recommitted,

Which motion was lost.

Mr. Little moved

To amend in Section 4, line 3, by striking out the words "one thousand"
and inserting in lieu thereof the words "twelve hundred,"

Which amendment prevailed.

The question being upon the final passage of the bill as
amended,

The roll being called there were ayes 16, nays 10, not voting 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Benedict,	Lamb,	Rourke,
Davis,	McCarten,	Stevens,
Dobie,	McGillivray,	Strom,
Enger,	Parkin,	White,
Gregory,	Plain,	Young.
Hillier,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Brown,	Hanscom,	Sorley,
Burke,	LaMoure,	Tufts.
Day,	Little,	Wishek.
Haggart,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Fuller,	Viets.
Clark,	Valentine,	

So the bill passed and the title was agreed to.

Mr. McCarten moved

That the vote by which Senate Bill No. 71 was passed be reconsidered, and that the motion to reconsider be laid on the table,

Which motion prevailed.

Senate Bill No. 124,

A Bill for an act amending Section 20 of Chapter 119 of the Session Laws of 1890, being an act providing for the public printing of the State,

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

The roll being called there were ayes 23, nays 1, not voting 7.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Benedict,	Haggart,	Sorley,
Brown,	Hanscom,	Stevens,
Burke,	Hillier,	Strom,
Davis,	LaMoure,	Tufts,
Day,	McCarten,	White,
Dobie,	Parkin,	Wishek.
Enger,	Plain,	Young.
Fuller,	Rourke,	

Mr. McGillivray voting in the negative.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Lamb,	Valentine,
Clark,	Little,	Viets.
Gregory,		

So the bill passed and the title was agreed to.

Mr. LaMoure asked for the report of the Committee to act with a Committee from Minnesota Legislature to secure lower freight rates.

Mr. Little, for the Committee, answered that the Committee was not yet ready to report.

Senate Bill No. 46,

A Bill for an act to provide for the payment of the salaries of county officers monthly,

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

The roll being called there were ayes 13, nays 8, not voting 10.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Brown,	Hillier,	Stevens,
Day,	Lamb.	Strom,
Dobie,	LaMoure,	White,
Enger,	Sorley,	Young.
Fuller,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Benedict,	Hanscom,	Tufts,
Burke,	Parkin,	Wishek.
Davis,	Plain,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Little.	Rourke,
Clark,	McCarten,	Valentine.
Gregory,	McGillivray,	Viets.
Haggart,		

So the bill was lost.

Senate Bill No. 137,

A Bill for an act to amend Sections 117, 118 and 120, Chapter 62, Laws of 1890, being an act providing for a uniform system of free public schools,

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

The roll being called there were ayes 21, nays none, not voting 10.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Benedict,	Fuller,	Plain,
Brown,	Hanscom,	Rourke,
Burke,	Hillier,	Sorley,
Davis,	Lamb.	Stevens,
Day,	McCarten,	Strom,
Dobie,	McGillivray,	White,
Enger,	Parkin,	Young.

Absent and not voting:

Messrs—
Arnold,
Clark,
Gregory,
Haggart,

Messrs—
LaMoure,
Little,
Tufts,

Messrs—
Valentine,
Viets,
Wishek,

So the bill passed and the title was agreed to.

Senate Bill No. 118,

A Bill for an act providing for the deposit in court of money, property or effects for which there are adverse claimants,

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

The roll being called there were ayes 25, nays 1, not voting 5.

Those who voted in the affirmative were:

Messrs—
Benedict,
Brown,
Burke,
Davis,
Day,
Dobie,
Enger,
Fuller,
Gregory,

Messrs—
Haggart,
Hanscom,
Hillier,
Lamb,
LaMoure,
McCarten,
McGillivray,
Parkin,

Messrs—
Plain,
Rourke,
Sorley,
Strom,
Tufts,
White,
Wishek,
Young.

Mr. Stevens voting in the negative.

Absent and not voting:

Messrs—
Arnold,
Clark,

Messrs—
Little,
Valentine,

Messrs—
Viets.

So the bill passed and the title was agreed to.

Senate Bill No. 135,

A Bill for an act declaring the Carlisle tables of mortality to be competent evidence in certain cases,

Was read the third time and put upon the final passage.

The roll being called there were ayes 22, nays none, not voting 9

Those who voted in the affirmative were:

Messrs—
Benedict,
Brown,
Burke,
Davis,
Day,
Dobie,
Enger,
Gregory,

Messrs—
Haggart,
Hanscom,
Hillier,
LaMoure,
McCarten,
McGillivray,
Plain,

Messrs—
Rourke,
Sorley,
Stevens,
Strom,
Tufts,
Wishek,
Young.

Absent and not voting:

Messrs—
Arnold,
Clark,
Fuller,

Messrs—
Lamb,
Little,
Parkin,

Messrs—
Valentine,
Viets,
White.

So the bill passed and the title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
February 21, 1895. }

MR. PRESIDENT:

I have the honor to transmit herewith
Senate Bill No. 39,

A Bill for an act to amend an act entitled "an act prescribing the mode of assessment and the levy and collection of taxes, and for other purposes relative thereto,"

Which the House has passed without change.

Also,

House Bill No. 151,

A Bill for an act making an appropriation to pay certain expenses incurred by the Fourth Legislative Assembly of the State of North Dakota.

Also,

House Bill No. 70,

A Bill for an act declaring it a misdemeanor to practice fraud on hotel keepers.

Also,

House Bill No. 98,

A Bill for an act entitled "an act amending Section 28 of Chapter 24 of the Political Code, being Section 1049 of the Compiled Laws of 1887, relating to the qualification of officers of incorporated towns."

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

Respectfully,

J. M. DEVINE,
Chief Clerk.

Mr. McGillivray 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. 144,

A Bill for an act to amend Section ninety-seven of Chapter one hundred thirty-two of the Laws of 1890, being an act entitled "an act prescribing the mode of making assessments, and the levy and collection of taxes, and for other purposes relative thereto."

Which was read the first and second times, and
Referred to the Committee on Ways and Means.

House Bill No. 147,

A Bill for an act entitled "an act to amend Section 10, Chapter 38, Laws of 1887, being Section 545 of the Compiled Laws,"

Which was read the first and second times, and
Referred to the Judiciary Committee.

House Bill No. 128,

A Bill for an act to prevent the destruction of farm buildings in the State of North Dakota,

Which was read the first and second times, and
Referred to the Judiciary Committee.

House Bill No. 89.

A Bill for an act entitled "an act to amend Section 5 of Chapter 118 of the Laws of 1893, entitled 'an act to amend all of Chapters 25, 146, 147 and 148 of the Laws of 1890, and Chapter 65 of the Laws of 1891, and to provide for the management, control and disposal of university, school and all other public lands of the State, and the management of the fund arising therefrom, and making an appropriation therefor,'"

Which was read the first and second times, and
Referred to the Appropriation Committee.

House Bill No. 127,

A Bill for an act to reimburse Dr. F. R. Smyth for stamping diphtheria out of the county of Mercer by order of the State Board of Health, and making an appropriation therefor,

Which was read the first and second times, and
Referred to the Committee on Appropriations.

House Bill No. 104,

A Bill for an act to amend Section 6 of Chapter 27 of the General Laws of 1893, entitled "an act to provide for the organization and government of State banks,"

Which was read the first and second times, and
Referred to the Committee on Banks and Banking.

House Bill No. 95,

A Bill for an act entitled "an act to amend Sections 3, 7 and 9 of Chapter 125 of the Laws of 1893,"

Which was read the first and second times, and
Referred to the Committee on Education.

House Bill No. 152,

A Bill for an act to amend Section 53 of Chapter 56, Laws of 1891, being an act to amend Sections 3, 4, 7, 8, 22, 24, 32, 37, 40, 55, 66, 67, 68, 74, 75, 79, 81, 83, 86, 87, 101, 110, 121, 122, 135, 136, 137, 140, 143, 144, 148, 167, 169 and 192 of Chapter 62 of the Laws of 1890, entitled "an act to provide for a uniform system of free

public schools throughout the State and to prescribe penalties for violation of the provisions thereof,"

Which was read the first and second times, and
Referred to the Committee on Education.

House Bill No. 136,

A Bill for an act entitled "an act to appropriate for the support of organized fire companies within this State a portion of the tax paid by fire insurance companies upon premiums received, and repealing Chapter 53 of the Session Laws of 1887 of the Territory of Dakota, and Chapter 66 of the Session Laws of 1893 of the State of North Dakota,"

Which was read the first and second times, and
Referred to the Committee on Ways and Means.

House Bill No. 62,

A Bill for an act entitled "an act to amend Section 6916 of the Compiled Laws of Dakota, 1887, being Section 3 of Chapter 57 of the Penal Code entitled offenses pertaining to sale of intoxicating liquors,"

Which was read the first and second times, and
Referred to the Committee on Temperance.

House Bill No. 98,

A Bill for an act amending Section 28 of Chapter 24 of the Political Code, being Section 1049 of the Compiled Laws of 1887, relating to the qualifications of officers of incorporated towns,

Which was read the first and second times, and
Referred to the Committee on Cities and Municipalities.

House Bill No. 140,

A Bill for an act entitled "an act making an appropriation to pay Nellie McDonald for labor as clerk for Commissioners of Railroads,"

Which was read the first and second times, and
Referred to the Committee on Appropriations.

Mr. Little moved

That the Senate take a recess until Monday, February 25th,
Which motion prevailed, and
The Senate adjourned.

FRED FALLEY,
Secretary.

FORTY-NINTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 25, 1895.

The Senate was called to order by the President.

Prayer by Senator Stevens.

Roll called.

All members present except Messrs. Lamb, Viets, Day and Sorley,

Who were excused.

The Journal was read and approved.

The courtesies of the floor of the Senate were extended to D. R. Streeter and W. L. Yeater, of Emmons county; Col. F. Woodmansee, of Kidder county; A. J. Burnett and Andrew Jopp, of Dickinson county; K. H. Brunsdale, of Steele county; H. A. Langlie and K. G. Springer, of Traill county, and C. A. M. Spencer, of Walsh county, and President Avery, of the Mayville Normal School.

REPORTS OF STANDING COMMITTEES.

The Committee on Counties made the following report:

MR. SPEAKER:

Your Committee on Counties to whom was referred Senate Bill No. 123,

A Bill for an act to amend Chapter 93 of the Laws of 1891, being an act entitled "an act for the prevention of prairie fires and to provide against damage done by them, also prescribing the duties of county commissioners in relation thereto,"

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

Amend Section 10 by striking out the word "as" at the end of line 2, and the words "soon as possible in each year and" in line 3; also strike out the figures "15" in said line 3 and insert in lieu thereof the figures "30."

Also, insert after the word "track" in line 6 of said section the following: "Except in sloughs, draws and marshes, where the ground is too wet to plow before said date, and in all such cases said ground shall be plowed as soon thereafter as the condition thereof will permit."

Also, strike out the word "July" in the eighth line of said section, and insert in lieu thereof the word "August."

Amend Section 12 by striking out the words "county commissioners" in line 2, and insert in lieu thereof the words "State's attorneys." Amend line 1 of Section 12 in the same manner.

Also, strike out all after the words "counties," in line 3 of said section up to and including the word "attorney" in the fourth line thereof.

Also, strike out the word "the" before State's attorney in line 5 of Section 12 and insert the word "such" in lieu thereof and change "State's attorney" into "State's attorneys."

Strike out the word "fifty (50)" in line 11 of Section 11, and insert in lieu thereof "twenty (20)."

Strike out all of Section 11 after the word "dollars" in line 11.

Strike out the words "board of county commissioners of the county or counties" in lines 5 and 6 of Section 11, and insert in lieu thereof "fire warden of the fire district."

And when so amended recommend the same do pass.

H. F. ARNOLD,
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. 85,

A Bill for an act to establish a Civil Code for the State of North Dakota,

And find the same correctly enrolled.

E. YOUNG,
Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred
Senate Bill No. 136,

A Bill for an act to repeal Section 24 of Article 15 of Chapter 73 of the Laws of 1887, being Section 982 of the Compiled Laws, Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,
Chairman.

REPORTS OF SELECT COMMITTEE.

MR. PRESIDENT:

Your Committee appointed to investigate the affairs of the State Penitentiary make the following report:

The Fifth Annual Report of the State Examiner of the State of North Dakota for the fiscal year ending November 5, 1894, on pages 19, 20, 21, 22 and 23, contains certain charges against the warden of the Penitentiary and certain reflections upon the trustees of the Penitentiary in their management of that institution.

On the third day of this session the Senate by a resolution empowered the President to appoint this Committee to investigate these charges contained in the State Examiner's report, and on the eighth day of this session the powers of this Committee were by resolution extended so that it should be its duty to investigate thoroughly the management of the Penitentiary during the past four years.

Under and by virtue of the authority vested in the Committee by this resolution an investigation of the affairs of the Penitentiary was made.

The investigation on the part of the State Examiner was conducted by the Attorney General of the State; all the witnesses asked for by the State Examiner or by the Attorney General were subpoenaed by this Committee and all of the witnesses who appeared before the Committee were examined.

For the purpose of arriving at the absolute truth in the matter the Committee adopted a rule to take the testimony of the witness before it under the rules of evidence which prevail in courts of justice and it decided to admit only evidence that would be competent and relevant in a court of law.

The reason for adopting this rule of evidence and allowing only such evidence to be introduced as would be admissible in a court of law is the same reason upon which all the law of evidence is based. *Ex-parte* testimony taken without the presence of the defendant and without being subject to the test of a cross-examination is not considered of sufficient reliability to be admitted in a court of law, nor is it that kind of evidence which should be permitted to take from public men their good name. The Committee has, however, attached the affidavits that were taken before the Public Examiner to this report. They are made a part of this report, and this same report is the evidence of the same parties, taken in open court, under oath, and when they were subjected to a cross-examination, and which testimony denied *in toto* every single material allegation or charge that they had made in their affidavits.

The said charges contained in the State Examiner's report were based upon affidavits made by the following named parties: Joseph Dietrich, Thomas Lennihan, Dwight Donnelly, John Wray and Timothy M. O'Connor; all of these witnesses were subpoenaed, and all who appeared were examined by this Committee;

In no single case did the testimony of any of these men before this

Committee sustain in any degree whatever the allegations contained in their affidavits;

There is no single word of testimony, nor a scintilla of evidence, before this Committee to sustain any one of the charges contained in said report, although every opportunity was given to the State Examiner and to the Attorney General to procure any witnesses who might be able to substantiate the same;

This failure to sustain the charges is not wholly the fault of the Public Examiner. He took as true the *ex parte* affidavits made by the before named parties. These affidavits were not true and the parties who made them denied them under oath.

Your Committee, however, is of the opinion that instead of making the charges a part of his report the Public Examiner, if he believed the charges to be true, should have laid the same before the Attorney General, whose duty it was to apply to the proper authority to have the officials removed from office. It is a very serious thing to make charges against public officials on the *ex parte* affidavits of irresponsible people and thus besmirch the fair name of good men, and while the Committee is of the opinion that the Public Examiner did not act through malice in this matter, yet it cannot refrain from condemning him for hastily jumping to a conclusion and publishing this conclusion in his report before thoroughly and carefully sifting the matter to the bottom and ascertaining beyond a question that the charges were true.

In reference to the parties who made the affidavits upon which the report of the Public Examiner was based, your Committee finds that the English language is not broad enough to adequately express its contempt for those parties, who are unquestionably guilty of perjury, in making such affidavits, and your Committee recommend that they be prosecuted to the full extent of the law.

In reference to the conduct of the affairs at the Penitentiary for the past four years, your Committee examined into the matter as thoroughly as it was able, subpoenaing all the witnesses asked for by the State Examiner, and having before it all the vouchers and bills of the institution for the past four years, from which examination the Committee finds that the Penitentiary has been conducted honestly and well during said time by the warden and by the board.

Heretofore in a great many cases where committees have been appointed by the Legislative Assembly to inquire into the public acts of public officials and the reports of such committees have been favorable to the public officials it has been charged and claimed by the enemies, or by those who were instrumental in instituting the investigation, that the committees were whitewashing committees and that the reports were whitewashed reports. Therefore, to prevent a like occurrence in this case and to fully and completely exonerate the penitentiary board, the warden, Clark W. Haggart, and those who have had the management of the State Penitentiary of this State for the past four years, your Committee decided to have all the testimony before it taken by a stenographer, who should make a transcript thereof, and that the same should be filed with this report in the office of the Secretary of State, where it shall remain as public property to be inspected by any one interested at any time, and in accordance with this decision the testimony taken as aforesaid has been transcribed and is attached hereto and made a part of this report.

In conducting this investigation the Committee has incurred expenses in subpoenaing witnesses and employing a stenographer to take the testimony and make a transcript of the same. We recommend that all expenses so in-

curred be considered a part of the Legislative expenses of this Legislative Assembly and be allowed and paid as other Legislative expenses.

All of which is respectfully submitted.

C. E. GREGORY,
B. W. FULLER,
A. C. MCGILLIVRAY,
JOHN BURKE.

Mr. Gregory moved
That the report of the Committee be adopted,
Which motion prevailed.

MOTIONS AND RESOLUTIONS.

Mr. Gregory presented the following resolution:

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

WHEREAS, Under an act of Congress approved March 2, 1891, it was provided that all moneys collected under the direct tax levied by act of Congress, approved August 5, 1861, should be credited and paid to the several States and Territories; and

WHEREAS, Under the provisions of this act the Territory of Dakota was entitled to its share of the money so levied and collected; and

WHEREAS, The amount credited to the Territory of Dakota is \$3,241,33, a portion of which the State of North Dakota is entitled to receive; therefore be it

Resolved, By the Senate, the House of Representatives concurring, that the State of North Dakota does hereby accept the sum appropriated and the trust imposed by an act of Congress entitled "an act to credit and pay to several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the act of Congress, approved March 5, 1861, in full satisfaction of the claims against the United States on account of the levy and collection of said tax, and does hereby authorize the Governor to receive the said money for the use and purposes aforesaid, and receipt therefor."

Mr. Gregory moved
To adopt the resolution,
Which motion prevailed.

INTRODUCTION OF BILLS.

Mr. LaMoure introduced
Senate Bill No. 147,

A Bill for an act creating an historical commission for the State, prescribing its duties and the place for preserving its records,

Which was read the first and second times, and
Referred to the Committee on State Affairs.

Mr. Dobie introduced
Senate Bill No. 148,

A Bill for an act to provide for the protection of planted fish in the waters of North Dakota,

Which was read the first and second times, and
Referred to the Committee on Agriculture.

Mr. Little introduced
Senate Bill No. 149,
A Bill for an act prescribing the mode of listing, assessing and
the levy and collection of taxes and for other purposes,
Which was read the first and second times, and
Referred to the Judiciary Committee.

THIRD READING OF SENATE BILLS.

Senate Bill No. 143,
A Bill for an act to amend Section 307 of the Probate Code of
the State of North Dakota,
Which was read the third time and put upon its final passage.
The roll being called there were ayes 21, nays none, not voting 10.
Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Enger,	Rourke,
Benedict,	Fuller,	Stevens,
Brown,	Hanscom,	Strom,
Burke,	LaMoure,	Tufts,
Clark,	McCarten,	Valentine,
Davis,	McGillivray,	White,
Dobie,	Plain,	Wishek.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Day,	Lamb,	Sorley,
Gregory,	Little,	Viets,
Haggart,	Parkin,	Young.
Hillier,		

So the bill passed and the title was agreed to.

Senate Bill No. 129,
A Bill for an act to amend Section 1961a of the Civil Code,
Was read the third time and put upon its final passage.
The roll being called there were ayes 21, nays none, not voting 10.
Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Enger,	McCarten,
Benedict,	Fuller,	McGillivray,
Brown,	Haggart,	Stevens,
Burke,	Hanscom,	Tufts,
Clark,	Hillier,	Valentine,
Davis,	LaMoure,	White,
Dobie,	Little,	Wishek.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Day,	Plain,	Strom,
Gregory,	Rourke,	Viets,
Lamb,	Sorley,	Young.
Parkin,		

So the bill passed and the title was agreed to.

Senate Bill No. 140.

A Bill for an act defining the qualifications of electors of Indian descent,

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

The roll being called there were ayes 23, nays none, not voting 8.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Fuller,	Plain,
Benedict,	Haggart,	Rourke,
Brown,	Hanscom,	Stevens,
Burke,	Hillier,	Strom,
Clark,	LaMoure,	Tufts,
Davis,	Little,	Valentine.
Dobie,	McCarten,	Wishek.
Enger,	McGillivray,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Day,	Parkin,	White,
Gregory,	Sorley,	Young.
Lamb,	Viets,	

So the bill passed and the title was agreed to.

Senate Bill No. 138,

A Bill for an act determining the southern boundary of the State of North Dakota,

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

The roll being called there were ayes 25, nays none, not voting 6

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gregory,	Plain,
Benedict,	Haggart,	Rourke,
Brown,	Hanscom,	Stevens,
Burke,	Hillier,	Strom,
Clark,	LaMoure,	Tufts,
Davis,	Little,	Valentine,
Dobie,	McCarten,	White,
Enger,	McGillivray,	Wishek.
Fuller,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Day,	Parkin,	Viets,
Lamb,	Sorley,	Young.

So the bill passed and the title was agreed to.

The President called Mr. Wishek to the Chair.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,)
 February 25, 1895. }

MR. PRESIDENT:

I have the honor to transmit herewith
 Senate Bill No. 79,

A Bill for an act defining the practice in county courts having increased jurisdiction, fixing the terms of court, compensation of judges and clerks and their duties.

SECTION 2. The regular term of the county court shall be held at the county seat, commencing at 9 o'clock a. m. on the first Tuesday of each calendar month for the trial of such civil and criminal actions as may be brought before such court.

SEC. 8. The county court shall have authority to grant new trials, affirm, modify or set aside judgments in actions tried in such court, upon a statement of cases prepared and settled in the manner provided in the Code of Civil Procedure.

SEC. 10. All writs, summons and other process may be executed and served as the case may require only in the county; *Provided*, That where there is more than one defendant, and one of such defendants has been served in the county, service may be made on the other defendants in any county in this State.

SEC. 12. The time for which any civil action may be adjourned shall be regulated by the county judge, in the exercise of a reasonable discretion; *Provided*, That such action cannot be adjourned over more than three regular terms of such court upon the application of either party without the consent of the other.

In criminal actions, if the defendant has been committed to jail, he must be tried at the first term of such court held after such commitment. If the defendant in a criminal action has given bail for his appearance, his trial must not be postponed longer than until the third term after such bail is given.

SEC. 15. In any criminal action or proceeding for any criminal offense of which the county court has jurisdiction, any justice of the peace or other examining magistrate having jurisdiction must admit to bail, bind over or commit for trial the accused to the county court of such county, and the information shall be filed in such county court.

If any person accused of a criminal offense is so bailed, bound over or committed for trial to the county court for crime of which such court has not jurisdiction, such proceeding shall not abate and such county court shall not lose jurisdiction of such person and proceeding, but shall certify the same to the district court of such county and such proceedings shall thereupon be tried in the district court with the same force and effect as if such action or proceedings had been originally commenced therein. If any examining magistrate shall at any time bind over a defendant to the district court for an offense of which the county court has jurisdiction, or if it shall appear by evidence or otherwise at any time to the judge of the district court that the offense with which the defendant is or should be charged is triable in the county court, the judge of the district court may certify such cause, and all proceedings relative to any person accused of such offense, to the county court of such county for trial, determination and adjudication, and thereupon the same and all the papers and files therein shall be transferred by the clerk of the district court to the county court without any further order or certificate, and such cause shall thereupon be tried in the county court, with

the same force and effect as if such cause had originally been commenced therein.

SEC. 16. Stricken out.

SEC. 22. The summons shall require the defendant to file a copy of his pleadings with the clerk of the county court within ten days after the service of the summons, exclusive of the day of service.

SEC. 23. The complaint in any civil action, together with one copy for each defendant, must be filed with the clerk of the county court within five days after the issuance of the summons in such action, and any action in which the complaint shall not have been filed in accordance with the provisions of this section shall be dismissed on motion of the defendant. In no case shall the defendant or his attorney be entitled to have a copy of the complaint served upon him.

SEC. 26. Any person having a judgment rendered by the county court may cause an abstract thereof to be filed in the office of the clerk of the district court in any county in the State, and when such abstract is filed in the office of the clerk of the district court and docketed as a judgment, such judgment shall be a lien upon all real estate in the county belonging to any of the defendants against whom such judgment is rendered.

Execution on any judgment shall issue out of the county court attested in the name of the judge and sealed with the seal of the court.

Execution may be issued to any county where an abstract of such judgment shall have been docketed, but before such execution shall be levied it shall have indorsed thereon by the clerk of the district court of such county, the day and hour when such abstract was filed, and the amount due thereon.

SEC. 27. In all counties having county courts with civil and criminal jurisdiction, having a population of less than 18,000 inhabitants, the clerk of the district court shall be clerk of the county court in the same county, and shall have the care and custody of all books and papers belonging to such county court which relate to or have any connection with any actions or proceedings commenced in such court by reason of its having increased civil and criminal jurisdiction conferred upon it. Such clerks of the district court and their deputies shall perform all the duties of the clerks of such courts, in all actions and proceedings commenced in the county courts by virtue of its enlarged jurisdiction, in the same manner as they are required to perform the duties of the clerks or deputy clerks of the district courts, so far as the provisions of law relating to that subject are applicable, and may demand and receive the same fees and compensation therefor, except that they shall be entitled to receive no per diem for attendance in court.

The judge of the county court, having increased jurisdiction, in counties having a population of 18,000 or more, shall have power to appoint a clerk of such court, whose duties and powers shall be as nearly as may be the same as those of clerks of district courts. Such clerk shall hold his office during the pleasure of the judge appointing him, and shall receive a salary of \$1,200 a year. He shall charge and receive for all acts performed by him the same fees and commissions as are allowed to clerks of the district courts. He shall keep a true account of all fees and commissions received by him in a book of record to be kept for that purpose, and on the first of each calendar month shall pay the same to the treasurer of the county.

SEC. 27. SALARY OF JUDGE.] As compensation for their services under this act there shall be allowed and paid to the judges of county courts having civil and criminal jurisdiction, in all counties having a population of 18,000 inhabitants the sum of \$2,500 per annum, and in counties having less than 18,000 inhabitants the sum of \$2,000 per annum, payable monthly by such county.

SEC. 30. All writs and process in county court may be served by a constable as well as a sheriff, and when served by a constable he shall be entitled to the same fees as the sheriff receives for like service.

After Section 30 add the two following sections :

The judge of any county court having civil or criminal jurisdiction is authorized in his discretion to appoint a court stenographer of such court. Such stenographer shall qualify in the same manner and his duties and compensation shall be the same as the court stenographer of a district court; such compensation shall be paid in the same manner as that of court stenographer of the district court; *Provided*, That such court stenographer shall not be appointed in any county having less than 8,000 inhabitants, unless the board of county commissioners shall first authorize such appointment.

No judge of the county court having increased civil and criminal jurisdiction shall be permitted during his term of office to practice law in any courts of the State, or to be a partner of any person who is engaged in the practice of law in any of the courts of this State,

Which the House has passed with the amendments transmitted herewith.

Also,

I have the honor to transmit herewith

House Bill No. 149,

A Bill for an act authorizing the board of trustees of the penitentiary to employ the inmates of the penitentiary in the manufacture of brick for constructing public improvements,

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

Respectfully,

J. M. DEVINE,
Chief Clerk.

Senate Bill No. 125,

A Bill for an act to provide for the extermination of Russian thistles,

Was read the third time.

Mr. McGillivray offered the following amendments :

Section 26, line 3, after word "break" insert the words "in any county infested by the Russian thistle.

In line 7, after the word "break" insert the words "in any county aforesaid."

Which amendment prevailed.

Mr. LaMoure offered the following amendment :

Section 1, line 1, adding after the word "weed" the letter "s" and after the word "thistle" add the words "French weed,"

Which amendment prevailed.

Mr. LaMoure moved

That throughout the bill where the words "Russian thistle" occur, the words "and French weed" be inserted as a noxious weed,

Which motion prevailed.

The question being upon the final passage of the bill as amended,

The roll being called there were ayes 22, nays none, not voting 9.

Those who voted in the affirmative were:

Messrs—
 Arnold,
 Benedict,
 Brown,
 Burke,
 Clark,
 Davis,
 Dobie,
 Enger,

Messrs—
 Gregory,
 Hanscom,
 Hillier,
 LaMoure,
 Little,
 McCarten,
 McGillivray,

Messrs—
 Plain,
 Rourke,
 Stevens,
 Strom,
 Tufts,
 Valentine,
 White.

Absent and not voting:

Messrs—
 Day,
 Fuller,
 Haggart,

Messrs—
 Lamb,
 Parkin,
 Sorley,

Messrs—
 Viets,
 Wishek,
 Young.

So the bill passed and the title was agreed to.

Mr. LaMoure moved

To amend the title by inserting after the words "Russian thistle" the words "and French weed,"

Which amendment was agreed to.

Mr. Valentine moved

That the vote by which Senate Bill No. 125 was passed be reconsidered, and that the motion to reconsider be laid on the table,

Which motion prevailed.

The President in the Chair.

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

MR. PRESIDENT:

Your Committee on Engrolled and Engrossed Bills have examined

Senate Bill No. 120,

A Bill for an act regulating voting at primary elections.

Also,

Senate Bill No. 131,

A Bill for an act to amend Chapter 100 of the Session Laws of 1890, being an act amending Articles 49 and 16 of Chapter 73 of the General Laws of 1887, entitled "an act to provide for the incorporation of cities, and also to repeal Section 1 of Chapter 97 of the Laws of 1890, in so far as the same relates to cities."

Also,

Senate Bill No. 91,

A Bill for an act to prohibit the selling or letting of the labor of convicts to private parties or corporations.

And find the same correctly engrossed.

E. YOUNG,
 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. 44,

A Bill for an act to provide for a geological and natural history survey of the State of North Dakota,

And find the same correctly enrolled.

E. YOUNG,
Chairman.

The President announced that he was about to sign

Senate Bill No. 44,

A Bill for an act to provide for a geological and natural history survey of the State of North Dakota.

Also,

Senate Bill No. 85,

A Bill for an act to establish a Civil Code for the State of North Dakota.

SPECIAL ORDERS.

The time having arrived for the consideration of Senate Bill No. 94, it having been made a special order for this time,

Senate Bill No. 94,

A Bill for an act to amend Sections 5 and 69, Chapter 118, Laws of 1893, entitled "an act to amend all of Chapters 25, 146, 147 and 148 of the Laws of 1890, and Chapter 65 of the Laws of 1891, and to provide for the management, control and disposal of university, school and all other public lands of the State, and the management of the funds arising therefrom, and making an appropriation therefor,"

Was read the third time.

Mr. Strom offered the following amendment:

To Section 5, line 17, after the word "State," insert "and shall be loaned only on farm land in such counties where at least one-fourth part of such school and public lands have been sold."

Mr. Burke moved, as a substitute,

That all that part of the bill be eliminated that says that the school money can be loaned on first mortgages on lands or real estate,

Which motion prevailed.

Mr. White moved

That the further consideration of Senate Bill No. 94 be indefinitely postponed,

Which motion prevailed.

Substitute for Senate Bill No. 93,
 A Bill for an act for the encouragement of higher education
 and appropriating money therefor,

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

The roll being called there were ayes 24, nays 2, not voting 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Fuller,	McGillivray,
Benedict,	Gregory,	Plain,
Brown,	Haggart,	Rourke,
Burke,	Hanscom,	Stevens,
Clark,	Hillier,	Strom,
Davis,	LaMoure,	Tufts,
Dobie,	Little,	Valentine,
Enger,	McCarten,	Wishek.

Messrs. White and Young voting in the negative.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Day,	Parkin,	Viets.
Lamb,	Sorley,	

So the bill passed and the title was agreed to.

Mr. Arnold moved

That the vote by which Senate Bill No. 93 was passed be reconsidered, and that the motion to reconsider be laid on the table,

Which motion prevailed.

Senate Bill No. 87,

A Bill for an act to prevent the spread of contagious, infectious and epidemic diseases among domestic animals; creating the office of Chief State Veterinarian; prescribing the duties thereof, and appropriating money for necessary expenses thereof,

Was read the third time.

Mr. Little offered the following amendment:

Amend Section 2, line 1, strike out the word "six" and insert the word "seven."

Amend Section 3 by adding the words "District No. 7 shall consist of the Seventh Judicial District,"

Which amendment was adopted.

The question being upon the final passage of the bill as amended,

The roll being called there were ayes 23, nays none, not voting 8.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hanscom,	Stevens,
Brown,	Hillier,	Strom,
Burke,	LaMoure,	Tufts,
Clark,	Little,	Valentine,
Davis,	McCarten,	White,

Messrs—
Dobie,
Gregory,
Haggart,

Messrs—
McGillivray,
Plain,
Rourke,

Messrs—
Wishek,
Young.

Absent and not voting:

Messrs—
Benedict,
Day,
Enger,

Messrs—
Fuller,
Lamb,
Parkin,

Messrs—
Sorley,
Viets.

So the bill passed and the title was agreed to.

Mr. Little moved

That the vote by which Senate Bill No. 87 was passed be reconsidered, and that the motion to reconsider be laid on the table,
Which motion prevailed.

Mr. Haggart asked consent to return to the ninth order of business to introduce a bill,
Which consent was granted.

Mr. Haggart introduced
Senate Bill No. 150,

A Bill for an act making an appropriation for the purpose of completing and furnishing the executive mansion and defraying the incidental expenses thereof for the years 1895 and 1896,
Which was read the first and second times, and
Referred to the Appropriation Committee.

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. 135,

A Bill for an act declaring the Carlisle tables of mortality to be competent evidence in certain cases.

Also,

Senate Bill No. 141,

A Bill for an act to prohibit the manufacture, sale and use of adulterated cigarettes, and the sale of cigarettes, cigars and tobacco to minors.

Also,

Senate Bill No. 82,

A Bill for an act establishing an emergency commission, prescribing their duties and appropriating money for the expenses thereof.

Also,

Senate Bill No. 71,

A Bill for an act relating to the duties of county superintendent of schools,

And find the same correctly engrossed.

E. YOUNG,
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. 104,

A Bill for an act to amend Section 161 of an act entitled "an act to provide for a uniform system of free public schools throughout the State, and to prescribe penalties for the violation of the provisions thereof of Chapter 62, Session Laws of 1890,"

And find the same correctly engrossed.

E. YOUNG,
Chairman.

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

FRED FALLEY,
Secretary.

FIFTIETH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 26, 1895.

The Senate was called to order by the President.

Prayer by Senator Stevens.

Roll called.

All members present.

The Journal was read and approved.

The President announced that he was about to sign

Senate Bill No. 114,

A Bill for an act to establish a Justice' Code for the State of North Dakota.

Also,

Senate Bill No. 10.

A Bill for an act to amend Section 2 of Chapter 110 of the Session Laws of 1890, entitled "an act to prescribe penalties for unlawful manufacture, sale, barter and giving away of such liquors for medicinal, scientific and mechanical purposes."

Also,

Senate Bill No. 39,

A Bill for an act to amend an act entitled "an act prescribing the mode of assessment and the levy and collection of taxes, and for other purposes relative thereto."

Mr. Sorley moved

That the report of the Committee to investigate the State edu-

ational institutions be referred back to that Committee with instructions to report forthwith,

Which motion prevailed.

Mr. McGillivray moved

That the Senate take a recess for fifteen minutes,

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 Bill No. 39,

A Bill for an act to amend an act entitled "an act prescribing the mode of making assessment and the levy and collection of taxes, and for other purposes relative thereto."

Also,

Senate Bill No. 10,

A Bill for an act to amend Section 2 of Chapter 110 of the Session Laws of 1890, entitled "an act to prescribe penalties for unlawful manufacture, sale, barter and giving away of such liquors for medicinal, scientific and mechanical purposes."

Also,

Senate Bill No. 114,

A Bill for an act to establish a Justice' Code for the State of North Dakota

Also,

Senate Bill No. 118,

A Bill for an act providing for the deposit in court of money, property or effects for which there are adverse claimants.

Also,

Senate Bill No. 48,

A Bill for an act fixing the maximum rates that railroad companies may charge for the transportation of coal within the State of North Dakota,

Also,

Senate Bill No. 137,

A Bill for an act to amend Sections 117, 118 and 120, of Chapter 62, Laws of 1890, being an act providing for uniform system of public schools,

And find the same correctly engrossed.

E. YOUNG,
Chairman.

The Senate reassembled.

Mr. Tufts moved

That Senate Bill No. 58 be recalled from the House,
Which motion prevailed.

Mr. Rourke moved

That the Senate do not concur to the House amendments to
Senate Bill No. 79,
Which motion prevailed.

Mr. LaMoure moved

That a committee be appointed to confer with the House as to
the amendments to Senate Bill No. 79.

The President appointed Messrs. Rourke, Burke and Tufts as
such Committee.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE CHAMBER, }
February 26, 1895. }

To the Senate:

GENTLEMEN:—I have the honor to inform you that I have this
day approved

Senate Bill No. 44,

A Bill for an act to provide for a geological and natural history
survey of the State of North Dakota,

I remain, yours respectfully,

ROGER ALLIN,
Governor.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
February 26, 1895. }

MR. PRESIDENT:

I have the honor to return herewith

A Concurrent Resolution for the purpose of securing the sum
of \$3,241.33 due this State and which was collected by and under
an act of Congress, approved August 5, 1861,

In which resolution the House has concurred.

Respectfully,
J. M. DEVINE,
Chief Clerk.

The courtesies of the floor of the Senate were extended to Colonel McLaughlin, Indian Inspector.

Mr. Little moved

That the rules be suspended and that House Bills be given their first and second reading and reference,
Which motion prevailed.

The time having arrived for the consideration of Senate Bill No. 105,

Mr. LaMoure moved

That Senate Bill No. 105 be made a special order for Monday, March 4, at 2:30 p. m.

FIRST AND SECOND READING OF HOUSE BILLS.

House Bill No. 102,

A Bill for an act entitled "an act to authorize the Secretary of the State of North Dakota to receive, preserve and turn over to his successor in office the portraits of State officials and Members of Congress,"

Which was read the first and second times, and
Referred to the Committee on State Affairs.

House Bill No. 149,

A Bill for an act authorizing the board of trustees of the penitentiary of this State to employ the inmates of the penitentiary in manufacturing of brick and constructing public improvements,

Which was read the first and second times, and
Referred to the Committee on State Affairs.

House Bill No. 151,

A Bill for an act making an appropriation to pay certain expenses incurred by the Fourth Legislative Assembly of the State of North Dakota,

Which was read the first and second times, and
Referred to the Committee on Appropriations.

House Bill No. 122,

A Bill for an act entitled "an act to protect dairy interests of the State of North Dakota, and to prevent fraud in dairy products, and to regulate the traffic in adulterated butter and cheese,"

Which was read the first and second times, and
Referred to the Committee on State Affairs.

House Bill No. 82,

A Bill for an act entitled "an act to amend Subdivisions 4 and 5 of Section 2144 of Chapter 22 of the Political Code, Compiled Laws of 1887, relating to settlement and support of the poor,"

Which was read the first and second times, and

Referred to the Judiciary Committee.

House Bill No. 100,

A Bill for an act entitled "an act requiring railway corporations to provide bulletin boards at stations, and providing penalties,"

Which was read the first and second times, and

Referred to the Committee on Railroads.

House Bill No. 70,

A Bill for an act declaring it a misdemeanor to practice fraud on hotel keepers,

Which was read the first and second times, and

Referred to the Committee on Judiciary.

House Bill No. 98,

A Bill for an act amending Section 28 of Chapter 24 of the Political Code, being Section 1049 of the Compiled Laws of 1887, relating to the qualifications of officers of incorporated towns,

Mr. Rourke moved

That House Bill No. 92 be re-referred to the Committee on Judiciary,

Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

The Committee on Education made the following report:

MR. PRESIDENT:

Your Committee on Education to whom was referred

Senate Bill No. 57,

A Bill for an act to amend Section 37, Chapter 62, of an act to provide for a uniform system of public schools, of Laws of 1890.

Also,

Senate Bill No. 55,

A Bill for an act to amend Section 22 of Chapter 89, Laws of 1891, entitled "an act providing for the erection, operation and management of the normal schools of the State,"

Would recommend the further consideration thereof be indefinitely postponed, as substitutes will be submitted.

Also,

Senate Bill No. 112,

A Bill for an act to provide for uniform free text books, Have had the same under consideration and recommend that the same be indefinitely postponed, there being a substitute.

Also,

House Bill No. 29,

A Bill for an act to provide free and uniform text books, Have had the same under consideration and recommend that the same be indefinitely postponed, there being a substitute.

Also,

Senate Bill No. 116,

A Bill for an act to provide for the furnishing of free text books and school supplies to the pupils of the public schools,

Have had the same under consideration and recommend that the same be indefinitely postponed, there being a substitute.

Also,

Senate Bill No. 38,

A Bill for an act to provide free and uniform school text books throughout the several counties of the State,

Have had the same under consideration and recommend that the same be indefinitely postponed, there being a substitute.

Also,

House Bill No. 95,

A Bill for an act entitled "an act to amend Sections 3, 7 and 9 of Chapter 125 of the Laws of 1893,"

Have had the same under consideration and recommend that the same be indefinitely postponed.

Also,

Senate Bill No. 144,

A Bill for an act to amend Section 37 of Chapter 62 of the Session Laws of 1890,

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

Also,

House Bill No. 152,

A Bill for an act to amend Section 33 of Chapter 56, Laws of 1891, being an act to amend Sections 3, 4, 7, 8, 22, 24, 32, 37, 40, 55, 66, 67, 68, 74, 75, 79, 81, 83, 86, 87, 101, 110, 121, 122, 135, 136, 137, 140, 143, 144, 148, 167, 169 and 192, of Chapter 62, Laws of 1890, entitled "an act to provide for a uniform system of free public schools throughout the State and to prescribe penalties for violation of the provisions thereof,"

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

A. V. BENEDICT,
Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred

House Bill No. 74,

A Bill for an act to cure defective acknowledgments,

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

Also,

House Bill No. 35,

A Bill for an act to amend Section 39, Chapter 132 of the Session Laws of 1890, entitled "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 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
Senate Bill No. 147,

A Bill for an act creating an historical commission for the State, prescribing its duties and the place for preserving its records,

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

P. H. ROURKE,
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. 47,

A Bill for an act providing for extension of the time for the payment of the taxes for the year 1894,

Have had the same under consideration and recommend that the same do not pass for the reason that the matter is fully covered by Senate Bill No. 39, which has already passed the Senate.

Also,

House Bill No. 28,

A Bill for an act making Labor Day a legal holiday,

Have had the same under consideration and recommend that the following bill be substituted:

Section 1. That the first Monday in September in each and every year, being the day known as Labor Day, be and the same is hereby made a legal holiday,

And that said substitute bill do pass.

Also,

House Bill No. 71,

A Bill for an act to provide for the acquisition of lands for township cemeteries,

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

Also,

House Bill No. 136,

A Bill for an act to appropriate for the support of organized fire companies within this State a portion of the tax paid by fire insurance companies upon premiums received, and repealing Chapter 53 of the Session Laws of 1887 of the Territory of Dakota, and Chapter 66 of the Session Laws of 1893 of the State of North Dakota,

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

Also,

Senate Bill No. 66,

A Bill for an act to amend Section 86, Chapter 132, Laws of 1890,

Have had the same under consideration and recommend that the following bill be substituted:

SUBSTITUTE FOR SENATE BILL No. 66.

An Act to Amend Section 86, Chapter 132, Laws of 1890, Being an Act Entitled "An Act Prescribing the Mode of Making Assessment and the Levy and Collection of Taxes, and for Other Purposes Relative Thereto."

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

SECTION 1. That Section 86 of Chapter 132, Laws of 1890, be amended so as to read as follows:

SECTION 86. When pieces or parcels of real property are bid in for the State under the provisions of this act, and not redeemed or assigned prior to any subsequent sale, the county auditor shall include the total amount of all such prior sales to the State, including penalty, interest and costs in making each subsequent sale, and the title to said property shall become absolute in the State in three years from the date of the first sale to the State (provided the same has been neither redeemed nor assigned), and may be disposed of by the county auditor at public or private sale, as the State Auditor may direct, subject to such rules and regulations as he may prescribe; and, *Provided*, That when the title to real estate has become absolute in the State such real estate shall be assessed as other real estate, and the valuation carried to the tax list each year, but instead of extending the tax as against other property owners, there shall be charged against such real property on the first Monday in December of each year, an amount equal to the tax, penalty, interest and costs which would have become due at that time, if not paid, on real property of the same valuation owned by other parties. The county auditor shall, when required by the State Auditor, make out and transmit to him a list of all forfeited lands and lots, showing the date of forfeiture and assessed valuation; also the amount of taxes, penalties, interest, costs and charges as above provided, due on each description of property; and no tract, lot or parcel of land shall be sold for less than the amount so shown to be due thereon, unless such amount exceeds the actual value of the property, in which case it may be sold for such sum as it will bring at public or private sale. Any person having an interest in, or lien upon any piece or parcel of forfeited land may redeem the same, at any time after forfeiture, and before sale thereof, by paying the amount due thereon, and in each case where the State resells property acquired under the provisions of this act, or if the same be redeemed prior to sale, the sum or sums

so charged in December of each year, as herein provided, shall be included as a part of the selling price, or of the amount necessary to redeem, and the county treasurer of the county wherein such real estate is located, shall credit each of the State funds with the proportionate amount of such collection to which said funds are entitled according to the valuation and State levy for that year; and the balance of the sum or sums so charged and collected, as herein provided, shall be placed to the credit of the various county funds.

And that the substitute bill do pass.

C. E. GREGORY,
Chairman.

The Committee on Cities and Municipalities made the following report:

MR. PRESIDENT:

Your Committee on Cities and Municipalities to whom was referred

House Bill No. 98,

A Bill for an act entitled "an act amending Section 28 of Chapter 24 of the Political Code, being Section 1049 of the Compiled Laws of 1887, relating to the qualification of officers of incorporated towns,"

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

Wherever the word "town" occurs add the words "or village,"

And when so amended recommend that the same do pass.

B. FULLER,
Chairman.

The Committee on Counties made the following report:

MR. PRESIDENT:

Your Committee on Counties to whom was referred
Senate Bill No. 77,

A Bill for an act to amend Section 25, of Article 15, of Chapter 73, of the Session Laws of 1887,

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

H. F. ARNOLD,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Gregory offered the following Concurrent Resolution:

Resolved by the Senate, the House of Representatives Concurring:

That the State Auditor be instructed to audit bills for expenses incurred by the Joint and Investigating Committees that have been appointed by the Legislative Assembly, such bills to be endorsed as correct by the chairmen of the aforesaid committees before they are so audited by the State Auditor.

Mr. LaMoire moved

That the resolution be adopted,
Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
February 26, 1895. }

MR. PRESIDENT:

I have the honor to transmit herewith

A Concurrent Resolution, recommending that at the next general election the people vote upon the question for or against a convention to revise the Constitution of the State,

Which the House has concurred in.

Respectfully,
J. M. DEVINE,
Chief Clerk.

INTRODUCTION OF BILLS.

Mr. LaMoure introduced

Senate Bill No. 151,

A Bill for an act entitled "an act to regulate peddling in this State and to provide a license fee for persons engaged in peddling,"

Which was read the first and second times, and

Referred to the Committee on State Affairs.

Mr. White introduced

Senate Bill No. 152,

A Bill for an act authorizing the board of directors of corporations to hold their meetings at any place within or without the State of North Dakota,

Which was read the first and second times, and

Referred to the Committee on Corporations Other Than Municipal.

Mr. Dobie introduced

Senate Bill No. 153,

A Bill for an act in relation to health and decency in the school districts of this State,

Which was read the first and second times, and

Referred to the Committee on Education.

Mr. Clark introduced

Senate Bill No. 154,

A Bill for an act amending Section 1, Article 19, Chapter 73 of the Laws of 1887, the same being Section 1016 of the Compiled Laws of the Territory of Dakota, now State of North Dakota,

Which was read the first and second times, and

Referred to the Committee on Cities and Municipalities.

Senate Bill No. 136,

A Bill for an act to repeal Section 24 of Article 15 of Chapter 73 of the Laws of 1887, being Section 982 of the Compiled Laws,

Was read the first and second times and put upon its final passage.

The roll being called there were ayes 26, nays none, not voting 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Benedict,	Haggart,	Stevens,
Brown,	Hanscom,	Strom,
Burke,	Hillier,	Tufts,
Clark,	Lamb,	Valentine,
Davis,	LaMoure,	Viets,
Day,	Little,	White,
Dobie,	Plain,	Wishek,
Enger,	Rourke,	Young.
Fuller,	Sorley,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	McCarten,	Parkin.
Gregory,	McGillivray,	

So the bill passed and the title was agreed to.

Mr. Haggart moved

That the vote by which Senate Bill No. 136 was passed be reconsidered, and that the motion to reconsider be laid on the table, Which motion prevailed.

Senate Bill No. 141,

A Bill for an act to prohibit the manufacture, sale and use of adulterated cigarettes, and the sale of cigarettes, cigars and tobacco to minors,

Which was read the third time and put upon its final passage.

The roll being called there were ayes 28, nays none, not voting 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gregory,	Rourke,
Benedict,	Hanscom,	Sorley,
Brown,	Hillier,	Stevens,
Burke,	Lamb,	Strom,
Clark,	LaMoure,	Tufts,
Davis,	Little,	Valentine,
Day,	McCarten,	Viets,
Dobie,	Parkin,	White,
Enger,	Plain,	Wishek.
Fuller,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Haggart,	McGillivray,	Young.

So the bill passed and the title was agreed to.

Mr. Little moved

That the vote by which Senate Bill No. 141 was passed be reconsidered, and that 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 CHAMBER,
BISMARCK, N. D., Feb. 26, 1895. }

To the Senate:

GENTLEMEN: I have the honor to inform you that I have this day approved

Senate Bill No. 85,

A Bill for an act to establish a Civil Code for the State of North Dakota.

I have the honor to remain,

Yours respectfully,
ROGER ALLIN,
Governor.

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

MR. PRESIDENT:

Your Committee on Enrolled and Engrossed Bills respectfully report that

Senate Bill No. 114,

A Bill for an act to establish a Justices' Code for the State of North Dakota.

Also,

Senate Bill No. 10,

A Bill for an act to amend Section 2, of Chapter 110, of Session Laws of 1890, entitled "an act to prescribe penalties for the unlawful manufacture, sale, barter and giving away of such liquors for medicinal, scientific and mechanical purposes."

Also,

Senate Bill No. 39,

A Bill for an act to amend an act entitled, "An act prescribing the mode of assessment and the levy and collection of taxes, and for other purposes relative thereto,"

Were delivered to His Excellency, the Governor, for his approval at the hour of 2:45 o'clock p. m., 1895.

E. YOUNG,
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. 136,

A Bill for an act to repeal Section 24 of Article 15 of Chapter 73 of the Laws of 1887, being Section 982 of the Compiled Laws, And find the same correctly engrossed.

E. YOUNG,
Chairman.

Substitute for Senate Bill No. 6,

A Bill for an act entitled "an act to provide for the inspection of steam boilers and licensing of steam engineers,"

Was read the third time.

Mr. Enger offered the following amendment by adding to Section 16:

Provided, That if any owner of any threshing machine after reasonable effort finds it impracticable without unreasonable expense or risk of injurious delay, or, if in the exercise of ordinary discipline, or because of carelessness, incompetency or jeopardy to his interest according to his best judgment, such owner shall discharge a licensed engineer; or if a licensed engineer shall quit work before the end of the threshing season, then in any such case such owner to avoid delay or the risk of delay in his threshing operations in his own discretion cause such engine to be operated by any person whom he may believe to be competent to discharge the duties of an engineer, but in such case such person so operating said engine shall have had reasonable experience as an engineer or fireman and shall understand the mechanism, construction and operations of a threshing engine or boiler. The owner of a threshing engine shall not be compelled by any provisions of this act to violate any contract or agreement.

Mr. Plain moved

To adopt the amendment.

Mr. Rourke moved

As a substitute that Section 16 be stricken out,

Which substitute prevailed.

Mr. Burke moved

To amend Section 11 by striking out in line 2 of the printed bill, all after the word "who" up to the word "has" in the third line,

Which motion prevailed.

Mr. Davis moved

That the further consideration of Senate Bill No. 6 be indefinitely postponed,

Which motion was lost.

Mr. Plain offered the following amendment:

Strike out in lines 1 and 2 of Section 19, the words "three dollars" and insert in lieu thereof the words "two dollars," and in line 5 of Section 19 the words "two dollars" and insert in lieu thereof the words "one dollar."

Mr. Plain moved

That the amendment be adopted,
Which amendment was lost.

Mr. Rourke moved

To amend Section 11, line 11, after word "of" insert the words "not more than."

Which amendment prevailed.

Mr. Hillier moved

To amend Section 10 by striking out all of said section after the word "charge" in line 7.

Which amendment was lost.

Mr. Brown moved

To amend Section 22, line 4, by striking out the words "as are used upon" and insert the words "or used in."

Which amendment prevailed.

Mr. Strom moved

To amend Section 20, line 6, by striking out the word "July" and insert the word "June."

Which amendment prevailed.

Mr. Plain moved

That the bill be recommitted to the Committee on Agriculture,
Which motion was lost.

Mr. Burke moved

The previous question,
Which motion prevailed.

The question being upon the final passage of the bill as amended,

The roll being called there were ayes 28, nays 2, not voting 1.

Those who voted in the affirmative were:

Messrs—

Arnold,
Benedict,
Brown,
Burke,
Clark,
Davis,
Day,
Dobie,
Fuller,
Gregory,

Messrs—

Haggart,
Hanscom,
Lamb,
LaMoure,
Little,
McCarten,
Parkin,
Plain,
Rourke,

Messrs—

Sorley,
Stevens,
Strom,
Tufts,
Valentine,
Viets,
White,
Wishek,
Young.

Messrs. Enger and Hillier voting in the negative.

Absent and not voting, Mr. McGillivray.

So the bill passed and the title was agreed to.

Mr. Tufts moved

That the vote by which Senate Bill No. 6 was passed be re-

considered, and that the motion to reconsider be laid on the table,
Which motion prevailed.

Senate Bill No. 80,

A Bill for an act defining usury, and the penalty for taking the same.

Was read the third time,

Mr. Tufts moved

To amend by striking out lines 14, 15, 16, 17, 18, 19, 20 of Section of the printed bill be stricken out,

Which motion was lost.

Mr. Brown moved

That the further consideration of Senate Bill No. 80 be indefinitely postponed.

Roll call demanded.

The roll being called there were ayes 13, nays 16, not voting 2.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Benedict,	Hanscom,	Plain,
Brown,	Lamb,	Sorley,
Fuller,	LaMoure,	Viets,
Gregory,	Parkin,	Wishek.
Haggart,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Burke,	Hillier,	Strom,
Clark,	Little,	Tufts,
Davis,	McCarten,	Valentine,
Day,	Rourke,	White,
Dobie,	Stevens,	Young.
Enger,		

Absent and not voting, Messrs. Arnold and McGillivray, who were excused.

So the motion was lost.

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. 138,

A Bill for an act determining the southern boundary of the State of North Dakota.

Also,

Senate Bill No. 143,

A Bill for an act to amend Section 307 of the Probate Code of the State of North Dakota.

Also,
Senate Bill No. 140,
A Bill for an act defining the qualifications of electors of
Indian descent.

Also,
Senate Bill No. 129,
A Bill for an act to amend Section 1961a of the Civil Code,
And find the same correctly engrossed.

E. YOUNG,
Chairman.

Mr. Brown moved
That the Senate do now adjourn.

Roll call demanded.

The roll being called there were ayes 12, nays 18, not voting 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Benedict,	Hanscom,	Plain,
Brown,	LaMoure,	Sorley,
Fuller,	Little,	Viets,
Gregory,	Parkin,	Wishek.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Arnold,	Enger,	Stevens,
Burke,	Haggart,	Strom,
Clark,	Hillier,	Tufts,
Davis,	Lamb,	Valentine,
Day,	McCarten,	White,
Dobie,	Rourke,	Young.

Mr. McGillivray absent and not voting.

So the motion was lost.

The Chair announced that he was about to sign a Concurrent
Resolution.

Mr. Rourke moved the previous question,
Which motion prevailed.

Mr. LaMoure moved
That the Senate take a recess of ten minutes.

Roll call demanded.

The roll being called there were ayes 13, nays 17, not voting 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	Parkin,
Benedict,	Hanscom,	Sorley,
Brown,	LaMoure,	Viets,
Fuller,	Little,	Wishek.
Gregory		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Burke,	Hillier,	Strom,
Clark,	Lamb,	Tufts,
Davis,	McCarten,	Valentine,
Day,	Plain,	White,
Dobie,	Rourke,	Young.
Enger,	Stevens,	

Mr. McGillivray absent and not voting.

So the motion was lost.

The question being upon the final passage of the bill,

The roll being called there were ayes 18, nays 10, not voting 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Burke,	Hillier,	Stevens,
Clark,	Lamb,	Strom,
Davis,	Little,	Tufts,
Day,	McCarten,	Valentine,
Dobie,	Plain,	White,
Enger,	Rourke,	Young.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Benedict,	Hanscom,	Sorley,
Brown,	LaMoure,	Viets,
Fuller,	Parkin,	Wishek.
Gregory,		

Absent and not voting, Messrs. Arnold and McGillivray.

So the bill passed and the title was agreed to.

Mr. McCarten moved

That the vote by which Senate Bill No. 80 was passed be reconsidered, and that the motion to reconsider be laid on the table,

Which motion prevailed.

Mr. LaMoure moved that the Senate take a recess for twenty minutes,

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

Substitute for Senate Bill No. 93,

A Bill for an act for the encouragement of secondary education.

Also,

Senate Bill No. 125,

A Bill for an act to provide for the extermination of the Russian thistles and French weeds,

And find the same correctly engrossed.

E. YOUNG,
Chairman.

The Senate reassembled.

Mr. Haggart moved

That the Senate return to the sixth order of business,
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. 29,

A Bill for an act providing for an appropriation for the penitentiary at Bismarck and for making needed permanent improvements thereat.

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

That in Section 1, line 7 to line 26, inclusive, be made to read as follows:

In line 7, \$4,000 changed to \$3,000.

In line 9, \$1,800 changed to \$1,200.

In line 10, \$1,200 changed to \$600.

In line 11, \$1,000 changed to \$500.

In line 12, \$500 changed to \$300.

In line 13, \$12,000 changed to \$8,640.

In line 14, \$25,000 changed to \$20,000.

In line 15, \$5,000 changed to \$4,000.

In line 16, \$1,500 changed to \$1,200.

In line 17, \$1,500 changed to \$1,200.

In line 18, \$2,000 changed to \$800.

In line 19, \$3,500 changed to \$2,000.

In line 20, \$3,000 changed to \$1,500.

In line 21, \$800 changed to \$400.

In line 22, \$800 changed to \$300.

In line 23, \$1,500 changed to \$1,000.

Lines 24 and 25, stricken out.

In line 26, \$4,000 changed to \$1,260.

And when so amended recommend the same do pass.

Also,

Senate Bill No. 25,

A Bill for an act for an appropriation for current and contingent expenses of the Hospital for the Insane at Jamestown,

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

That lines 10 to 26 inclusive be changed to read as follows:

Line 10, \$62,000 changed to \$59,000.

Line 11, \$37,200 changed to \$35,000.

Line 13, \$2,750 changed to \$2,000.

Line 14, \$2,000 changed to \$1,500.

Line 15, \$2,500 changed to \$1,800.

Line 16, \$2,000 changed to \$1,500.
 Line 17, \$1,500 changed to \$1,000.
 Line 18, \$1,200 changed to \$800.
 Line 20, \$1,800 changed to \$1,000.
 Line 21, \$500 changed to \$300.
 Lines 22 and 23 struck out.
 Line 25, \$24,000 changed to \$22,000.
 Line 28 struck out.
 Line 30, \$400 changed to \$250.
 Line 33, \$800 changed to \$600.
 Line 34, \$1,200 changed to \$800.

And when so amended recommend that the same do pass.

Also,

Senate Bill No. 26,

A Bill for an act providing for an appropriation for the maintenance of the State Normal School at Valley City,

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

Section 1 be amended after the words "sum of" in fifth line the words "forty two" be stricken out and "twenty-four" inserted.

In 11th line, \$25,000 changed to \$17,000.

In 12th line, \$3,000 changed to \$2,400.

In 13th line, \$2,000 changed to \$1,200.

In 14th line, \$2,000 changed to \$800.

In 15th line, \$2,500 changed to \$400.

In 16th line, \$1,500 changed to \$1,000.

In 17th line, \$1,000 changed to \$200.

In 18th line, \$5,000 changed to \$1,000.

And that Section 2, an emergency clause, be added.

And when so amended is recommended to pass.

Also,

Senate Bill No. 96,

A Bill for an act to provide for the erection of necessary additional buildings for the Hospital of the Insane at Jamestown, North Dakota,

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

Also,

Senate Bill No. 54,

A Bill for an act providing for an appropriation for the maintenance and improvements of the State Normal School at Mayville,

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

That in Section 1, line 3, the words "fifty-five" be stricken out and the words "twenty-four thousand eight hundred and sixty" be substituted.

In lines 6 to 14 inclusive be fixed to read—

For Salaries of Faculty	\$14,160 00
Janitor, labor	1,400 00
Fuel and Lights	2,600 00
Furniture and Apparatus	400 00

Incidentals \$ 1,940 00
 Deficit on Heating Plant and Fuel 4,360 00
 And that Section 2, an emergency clause, be added.

And when so amended recommend that the same do pass.

Also,
 Senate Bill No. 35,

A Bill providing for an appropriation for the maintenance and the current and contingent expenses of the School for the Deaf of North Dakota at Devils Lake, and for making needed improvements thereat,

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

For Maintenance \$20,000 00
 For Deficiency 250 00

And when so amended recommend that the same do pass.

Also,
 Senate Bill No. 32,

A Bill for an act providing for an appropriation for the current and contingent expenses, furnishing, maintenance and making needed permanent improvements and repairs for the Soldiers' Home at Lisbon,

Have had the same under consideration and recommend that that it be amended to read as follows:

SECTION 1. That there is hereby appropriated the following sums of money, or as much thereof as may be necessary, out of any money in the State treasury, not otherwise appropriated, for the purpose of paying the current and contingent expenses, furnishing, maintenance and for making needed permanent improvements and repairs for the Soldiers' Home at Lisbon for the ensuing two years, to-wit:

CURRENT EXPENSES.

Incidental expenses.....	\$ 1,000 00	
Blank books and stationery.....	150 00	
Repairs	200 00	
Commandant's salary.....	2,000 00	
Adjutant's salary.....	800 00	
Sergeant's, engineer and pump man.....	300 00	
	<hr/>	\$ 4,450 00

SUBSISTENCE.

Maintenance.....	\$ 5,000 00	
Employes wages.....	1,400 00	
	<hr/>	6,400 00

CLOTHING.

Clothing.....		1,000 00
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HOUSEHOLD.

Furniture.....	\$ 500 00	
Fuel and light.....	1,500 00	
Beds and bedding.....	400 00	
Freight.....	500 00	
	<hr/>	2,900 00.

HOSPITAL.

Surgeon's salary.....	\$	600 00	
Drugs and medicines.....		200 00	
Matron's salary.....		600 00	
Burial of dead.....		200 00	
			1,600 00

TRANSPORTATION.

Transportation			200 00
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CONSTRUCTION.

All permanent improvements.....			500 00
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FARM.

Hired man.....	\$	300 00	
Machinery and tools.....		100 00	
			400 00
For hospital, new building.....			1,000 00
Total.....	\$		18,450 00

WHEREAS, An emergency exists in this, that there will be no available funds before July 1st to meet the expenses of said institution; *Therefore* This act shall take effect and be in force from and after its passage and approval,

And when so amended, recommend that the bill do pass.

Also,

Senate Bill No. 21,

A Bill for an act providing for the appropriation of additional buildings, and for the payment of the contingent expenses of the North Dakota Agricultural College and Experimental Station at Fargo,

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

That lines 6 to 24 be stricken out and the following lines substituted:

For erection of dairy building and equipment thereof.....	\$	1,500 00
For miscellaneous expenses.....		11,250 00
For alteration and ventilation for chemical department of main building.....		750 00
For library.....		500 00
For equipment of mechanical department.....		2,000 00
For institute work.....		1,000 00
For surface drainage and sewerage.....		3,000 00

And when so amended recommend same do pass.

Senate Bill No. 126,

A Bill for an act to appropriate \$30,000 to pay the expenses necessary incident to the eradication of Russian thistles,

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

Also,

Senate Bill No. 49,

A Bill for an act making an appropriation for maintenance of

the State University, and for needed permanent improvements of the State University,

Have had the same under consideration and recommend that the same be changed to read as follows:

That line 19, \$50,000 be changed to \$35,000.

That line 12 be stricken out.

That line 13, \$1,000 be changed to \$300.

That line 15, \$1,000 be changed to \$400.

That line 17, \$1,500 be changed to \$1,000.

That line 19, \$1,000 be changed to \$300.

That line 20, \$2,000 be changed to \$1,000.

That line 22, \$5,000 be changed to \$1,500.

That line 24, \$8,000 be changed to \$7,000.

That line 28 be stricken out.

That line 29, \$4,000 be changed to \$5,180.

That line 30, \$1,000 be changed to \$500.

That line 31, \$1,200 be changed to \$1,000.

That line 38, \$2,500 be stricken out.

And when so amended recommend that the same do pass.

JOHN E. HAGGART,
Chairman.

Mr. Haggart moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

FRED FALLEY,
Secretary.

FIFTY-FIRST DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 27, 1895.

The Senate was called to order by the President.

Prayer by the Chaplain.

Roll called.

All members present.

Mr. Haggart moved

That the reading be dispensed with and that a Committee be appointed to examine and correct the Journal,

Which motion prevailed.

The President appointed Messrs. Brown, Dobie and Plain.

REPORTS OF STANDING COMMITTEES.

The Committee on Counties made the following report:

MR. PRESIDENT:

Your Committee on Counties to whom was referred

House Bill No. 108,

A Bill for an act entitled "an act requiring county treasurers

to report to town clerks amounts of township funds on hand and amounts drawn by town treasurers and requiring town clerks to keep accounts of township funds,"

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

Strike out the word "town" wherever it occurs in the title and insert in lieu thereof the word "township."

Strike out the word "days" in line 2, Section 1 of printed bill and insert in lieu thereof the word "day." In same line 2 strike out the word "town" and insert in lieu thereof the word "township."

In line 8, Section 1, strike out "town" and insert in lieu thereof the word "township."

Section 2, line 2, strike out the word "town" wherever it occurs and insert in lieu thereof the word "township."

Section 3, lines 1, 2 and 3, strike out the word "town" and insert in lieu thereof the word "township."

Strike out all of said Section 3 after the words "shall be" in line 5, and insert in lieu thereof the words "examined, compared and balanced,"

And when so amended recommend that the same do pass.

H. F. ARNOLD,
Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred
House Bill No. 76,

A Bill for an act requiring county auditors to furnish township clerks with lists of real and personal taxes assessed in their townships and the amounts thereof,

Have had the same under consideration and recommend that said bill be indefinitely postponed.

Also,

House Bill No. 99,

A Bill for an act to promote speedy justice and a prompt hearing of cases appealed to the supreme court,

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

Also,

Senate Bill No. 72,

A Bill for an act to regulate the manner in which individuals, firms and private corporations shall be authorized to construct, maintain and operate public warehouses and elevators on railway right of way in the State of North Dakota,

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

By striking out Sections 2 and 5 of the printed bill. And further, that Section 3 of printed bill be numbered Section 2, Section 4 be numbered Section 3, Section 6 be numbered Section 4, Section 7 be numbered Section 5, and Section 8 be numbered Section 6.

Also,

Senate Bill No. 145,

A Bill for an act providing for printing and distributing ballots at public expense, and to regulate voting at all general elections, except municipal, town or school elections.

Also,

House Bill No. 4,

A Bill for an act to amend Subdivision 11 of Section 1, Chapter 100, Laws 1891,

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

Also,

House Bill No. 128,

A Bill for an act to prevent the destruction of farm buildings in the State of North Dakota,

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

By striking out the word "prison" in line 5, Section 2 of printed bill, and insert in lieu thereof the word "penitentiary."

Also,

House Bill No. 147,

A Bill for an act entitled "an act to amend Section 10, Chapter 38, Laws of 1887, being Section 545 of the Compiled Laws,"

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

C. B. LITTLE,
Chairman.

The Committee on Conference made the following report:

MR. PRESIDENT:

Your Committee on Conference to whom was referred Senate Bill No. 79,

A Bill for an act defining the practice in county courts having increased jurisdiction; fixing the terms of court, compensation of judges and clerks and their duties,

Have had the same under consideration and the House having receded from its amendment inserted at the end of Section 30 of said bill, and which reads as follows:

No judge of the county court having increased civil and criminal jurisdiction shall be permitted during his term of office to practice law in any courts of the State, or to be a partner of any person who is engaged in the practice of law in any of the courts of this State.

We recommend that the House amendments to the said bill, after the above has been stricken out, be concurred in by the Senate,

And when so amended recommend that the same do pass.

P. H. ROURKE,
Chairman

Mr. LaMoure moved

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

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 to repeal Sections 71 and 72 of Chapter 118
of the Laws of 1893,

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

Also,

Senate Bill No. 158,

A Bill for an act to suspend Sections 20, 21, 37, 40 and 60 of
Chapter 86, Laws of 1891, being an act to provide for a Military
Code for the State of North Dakota,

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

Also,

Senate Bill No. 150,

A Bill for an act making an appropriation for the purpose of
completing and furnishing the executive mansion and defraying
the incidental expenses thereof for the years 1895 and 1896,

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

Also,

Senate Bill No. 156,

A Bill for an act to repeal Chapter 70 of the Session Laws of
1890, being "an act to amend Article 9 of the Compiled Laws of
1887, being 'an act entitled an act to promote forest tree cul-
ture,'"

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

Also,

Senate Bill No. 157,

A Bill for an act to amend an act entitled, "an act to provide
for a uniform system of free public schools throughout the State,"
etc., approved March 20, 1890,

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

Also,

House Bill No. 69,

A Bill for an act entitled "an act to encourage the culture of the
sugar beet in the State of North Dakota and the manufacture of

sugar from the same and to appropriate three hundred dollars or so much as may be necessary to defray the expenses thereof,"

Have had the same under consideration and recommend that the same be indefinitely postponed.

Also,

House Bill No. 38,

A Bill for an act entitled "an act to appropriate money to compensate the State of South Dakota for caring, providing for and schooling North Dakota's refractory children at the South Dakota Reform School,"

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

Also,

Concurrent Resolution,

That the Governor of the State be respectfully requested to investigate and report to the Legislative Assembly the advisability of establishing a plant for the manufacture of binding twine in the penitentiary, and the utilizing of convict labor therefor,

Have had the same under consideration and recommend that he same be indefinitely postponed.

Also,

House Bill No. 140,

A Bill for an act making an appropriation to pay Nellie McDonald for labor as clerk for Commissioners of Railroads,

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

Also,

House Bill No. 127,

A Bill for an act entitled "an act to reimburse Dr. F. R. Smyth for stamping diphtheria out of the county of Mercer by order of the State Board of Health, and making an appropriation therefor,

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

Also,

House Bill No. 89,

A Bill for an act to amend Section 5 of Chapter 118 of the Laws of 1893, entitled "an act to amend all of Chapters 25, 146, 147 and 148 of the Laws of 1890, and Chapter 65 of the Laws of 1891, and to provide for the management, control and disposal of university, school and all other public lands of the State and the management of the fund arising therefrom and making an appropriation therefor,"

Have had the same under consideration and recommend that the same be referred to the Committee on School and Public Lands.

Senate Bill No. 84,

A Bill for an act amending Section 7, Chapter 127, Laws of 1893, entitled "an act to establish a weather and crop service, for the collection and dissemination of crop statistics and meteorological data."

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

Also,

Senate Bill No. 75,

A Bill for an act to repeal an act approved February 28, 1893, entitled "an act for an appropriation for the erection of the North Dakota Reform School at Mandan and for incidental and contingent expenses for the same,"

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

JOHN E. HAGGART,
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. 87,

A Bill for an act to prevent the spread of contagious, infectious and epidemic diseases among domestic animals; creating the office of Chief State Veterinarian; prescribing the duties thereof, and appropriating money for necessary expenses thereof.

Also,

Senate Bill No. 123,

A Bill for an act to amend Chapter 93 of the Laws of 1891, being an act entitled "an act for the prevention of fire and to provide against damages done by them;" also prescribing duties of County Commissioners in relation thereto,

And find the same correctly engrossed.

E. YOUNG,
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. 147,

A Bill for an act creating an historical commission for the

State, prescribing its duties and place for preserving its records,
And find the same correctly engrossed.

E. YOUNG,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. LaMoure moved

That the courtesies of the senate be extended to Hon. Timothy
O'Brien,

Which courtesies were extended, there being no objection.

CONCURRENT RESOLUTION.

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

WHEREAS, Under an act of Congress, approved March 2, 1891, it was provided that all moneys collected under the direct taxes levied by act of Congress approved August 5, 1861, should be credited and paid to the several States and Territories; and

WHEREAS, Under the provisions of this act the Territory of Dakota was entitled to its share of the moneys so levied and collected; and

WHEREAS, The amount credited to the Territory of Dakota is \$3,241.33, a portion of which the State of North Dakota is entitled to receive; therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the State of North Dakota does hereby accept the sums appropriated and the trust imposed by an act of Congress entitled "An act to credit and pay to several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the act of Congress approved August 5, 1861, in full satisfaction of claims against the United States on account of the levy and collection of said tax and does hereby authorize the Governor to receive the said money for the use and purposes aforesaid and receipt therefor.

Mr. Little moved

That the resolution be referred to the Committee on Judiciary.

INTRODUCTION OF BILLS.

The Committee on Appropriations introduced

Senate Bill No. 155,

A Bill for an act to repeal Sections 71 and 72 of Chapter 118
of the Laws of 1893,

Which was read the first and second times, and

Referred to the Committee on Appropriations.

Also,

Senate Bill No. 156,

A Bill for an act to repeal Chapter 70 of the Session Laws of
1890, being an act to amend Article 9 of the Compiled Laws of
1887, being an act entitled "an act to promote forest tree culture,"

Which was read the first and second times, and

Referred to the Committee on Appropriations.

Also,

Senate Bill No. 157.

A Bill for an act to amend an act entitled "an act to provide for a uniform system of free public schools throughout the State, and to prescribe penalties for the violation of the provisions thereof, passed by the first session of the Legislative Assembly of the State of North Dakota and approved March 20, 1890, in relation to teachers' institutes, and to repeal conflicting laws,

Which was read the first and second times, and
Referred to the Committee on Appropriations.

Mr. Viets introduced

Senate Bill No. 160,

A Bill for an act entitled "an act to amend Sections 1, 10 and 16, and to repeal Section 13 of Chapter 110 of the Laws of A. D. 1890, entitled "an act to prescribe penalties for the unlawful manufacture, sale and keeping for sale of intoxicating liquors, and to regulate the sale, barter and giving away such liquors for medicinal, scientific and mechanical purposes,"

Which was read the first and second times, and
Referred to the Committee on Temperance.

Mr. Lamb introduced

Senate Bill No. 161,

A Bill for an act to provide North Dakota coal for use at the State capitol, penitentiary and other State institutions, and to employ convict labor in opening and operating coal mines for the benefit of the State and the public school fund,

Which was read the first and second times, and
Referred to the Committee on State Affairs.

Also,

Senate Bill No. 158,

A Bill for an act to suspend Sections 20, 21, 37, 40 and 60 of Chapter 86, Laws of 1891, being an act to provide a Military Code for the State of North Dakota,

Which was read the first and second times, and
Referred to the Appropriation Committee.

The Joint Conference Committee introduced

Senate Bill No. 159,

A Bill for an act fixing the maximum rates railroads may charge for the transportation of grain and lumber within the State of North Dakota,

Which was read the first and second times, and
Referred to the Committee on State Affairs.

THIRD READING OF SENATE BILLS.

Senate Bill No. 147,

A Bill for an act creating an historical commission for the State, prescribing its duties and the place for preserving its records,

Was read the third time.

Mr. LaMoure moved

To amend line 2 of the printed bill insert the name W. H. Moorhead after the word "agricultural,"

Which motion prevailed.

The question being upon the final passage of the bill as amended,

The roll being called, there were ayes 27, nays none, not voting 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Fuller,	Rouke,
Benedict,	Haggart,	Sorley,
Brown,	Hanscom,	Stevens,
Burke,	Hillier,	Strom,
Clark,	LaMoure,	Valentine,
Davis,	Little,	Viets,
Day,	McCarten,	White,
Dobie,	Parkin,	Wishek,
Enger,	Plain,	Young.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Gregory.	Lamb,	McGillivray.
Tufts,		

So the bill passed and the title was agreed to.

Mr. LaMoure moved

That the vote by which Senate Bill No. 147 was passed be reconsidered, and that the motion to reconsider be laid on the table,

Which motion prevailed.

The courtesies of the floor of the Senate were extended to W. F. Redmon, of Cass county, Hon. Reuben Nobles, J. J. McCanna and Nels Folsom.

Senate Bill No. 21,

A Bill for an act providing for the appropriation of additional buildings, and for the payment of the contingent expenses of the North Dakota Agricultural College and Experimental Station of Fargo.

Mr. Little moved

That the report of the Committee be adopted,

Which motion prevailed.

The question being upon the final passage of the bill as amended,

The roll being called, there were ayes 26, nays none, not voting 5.

Those who voted in the affirmative were:

Messrs—

Arnold,
Benedict,
Brown,
Burke,
Clark,
Davis,
Day,
Dobie,
Enger,

Messrs—

Fuller,
Gregory,
Haggart,
Hillier,
LaMoure,
Little,
McCarten,
Parkin,
Rourke,

Messrs—

Sorley,
Stevens,
Strom,
Valentine,
Viets,
White,
Wishek,
Young.

Absent and not voting:

Messrs—

Hanscom,
Lamb,

Messrs—

McGillivray,
Plain,

Messrs—

Tufts.

So the bill passed and the title was agreed to.

Mr. Haggart moved

That the vote by which Senate Bill No. 21 was passed be reconsidered, and that the motion to reconsider be laid on the table, Which motion prevailed.

Senate Bill No. 26.

A Bill for an act providing for an appropriation for the maintenance of the State Normal School at Valley City, Was read the third time.

Mr. Little moved

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

The question being upon the final passage of the bill as amended.

The roll being called there were ayes 24, nays none, not voting 7.

Those who voted in the affirmative were:

Messrs—

Arnold,
Benedict,
Brown,
Burke,
Clark,
Day,
Dobie,
Enger,

Messrs—

Fuller,
Gregory,
Haggart,
Hanscom,
Hillier,
LaMoure,
Little,
McCarten,

Messrs—

Parkin,
Rourke,
Stevens,
Strom,
Valentine,
White,
Wishek,
Young.

Absent and not voting: •

Messrs—

Davis,
Lamb,
McGillivray,

Messrs—

Plain,
Sorley,

Messrs—

Tufts,
Viets.

So the bill passed and the title was agreed to.

Mr. White moved

That the vote by which Senate Bill No. 26 was passed be re-

considered, and that the motion to reconsider be laid upon the table,

Which motion prevailed.

Senate Bill No. 25,

A Bill for an act for an appropriation for current and contingent expenses of the Hospital for the Insane at Jamestown,

Was read the third time.

Mr. Young moved

That the report of the Committee be adopted,

Which motion prevailed.

The question being upon the final passage of the bill as amended,

The roll being called, there were ayes 26, nays none, not voting 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	Sorley,
Benedict,	Hanscom,	Stevens,
Brown,	Hillier,	Strom,
Clark,	LaMoure,	Valentine,
Day,	Little,	Viets,
Dobie,	McCarten,	White,
Enger,	Parkin,	Wishek,
Fuller,	Plain,	Young.
Gregory,	Rourke,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Burke,	Lamb,	Tufts.
Davis,	McGillivray,	

So the bill as amended passed and the title was agreed to.

Mr. LaMoure moved

That the vote by which Senate Bill No. 25 was passed be reconsidered, and that the motion to reconsider be laid on the table,

Which motion prevailed.

Senate Bill No. 29,

A Bill for an act providing for an appropriation for the penitentiary at Bismarck and for making needed permanent improvements thereat,

Was read the third time.

Mr. Little moved

That the report of the Committee be adopted,

Which motion prevailed.

The question being upon the final passage of the bill as amended,

The roll being called there were ayes 28, nays none, not voting 3.

Those who voted in the affirmative were:

Messrs—

Arnold,
Benedict,
Brown,
Clark,
Davis,
Day,
Dobie,
Enger,
Fuller,
Gregory,

Messrs—

Haggart,
Hanscom,
Hillier,
Lamb,
LaMoure,
Little,
McCarten,
Parkin,
Plain,

Messrs—

Rourke,
Sorley,
Stevens,
Strom,
Valentine,
Viets,
White,
Wishek,
Young.

Absent and not voting:

Messrs—

Burke,

Messrs—

McGillivray,

Messrs—

Tufts.

So the bill passed and the title was agreed to.

Mr. Little moved

That the vote by which Senate Bill No. 29 was passed be reconsidered, and that the motion to reconsider be laid on the table, Which motion prevailed.

Senate Bill No. 32,

A Bill for an act providing for an appropriation for the current and contingent expenses, furnishing, maintenance and making needed improvements and repairs for the Soldiers' Home at Lisbon,

Was read the third time.

Mr. Rourke moved

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

The question being on the final passage of the bill as amended

The roll being called, there were ayes 26, nays 3, not voting 2.

Those who voted in the affirmative were:

Messrs—

Arnold,
Benedict
Brown,
Burke,
Clark,
Davis,
Day,
Dobie,
Enger,

Messrs—

Fuller,
Gregory,
Haggart,
Hillier,
Lamb,
LaMoure,
Little,
McCarten,
Rourke,

Messrs—

Sorley,
Strom,
Tufts,
Valentine,
Viets,
White,
Wishek,
Young.

Those who voted in the negative were:

Messrs—

Hanscom,

Messrs—

Parkin,

Messrs—

Stevens.

Absent and not voting, Messrs. McGillivray and Plain.

So the bill passed and the title was agreed to.

Mr. Parkin explaining his vote.

Mr. Rourke moved

That the vote by which Senate Bill No. 32 was passed be reconsidered, and that the motion to reconsider be laid on the table,
Which motion prevailed.

Senate Bill No. 35,

A Bill for an act providing for an appropriation for the maintenance and the current and contingent expenses of the School for the Deaf of North Dakota at Devils Lake for deficiency and for making needed improvements thereat,
Was read the third time.

Mr. Day moved

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

The question being upon the final passage of the bill as amended,

The roll being called there were ayes 28, nays none, not voting 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	Sorley,
Benedict,	Hanscom,	Stevens,
Brown,	Hillier,	Strom,
Burke,	Lamb,	Tufts,
Clark,	LaMoure,	Valentine,
Davis,	Little,	Viets,
Day,	McCarten,	White,
Dobie,	Parkin,	Wishek,
Enger,	Rourke,	Young.
Gregory,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fuller,	McGillivray,	Plain.

So the bill passed and the title was agreed to.

Mr. Day moved

That the vote by which Senate Bill No. 35 was passed be reconsidered, and that the motion to reconsider be laid on the table,
Which motion prevailed.

Senate Bill No. 49,

A Bill for an act making an appropriation for maintenance of the State University, and for needed permanent improvements of the State University,

Was read the third time.

Mr. LaMoure moved

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

Mr. Arnold moved

To amend the report of the Committee by striking out the

word "arithmetic" in line 10 and inserting the word "astronomy,"
Which motion prevailed.

The question being upon the final passage of the bill as amended,

The roll being called there were ayes 29, nays none, not voting 2.
Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	Sorley,
Benedict,	Hanscom,	Stevens,
Brown,	Hillier,	Strom,
Burke,	Lamb,	Tufts,
Clark,	LaMoure,	Valentine,
Davis,	Little,	Viets,
Day,	McCarten,	White,
Dobie,	Parkin,	Wishek,
Enger,	Plain,	Young.
Gregory,	Rourke,	

Absent and not voting, Messrs. Fuller and McGillivray.

So the bill passed and the title was agreed to.

Mr. Sorley moved

That the vote by which Senate Bill No. 49 was passed be reconsidered, and that the motion to reconsider be laid on the table,

Which motion prevailed.

Senate Bill No. 54,

A Bill for an act providing for an appropriation for the maintenance and improvements of the State Normal School at Mayville,

Was read the third time.

Mr. Strom moved

To insert the word "act" after the word "this" in the emergency clause,

Which amendment prevailed.

Mr. Strom moved

That the report of the Committee be adopted,

Which motion prevailed.

The question being upon the final passage of the bill as amended,

The roll being called there were ayes 26, nays none, not voting 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gregory,	Stevens,
Benedict,	Haggart,	Strom,
Brown,	Hanscom,	Tufts,
Burke,	Hillier,	Valentine,
Clark,	LaMoure,	Viets,
Davis,	McCarten,	White,
Day,	Parkin,	Wishek,
Dobie,	Rourke,	Young.
Enger,	Sorley,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fuller, Lamb,	Little, McGillivray,	Plain.

So the bill passed and the title was agreed to.

Mr. Strom moved

That the vote by which Senate Bill No. 54 was passed be reconsidered, and that the motion to reconsider be laid on the table,
Which motion prevailed.

Senate Bill No. 96,

A Bill for an act to provide for the erection of necessary additional buildings for the Hospital for the Insane at Jamestown, North Dakota,

Was read the third time.

Mr. Little moved

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

The question being upon the final passage of the bill as amended,

The roll being called, there were ayes 23, nays 2, not voting 6.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Benedict, Brown, Burke, Clark, Day, Dobie, Fuller, Gregory,	Haggart, Hanscom, LaMoure, Little, McCarten, Parkin, Rourke, Sorley,	Stevens, Strom, Tufts, Valentine, Viets, Wishek, Young.

Messrs. Hillier and Plain voting in the negative.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold, Davis,	Enger, Lamb,	McGillivray, White.

So the bill passed and the title was agreed to.

Mr. Little moved

That that the vote by which Senate Bill No. 96 was passed be reconsidered, and that the motion to reconsider be laid on the table,

Which motion prevailed.

Senate Bill No. 75,

A Bill for an act to repeal an act approved February 28, 1893, entitled "an act for an appropriation for the erection of the North Dakota Reform School at Mandan, and for incidental and contingent expenses for the same,"

Was read the third time.

Mr. Little moved

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

House Bill No. 46 being a Special Order for this time,

Mr. Tufts moved

That action be postponed for a few minutes while voting on
Senate Bill No. 75,

Which motion prevailed.

The question being upon the final passage of the bill as amended,

The roll being called there were ayes 15, nays 11, not voting 5.

Those who voted in the affirmative were:

Messrs—

Arnold,
Brown,
Clark,
Day,
Enger,

Messrs—

Gregory,
Haggart,
McGillivray,
Rourke,
Sorley,

Messrs—

Stevens,
Strom,
Tufts,
White,
Young.

Those who voted in the negative were:

Messrs—

Benedict,
Burke,
Davis,
Dobie,

Messrs—

Fuller,
Lamb,
LaMoure,
Parkin,

Messrs—

Plain,
Valentine,
Wishek.

Absent and not voting:

Messrs—

Hanscom,
Hillier,

Messrs—

Little,
McCarten,

Messrs—

Viets.

So the bill was lost.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
February 27, 1895. }

MR. PRESIDENT:

I have the honor to inform you that the House has agreed to the report of the Joint Conference Committee relating to Senate Bill No. 79, together with the amendment as regarding Section 30.

Also,

Concurrent Resolution to amend the Constitution of the State of North Dakota so that the State may meet casual deficits or failure in the revenue, or in case of extraordinary emergencies contracted,

Which the House has concurred in and your respectful consideration is respectfully requested.

Also,

I have the honor to transmit herewith

A Concurrent Resolution, calling for the appointment of the Governor, Attorney General and State Auditor as a Committee to inquire as to whether the State of North Dakota is entitled to 5 per cent of land situated in this State, and disposed of by grant to railroad entries under homestead or other acts prior to Statehood,

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

Respectfully,

J. M. DEVINE,

Chief Clerk.

The time having arrived for the consideration of House Bill No. 46, it having been made a special order for this time,

House Bill No. 46,

A Bill for an act to amend Section 7 of Chapter 110, of the Session Laws of 1890, entitled "an act to prescribe penalties for the unlawful manufacture, sale, barter and giving away of such intoxicating liquors for medicinal, scientific and mechanical purposes,"

Was read the third time.

Mr. LaMoure moved

A call of the Senate,

Which motion prevailed,

The roll being called, Messrs. White Haggart and McGillivray were found absent without leave.

Mr. LaMoure moved

That further proceedings under the call be dispensed with,

Which motion prevailed.

Mr. Valentine. moved

To amend and strike out the words "said number of twenty-five" in lines 21 and 22 of the substitute bill and insert in lieu thereof the words "the number required by law."

Which amendment prevailed.

Mr. LaMoure moved

That the report of the Committee be adopted,

Which motion prevailed.

The question being upon the final passage of the bill as amended,

The roll being called there were ayes 25, nays 6.

Those who voted in the affirmative were:

Messrs—

Arnold,
Benedict,
Brown,
Burke,
Clark,
Davis,
Day,
Fuller,
Gregory,

Messrs—

Haggart,
Hanscom,
Hillier,
Lamb,
LaMoure,
Little,
Parkin,
Plain,

Messrs—

Rourke,
Sorley,
Tufts,
Valentine,
Viets,
White,
Wishek,
Young.

Those who voted in the negative were:

Messrs—

Dobie,
Enger,

Messrs—

McCarten,
McGillivray,

Messrs—

Stevens,
Strom.

So the bill passed and the title was agreed to.

Mr. Valentine moved

That the vote by which House Bill No. 46 was passed be reconsidered, and the motion to reconsider be laid on the table,
Which motion prevailed.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE CHAMBER, }
BISMARCK, N. D., Feb. 27, 1895. }

To the Senate:

GENTLEMEN: I have the honor to inform you that I have this day approved

Senate Bill No. 114,

A Bill for an act to establish a Justices' Code for the State of North Dakota.

I have the honor to remain,

Yours respectfully,

ROGER ALLIN,
Governor.

Senate returns to eighth order of business.

Mr. Young moved

That Senate Bill No. 39 be recalled from the Governor,
Which motion prevailed.

The courtesies of the floor were extended to A. A. Trovaten, of Fargo, J. F. Treat and Edward Foley, of Medora.

Mr. Rourke moved

That the roll be called on the amendments to
Senate Bill No. 79,

A Bill for an act defining the practice in county courts having increased jurisdiction, fixing the terms of court, compensation of judges and clerks, and their duties,

As reported by the Conference Committee.

The roll being called there were ayes 24, nays none, not voting 7.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	Plain,
Benedict,	Hanscom,	Rourke,
Burke,	Hillier,	Sorley,
Clark,	LaMoure,	Stevens,
Davis,	Little,	Tufts,
Day,	McCarten,	Viets,
Enger,	McGillivray,	White,
Fuller,	Parkin,	Wishek.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brown,	Strom,	Young,
Dobie,	Valentine,	Gregory.
Lamb,		

So the report of the Conference Committee was adopted.

And the amendments agreed to.

Mr. Plain moved

That House Bill No. 23 be given its third reading and put upon its final passage,

Which motion prevailed.

House Bill No. 23,

A Bill for an act defining the duties of railways in regard to station houses.

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

The roll being called there were ayes 25, nays none, not voting 6.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gregory,	Rourke,
Benedict,	Hanscom,	Strom,
Burke,	Hillier,	Tufts,
Clark,	Lamb,	Valentine,
Davis,	LaMoure,	Viets,
Day,	Little,	Wishek,
Dobie,	McGillivray,	Young.
Enger,	Parkin,	
Fuller,	Plain,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brown,	McCarten,	Stevens,
Haggart,	Sorley,	White.

So the bill passed and the title was agreed to.

Mr. Dobie moved

That the vote by which House Bill No. 23 was passed be reconsidered, and that the motion to reconsider be laid on the table, Which motion prevailed.

Senate Bill No. 126,

A Bill for an act to appropriate \$30,000 to pay the expenses necessary incident to the eradication of the Russian thistle,

Was read the third time.

Mr. LaMoure moved

To amend the bill by adding the words "and French weed" after the words "Russian thistle" wherever they occur.

Which motion prevailed.

The question being on the final passage of the bill as amended,

The roll being called there were ayes 26, nays none, not voting 5.

Those who voted in the affirmative were:

Messrs—

Arnold,
Benedict,
Brown,
Burke,
Clark,
Davis,
Day,
Dobie,
Enger,

Messrs—

Gregory,
Hanscom,
Hillier,
Lamb,
LaMoure,
Little,
McCarten,
McGillivray,
Plain,

Messrs—

Rourke,
Sorley,
Stevens,
Strom,
Valentine,
Viets,
White,
Wishek,

Absent and not voting:

Messrs—

Fuller,
Parkin,

Messrs—

Tufts,
Young,

Messrs—

Haggart.

So the bill passed and the title was agreed to.

Mr. Rourke moved

That the vote by which Senate Bill No. 126 was passed be reconsidered, and that the motion to reconsider be laid on the table,

Which motion prevailed.

Senate Bill No. 150,

A Bill for an act making an appropriation for the purpose of completing and furnishing the executive mansion and defraying the incidental expenses thereof for the year 1895 and 1896.

Mr. McGillivray moved

That the report of the Committee be adopted,

Which motion prevailed.

The roll being called there were ayes 23, nays 1, not voting 7.

Those who voted in the affirmative were:

Messrs—

Arnold,
Brown,
Burke,
Clark,
Davis,
Day,

Messrs—

Gregory,
Hanscom,
LaMoure,
Little,
McCarten,
McGillivray,

Messrs—

Rourke,
Sorley,
Stevens,
Strom,
White,
Wishek,

Messrs—
Dobie,
Enger,

Messrs—
Parkin,
Plain,

Messrs—
Young.

Absent and not voting:

Messrs—
Benedict,
Fuller,
Haggart,

Messrs—
Lamb,
Tufts,

Messrs—
Valentine,
Viets.

So the bill passed and the title was agreed to.

Mr. Little moved

That the vote by which Senate Bill No. 150 was passed be reconsidered, and that the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr Sorley moved

That the rules be suspended and that House Bill No. 1 be given its third reading and put upon its final passage,

Which motion prevailed.

Mr. Little moved

A call of the Senate,
Which motion prevailed.

Mr Sorley moved

That further proceedings under the call be dispensed with,
Which motion prevailed.

Mr. LaMoure moved

That the Chairman on Engrossment be allowed to return Senate Bill No. 39 to the Governor,

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
February 27, 1895. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 65,

A Bill for an act entitled "an act to provide for the establishment, construction and maintenance of drains in this State."

Which the House has passed and your approval is respectfully requested.

Respectfully,
J. M. DEVINE,
Chief Clerk.

House Bill No. 1,

A Bill for an act entitled "an act to provide for State depositories and to regulate the deposit of public monies therein and the interest thereon, and prescribing the means thereof,"

Was read the third time.

Mr. Little moved

That the report of the Committee be adopted.

Mr. Hillier moved

As a substitute

That the report of the Committee be not adopted,

Which substitute prevailed.

Mr. Rourke moved to amend

In Section 3, line 3, strike out the word "three" and insert "two."

In line 4 strike out "five" and insert "three."

Roll call demanded.

The roll being called there were ayes 15, nays 13, not voting 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Benedict,	Hanscom,	Strom,
Brown,	Little,	Valentine,
Burke,	McGillivray,	Viets,
Day,	Parkin,	White,
Dobie,	Rourke,	Wishek.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	Sorley,
Clark,	Hillier,	Stevens,
Davis,	McCarten,	Tufts,
Enger,	Plain,	Young.
Fuller,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Gregory,	Lamb,	LaMoire.

So the amendment prevailed.

Mr. Little moved

That the emergency clause be stricken out and insert in lieu thereof, "This act shall take effect January 1, 1897."

Roll call demanded.

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

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gregory,	Parkin,
Benedict,	Hanscom,	Rourke,
Brown,	LaMoire,	Valentine,
Clark,	Little,	Viets.
Day,	McGillivray,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Burke,	Hillier,	Strom,
Davis,	Lamb,	Tufts,
Dobie,	McCarten,	White,
Enger,	Plain,	Wishek,
Fuller,	Sorley,	Young,
Haggart,	Stevens.	

So the amendment was lost.

Mr. La Moure moved

To amend Section 7, line 5, after the word "meeting" by adding "providing that there be at least \$20,000 in the general fund of the State treasury."

Roll call demanded.

The roll being called there were ayes 15, nays 16.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Benedict,	Dobie,	Parkin,
Brown,	Gregory,	Rourke,
Burke,	Hanscom,	Valentine,
Clark,	LaMoure,	Viets.
Day,	Little,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Arnold,	Lamb,	Strom,
Davis,	McCarten,	Tufts,
Enger,	Plain,	White,
Fuller,	Sorley,	Wishek,
Haggart,	Stevens,	Young.
Hillier,		

So the amendment was lost.

Mr. McGillivray moved

That the further consideration of the bill be made a special order for Friday, March 1st, at 3 o'clock p. m.

Which motion was lost.

Mr. Lamb moved

That the vote by which Mr. LaMoure's amendment was lost, be reconsidered.

Which motion prevailed.

Mr. Haggart moved

A call of the Senate,
Which motion prevailed.

Mr. Little moved

That further proceedings under the call be dispensed with.

Roll call demanded.

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

Those who voted in the affirmative were:

Messrs—
 Benedict,
 Brown,
 Burke,
 Clark,
 Day,
 Gregory,

Messrs—
 Hanscom,
 Lamb,
 LaMoure,
 Little,
 McGillivray,
 Parkin.

Messrs—
 Plain,
 Rourke,
 Valentine,
 Viets,
 Wishek,

Those who voted in the negative were:

Messrs—
 Arnold,
 Davis,
 Dobie,
 Enger,
 Fuller,

Messrs—
 Haggart,
 Hillier,
 McCarten,
 Sorley,
 Stevens.

Messrs—
 Strom,
 Tufts,
 White,
 Young,

So the motion to dispense with further proceedings under the call prevailed.

Mr. Plain moved

To amend the amendment by making it include \$20,000 in all funds,

Which amendment prevailed.

Mr. LaMoure moved

To lay the amendment to the amendment on the table,
 Which motion was lost.

Mr. Brown moved

That the Senate do now adjourn,
 Which motion was lost.

Mr. Tufts moved

The previous question,
 Which motion prevailed.

Mr. LaMoure moved

That the Senate do now adjourn.

Roll call demanded.

The roll being called there were ayes 12, nays 19.

Those who voted in the affirmative were:

Messrs—
 Benedict,
 Brown,
 Clark,
 Day,

Messrs—
 Gregory,
 Hanscom,
 LaMoure,
 Little,

Messrs—
 McGillivray,
 Parkin,
 Valentine,
 Viets.

Those who voted in the negative were:

Messrs—
 Arnold,
 Burke,
 Davis,
 Dobie,
 Enger,
 Fuller,
 Haggart,

Messrs—
 Hillier,
 Lamb,
 McCarten,
 Plain,
 Rourke,
 Sorley,

Messrs—
 Stevens,
 Strom,
 Tufts,
 White,
 Wishek,
 Young.

So the motion was lost.

Mr. LaMoure raised the point of order that it should take two-thirds rule to order the previous question.

The President put the question whether a majority could order the previous question,

Which was decided in the affirmative, by a majority of the Senate.

Mr. LaMoure asked for another reading of the bill.

Mr. McGillivray moved
That the Senate do now adjourn,
Which motion was lost.

The question being upon the final passage of House Bill No. 1, as amended,

The roll being called, there were ayes 22, nays 9.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gregory,	Sorley,
Benedict,	Haggart,	Stevens,
Burke,	Hillier,	Strom,
Clark,	Lamb,	Tnfts,
Davis,	McCarten,	White,
Dobie,	Plain,	Wishek,
Enger,	Rourke,	Young,
Fuller,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Brown,	LaMoure,	Parkin,
Day,	Little,	Valentine,
Hanscom,	McGillivray,	Viets.

So the bill passed and the title was agreed to.

Mr. Plain moved

That the vote by which House Bill No. 1 was passed be reconsidered and that the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. White moved

That House Bill No. 8 and Senate Bill No. 90 be made a special order for tomorrow at 3 o'clock,

Which motion prevailed.

Mr. McGillivray moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

FRED FALLEY,
Secretary.

FIFTY-SECOND DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 28, 1895.

The Senate was called to order by the President.

Prayer by Mr. Stevens.

Roll called.

All members present except Mr. Sorley, who was excused.

Mr. Tufts moved

That the reading of the Journal be dispensed with and that a committee be appointed to revise and correct the same.

The President appointed Messrs. Enger, McCarten and Clark as such committee.

The courtesies of the Senate were extended to P. P. Chacey and F. E. Clemens.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
February 28, 1895.

MR. PRESIDENT:

I have the honor to return herewith
Concurrent Resolution,

Calling for the State Examiner to make a thorough examination of the affairs of the North American Live Stock Investment Company, and to report the condition to the Governor and Attorney General of this State.

Also,
Concurrent Resolution,
Calling for patent of indemnity lands or else opening same under Homestead Act,

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

Also,
I have the honor to transmit herewith
Senate Bill No. 74,

A Bill for an act to repeal Chapter 72 of the Session Laws of 1890, being an act entitled "an act providing for the purchase and distribution of the remaining reports of the Supreme Court of Dakota Territory."

Also,
Senate Bill No. 103,
A Bill for an act to amend Section 8, Chapter 79 of the Laws of 1891, changing the place of holding district court in Wells county,

Which the House has passed without change.

Also,
I have the honor to transmit herewith
House Bill No. 137,

A Bill for an act to encourage the manufacture and production of the long line spinning fibers, either flax or hemp and spinning tows grown in the State of North Dakota,

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

Respectfully,
J. M. DEVINE,
Chief Clerk.

Report of Committee to correct the Journal of the fiftieth day:
MR. PRESIDENT:

Your Committee appointed to correct the Journal of the fiftieth day report as follows:

On page 14 Mr. Brown moved to amend Section 22, line 4, by striking out the words "as are used upon" and insert the words "or used in" on page 17 "the question being upon the final passage of the bill."

C. G. BROWN,
Chairman.

Which report was adopted.

MESSAGE FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE CHAMBER, }
BISMARCK, N. D., Feb. 28, 1895. }

To the Senate:

GENTLEMEN:—I have the honor to inform you that I have this day approved

Senate Bill No. 10,

A Bill for an act to amend Section 2 of Chapter 110 of Session Laws of 1890, entitled "an act to prescribe penalties for the unlawful manufacture, sale, barter and giving away of such liquors for medicinal, scientific and mechanical purposes."

Also,

Senate Bill No. 39,

A Bill for an act to amend an act entitled "an act prescribing the mode of making assessment and the levy and collection of taxes, and for other purposes relative thereto."

Yours respectfully,

ROGER ALLIN,
Governor.

PETITIONS AND COMMUNICATIONS.

Mr. Fuller presented the following communication:

At a mass meeting of business men and railroad employes, held at the court house in the City of Jamestown, N. D., Feb. 27, 1895, the following preamble and resolution were unanimously adopted:

WHEREAS, There have been introduced, and are now being considered, by the Legislature of the State of North Dakota, several bills, the result of which, if passed, will be to largely increase the expenses and liabilities of railroads doing business in this State, and at the same time to greatly reduce the incomes of the said railroads by reducing rates; and

WHEREAS, The railroads doing business in this State during the passed two years, have with other industries suffered from the financial panics and hard times, and the falling off of business, to such extent that they have been obliged in order to exist and pay running expenses, to largely reduce the number of employes, and also to reduce the time and wages of those retained in their service; and

WHEREAS, The enactment of any laws by this State, which tend to either increase the expenses of operating railroads in this State or diminish their incomes would necessarily result in impairing the service and accommodations which said railroads are now able to furnish the public, and also a further reduction in the number of railroad employes and the wages of those

so employed, and would be detrimental to the business interests of the State generally; therefore, be it

Resolved, That it is the sense of this meeting that no laws reducing the rates or charges of railroad companies for the transportation of either passengers or freight within this State, nor laws unnecessarily increasing the expenses and liabilities of the railroads of this State should be passed, and that we are especially opposed to the passage of the following bills now pending before the Legislature of this State, to-wit: House Bill No. 43, House Bill No. 113, House Bill No. 26, Senate Bill No. 41, House Bill No. 64, Senate Bill No. 19, House Bill No. 156, House Bill No. 50, House Bill No. 100, Senate Bill No. 72, House Bill No. 23, House Bill No. 79, House Bill No. 34, Senate Bill No. 48; and be it further

Resolved, That a copy of the preamble and resolutions here adopted, certified by the president and secretary of this meeting, be forwarded to the Senators and Representatives from this Legislative District with the request that they present the same to their respective branches of the Legislature, and that they use their influence against the passage of any of the above mentioned bills, or any similar legislation by the present Legislature.

J. E. SPURLING, Secretary.

A. M. HALSTEAD, Mayor,
President.

Which was referred to the Railroad Committee.

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. 121,

A Bill for an act fixing the time and place for holding general and special terms of the Supreme Court of the State of North Dakota,

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

C. B. LITTLE,
Chairman.

The Committee on Agriculture made the following report:

MR. PRESIDENT:

Your Committee on Agriculture to whom was referred
Senate Bill No. 149,

A Bill for an act to provide for the protection of planted fish in the waters of North Dakota,

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

H. H. STROM,
Chairman.

The Committee on Temperance made the following report:

MR. PRESIDENT:

Your Committee on Temperance to whom was referred
House Bill No. 62,

A Bill for an act to amend Section 6916 of the Compiled Laws

of Dakota, 1887, being Section 3 of Chapter 57 of the Penal Code, pertaining to sale of intoxicating liquors,

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

F. G. ENGER,
Chairman.

The Joint Committee on Cactus made the following report:

MR. PRESIDENT:

Your Joint Committee on Cactus to whom was referred
Senate Bill No. 20,

A Bill for an act to amend Section 3 of Chapter 31 of the Session Laws of 1891, for the purpose of including all lands in its provisions and requiring a judgment to be obtained to make the expense a tax lien on the land,

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

Amend the title by striking out all after the number "1891," in the first line, and inserting in lieu thereof the following: "Being an act for the destruction of noxious weeds, providing penalties for the violation of the same, and for the repeal of an act entitled: 'An act to prevent the spread of noxious weeds in the Territory of Dakota,' General Laws of 1885, supplement Dakota Territory, and an act entitled: 'An act to amend Section 1, General Laws 1885, supplement relating to noxious weeds, Chapter 102, Session Laws of 1890.'"

And when so amended recommend that the same do pass.

RICHARD McCARTEN,
Chairman.

The Committee on Counties made the following report:

MR. PRESIDENT:

Your Committee on Counties to whom was referred
Senate Bill No. 107,

A Bill for an act to provide for the levy and collection of a road poll tax,

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

Strike out in Section 5 of the printed bill, in lines 1 and 2, the clause "or commits the same."

Strike out in line 2, Section 5, the word "ten" and insert in lieu thereof the word "three."

Strike out all in Section 5 after and including the word "income" in line 3 and insert in lieu thereof the following: "Be guilty of a misdemeanor and, upon conviction thereof before any justice of the peace, shall be punished by a fine of not less than five (5) dollars."

Strike out Sections six, seven, eight, nine, ten and eleven of the bill.

Change the number of Section "12" to "6."

Change the number of Section "13" to "7,"

And when so amended recommend that the same do pass.

H. F. ARNOLD,
Chairman.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs to whom was referred
House Bill No. 67,

A Bill for an act providing for the appointment of the Governor as superintendent of census and to carry out the Constitutional provisions regarding the taking of a State census in 1895 and an appropriation therefor,

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

Also,

Senate Bill No. 111,

A Bill for an act indemnifying the owner of sheep in case of damage by dogs and creating a fund to pay the same by taxes on dogs, and to repeal Chapter 155, Laws of 1890,

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

Also,

House Bill No. 122,

A Bill for an act entitled "an act to protect dairy interests of the State of North Dakota, and to prevent fraud in dairy products and to regulate the traffic in adulterated butter and cheese,"

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

P. H. ROURKE,
Chairman.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred
House Bill No. 151,

A Bill for an act making an appropriation to pay certain expenses incurred by the Fourth Legislative Assembly of the State of North Dakota,

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

JOHN E. HAGGART,
Chairman.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs to whom was referred
House Bill No. 146,

A Bill for an act to prescribe penalties for the unlawful manufacture, keeping for sale illuminating oils manufactured from petroleum as coal oils, and to repeal Chapter 107 of the Laws of 1890 and Chapter 77 of the Laws of 1893,

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

P. H. ROURKE,
Chairman.

The Committee on Railroads made the following report:

MR. PRESIDENT:

Your Committee on Railroads to whom was referred
House Bill No. 26,

A Bill for an act to repeal Chapter 101, Session Laws of 1893,
Have had the same under consideration and recommend that the same be indefinitely postponed.

Also,

House Bill No. 64,

A Bill for an act compelling railroad companies to provide a certain number of men to man trains and prescribing penalties for neglect thereof,

Have had the same under consideration and recommend that the same be indefinitely postponed.

H. S. PARKIN,
Chairman.

The Speaker announced that he was about to sign
A Concurrent Resolution
To amend the Constitution.

REPORTS OF SELECT COMMITTEES.

The Joint Inter-state Committee make the following report:

To the President of the Senate and Speaker of the House of Representatives of the States of Minnesota and North Dakota:

The Joint Inter-state Committee duly appointed by the Senate and House of Representatives of the States of Minnesota and North Dakota to confer upon the matter of freight rates on lumber, grain and coal within said States, respectfully submit the following report of its proceedings:

Your Committee convened in St. Paul, Minn., February 18, 1895, at 10 o'clock a. m. Present, Senators Smith and Cronkhite; Representatives Shell and DeLaittre, of Minnesota, and Senators Little and Burke, and Representatives Twichell, Wineman and Prosser, of North Dakota. Absent, Representative Hartshorn, of Minnesota.

On motion, Senator Smith was elected Chairman, and Representative Prosser, Secretary of the Committee.

At the first session the question of best mode of procedure was generally discussed and it was decided to invite the Chairman of the State Board of Railroad Commissioners, General Becker, and representatives of the various railroads interested to appear before the Committee at the subsequent sessions to give information relating to and reasons why freight rates should not be reduced in the States of Minnesota and North Dakota.

General Becker stated that the matters now before this Committee had been under consideration for some time; that under Minnesota law the Board has the power to fix a reasonable rate, but the trouble was to get information that would enable them to intelligently determine what would be held a reasonable rate for the reason that railroad companies refused to furnish sat-

isfactory evidence as to the cost of transportation. That the Board had secured the services of an expert to ascertain the actual cost of constructing, equipping and operating railroads within the State, which facts would be used as the basis in the fixing of rates.

Mr. Moore, representing the Northern Pacific, stated in substance that owing to diminished volume of business railroads were not able to pay expenses under existing rates; that to expect a lower tariff now seemed unreasonable, and recommended that farmers should endeavor to help themselves by diversifying their operations instead of depending so much upon outside assistance in the way of concessions from railroads when times were hard and wheat prices low.

Objection was raised to this line of argument and statement made that the members were not seeking information about how they should farm, but how they could get reasonable rates of transportation of grain, lumber and coal.

It was urged that the Committee desired information as to the present cost of transportation compared with the cost, say three years ago, or at the time when the present schedule was adopted.

Mr. Moore evaded the question by urging diversified farming.

In the matter of rates on lignite coal over Great Northern lines in North Dakota, Mr. Phinney stated in substance that coal on their line was only found at points where the local business was so small that it necessitated the hauling of empty cars to the mines, which cost the company almost as much as hauling loads, and for that reason they considered the coal rates fixed by law, although adopted by other roads, unreasonable and unjust, and they would refuse to accept them.

Mr. Grover, general solicitor of the Great Northern, addressed the Committee at length, contending that the Great Northern had been liberal in its voluntary reduction of transportation rates when the volume of business and general prosperity of the road had warranted it; but the present conditions were such that further reductions could not be conceded at this time. It was shown that between 1881 and 1892 rates had been reduced from 20 to 40 per cent.

Failing to secure voluntary concessions the Committee found that the only practicable way to accomplish the object sought was by legislation, and directed the secretary to have suitable bills prepared and introduced in North Dakota and Minnesota, providing for a 10 per cent. reduction in the rates on grain, lumber and coal, based on the schedule now in force.

After which the committee adjourned to meet at Bismarck., N. D., February 25, 1895.

Respectfully submitted,

J. H. SMITH,
Chairman.

F. H. PROSSER, Secretary.

Mr. Little moved

That the report be adopted and printed in the Journal.

Which motion prevailed.

MOTIONS AND RESOLUTIONS.

Mr. White moved

That the Special Order for today at 3 o'clock, House Bill No. 8 and Senate Bill No. 90, be postponed for Special Order for March 1 at 2:30 p. m.,

Which motion prevailed.

Mr. White moved

That the Concurrent Resolution for the investigation of the American Live Stock Association be concurred in,

Which motion prevailed, and
The resolution was concurred in.

Mr. Little moved

That House Bill No. 76 be referred to the Judiciary Committee,

Which motion prevailed.

Mr. Little moved

That the rules be suspended and that House bills be given their first and second reading and be referred to their proper committees,

Which motion prevailed.

FIRST AND SECOND READING OF HOUSE BILLS.

House Bill No. 65,

A Bill for an act entitled "an act to provide for the establishment, construction and maintenance of drains in this State,

Which was read the first and second times, and
Referred to the Committee on Counties.

House Bill No. 137,

A Bill for an act to encourage the manufacture and production of the long line spinning fibers, either flax or hemp, and spinning tows, grown in the State of North Dakota,

Which was read the first and second times, and
Referred to the Committee on State Affairs.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
February 28, 1895. }

MR. PRESIDENT:

The House desires the recall of Concurrent Resolution offered by Mr. Wineman as to the advisability of holding a State Constitutional Convention.

Respectfully,
J. M. DEVINE,
Chief Clerk.

Mr. Strom moved

That the request of the House be granted and the Concurrent Resolution returned,

Which motion prevailed.

THIRD READING OF SENATE BILLS.

Senate Bill No. 123,

A Bill for an act to amend Chapter 93 of the Laws of 1891, being an act entitled "an act for the prevention of prairie fires and to provide against damages done by them;" also prescribing duties of county commissioners in relation thereto,

Was read the third time.

Mr. Rourke moved

That Section 3 be stricken out,
Which motion was lost.

Mr. Gregory moved

That line 7 of Section 3 be amended by striking out the words "two days" and insert in lieu thereof "one day,"

Which amendment prevailed.

Mr. Brown moved

To amend by adding after the word "year" the words "as provided by law,"

Which motion prevailed.

Mr. Burke moved

To add after the word "repealed" in Section 15, the following: "But nothing in this act contained shall be construed to be in conflict with Senate Bill No. 125, being a bill for 'an act to provide for the extermination of the Russian thistle and French weed,'"

Which amendment was adopted.

Mr. White moved

To amend by inserting as Section 13, the following: "Section 13. It is hereby made the duty of any person or corporation operating any threshing engine or engines, to carry netting or spark arresters on the smoke stacks of all such threshing engines from the first day of August until the 15th day of November of each year,"

Which amendment prevailed.

Mr. Gregory moved

That the sections of the bill be properly renumbered,

Which motion prevailed,

The question being upon the final passage of the bill as amended,

The roll being called there were ayes 27, nays none, not voting 4.

Those who voted in the affirmative were:

Messrs—

Arnold,
Benedict,
Brown,
Burke,
Clark,
Davis,
Day,

Messrs—

Fuller,
Gregory,
Haggart,
Hanscom,
Hillier,
Lamb,
Little,

Messrs—

Plain,
Rourke,
Stevens,
Strom,
Tufts,
Valentine,
White,

Messrs—
Dobie,
Enger,

Messrs—
McGillivray,
Parkin,

Messrs—
Wishek,
Young.

Absent and not voting:

Messrs—
LaMoure,
McCarten,

Messrs—
Sorley,

Messrs—
Viets.

So the bill passed and the title was agreed to.

Senate Bill No. 77,

A Bill for an act to amend Section 25, of Article 15, of Chapter 73, of the Session Laws of 1887,

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

The roll being called, there were ayes 25, nays none, not voting 6.

Those who voted in the affirmative were:

Messrs—
Arnold,
Benedict,
Brown,
Burke,
Clark,
Davis,
Day,
Dobie,
Enger,

Messrs—
Gregory,
Haggart,
Hanscom,
Hillier,
LaMoure,
McCarten,
Plain,
Rourke,

Messrs—
Stevens,
Strom,
Tufts,
Valentine,
Viets,
White,
Wishek,
Young.

Absent and not voting:

Messrs—
Fuller,
Lamb,

Messrs—
Little,
McGillivray,

Messrs—
Parkin,
Sorley.

So the bill passed and the title was agreed to.

Mr. Stevens moved

That the vote by which Senate Bill No. 77 was passed be reconsidered, and that the motion to reconsider be laid on the table,

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
February 28, 1895. }

Mr. PRESIDENT:

I have the honor to return
Senate Bill No. 50,

A Bill for an act for the consolidation and organization of contiguous unorganized counties.

Also,

Senate Bill No. 65,

A Bill for an act to secure the safe keeping of all funds coming into the hands of the county treasurer,

Which the House has passed without change.

Respectfully,
 J. M. DEVINE,
 Chief Clerk.

The President announced that he was about to sign

House Bill No. 150,

A Bill for an act to establish a Code of Criminal Procedure for the State of North Dakota.

Also,

House Bill No. 135,

A Bill for an act to establish a Penal Code for the State of North Dakota.

Also,

House Bill No. 109,

A Bill for an act to establish a Code of Civil Procedure for the State of North Dakota,

Also,

House Bill No. 119,

A Bill for an act to establish a Probate Code for the State of North Dakota.

Senate Bill No. 145,

A Bill for an act providing for printing and distributing ballots at public expense, and to regulate voting at all general elections, except municipal, town or school elections,

Was read the third time.

Mr. Rourke moved

To amend by striking out of Section 1, line 2, the words "except for county superintendent of schools,"

Which amendment prevailed.

The question being upon the final passage of the bill as amended,

The roll being called, there were ayes 17, nays 9, not voting 5.

Those who voted in the affirmative were:

Messrs—

Brown,
 Clark,
 Davis,
 Day,
 Fuller,
 Gregory,

Messrs—

Haggart,
 Hanscom,
 LaMoire,
 Little,
 McGillivray,
 Parkin,

Messrs—

Rourke,
 Tafts,
 Valentine,
 Viets,
 Wishek.

Those who voted in the negative were:

Messrs—

Benedict,
 Burke,
 Dobie,

Messrs—

Enger,
 Hillier,
 McCarten,

Messrs—

Plain,
 Stevens,
 Strom.

Absent and not voting:

Messrs—
Arnold,
Lamb,

Messrs—
Sorley,
White,

Messrs—
Young.

So the bill passed and the title was agreed to.

Mr Little moved

That the vote by which Senate Bill No. 145 was passed be reconsidered, and that the motion to reconsider be laid on the table, Which motion prevailed.

The courtesies of the floor of the Senate were extended to W. W. Wilcox, of LaMoure county.

Senate Bill No. 132,

A Bill for an act to provide free text books for use in public schools in this State,

Was read the third time.

Mr. Arnold moved

To amend Section 1 by striking out all after the word "school," beginning with the word "*Provided*,"

Which amendment prevailed.

Mr. Arnold moved

To amend by striking out Sections 2 and 3 of the bill, Which motion prevailed.

Mr. Arnold moved

To amend Section 4, line 1, before the word "the" there be inserted the words "upon the petition of a majority of the qualified electors,"

Which motion prevailed.

Mr. Burke moved

To amend Section 4, first line, that the word "every" be stricken out and the word "any" inserted in lieu thereof,

Which amendment prevailed.

Mr. McCarten moved

To amend Section 4 by striking out all after and including the word "provided," of line 12. Also lines 13, 14 and 15.

Which amendment prevailed.

Mr. Arnold moved

To amend by renumbering the sections, Which motion prevailed.

Mr. Arnold moved

To amend by adding at the end of Section 1 the words, "as provided for in Section 2 of this act,"

Which amendment prevailed.

Mr. Young moved

That Section 1, line 1, be amended by striking out the word "every" and inserting the word "any,"

Which amendment prevailed.

The roll being called there were ayes 25, nays 1, not voting 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Fuller,	Sorley,
Benedict,	Gregory,	Stevens,
Brown,	Hillier,	Strom,
Burke,	Lamb,	Valentine.
Clark,	LaMoure,	Viets,
Davis,	Little,	White,
Day,	McCarten,	Wishek,
Dobie,	Plain,	Young.
Enger,		

Mr. Haggart voting in the negative.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Hanscom,	Parkin,	Tufts.
McGillivray,	Rourke,	

So the bill passed and the title was agreed to.

Mr. Arnold moved

That the vote by which Senate Bill No. 102 was passed be reconsidered, and that the motion to reconsider be laid on the table, Which motion prevailed.

Mr. McGillivray moved

That the rules be suspended and that House Bill No. 136 be given its third reading and put upon its final passage, Which motion prevailed.

House Bill No. 136,

A Bill for an act entitled "an act to appropriate for the support of organized fire companies within this State a portion of the tax paid by fire insurance companies upon premiums received and repealing Chapter 15 of the Session Laws of 1887 of the Territory of Dakota,"

Was read the third time.

Mr. White moved

To amend Section 4, line 17, by striking out the word "eight" and inserting the word "three" in lieu thereof, and amend Section 5, lines 4 and 9, by striking out the word "eight" and inserting the word "three" in lieu thereof,

Which amendment prevailed,

The question being upon the final passage of the bill as amended,

The roll being called, there were ayes 21, nays 2, not voting 8.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Benedict	Hillier,	Plain,
Burke,	Lamb,	Rourke,
Clark,	LaMoure,	Stevens,
Day,	Little,	Tufts,
Fuller,	McCarten,	Viets,
Gregory,	McGillivray,	White,
Haggart,	Parkin,	Wishek.

Messrs. Enger and Young voting in the negative.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Dobie,	Strom,
Brown,	Hanscom,	Valentine.
Davis,	Sorley,	

So the bill passed and the 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 Bill No. 126,

A Bill for an act to appropriate \$30,000 to pay the expenses necessary incident to the eradication of Russian thistles,

And find the same correctly engrossed.

E. YOUNG,
Chairman.

Mr. LaMoure moved

That House Bill No. 74 be given its third reading and put upon its final passage,

Which motion prevailed.

House Bill No. 74,

A Bill for an act to cure defective acknowledgments,

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

The roll being called there were ayes 26, nays 2, not voting 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hanscom,	Rourke,
Benedict,	Hillier,	Stevens,
Brown,	Lamb,	Tufts,
Burke,	LaMoure,	Valentine,
Clark,	Little,	Viets,
Day,	McCarten,	White,
Fuller,	McGillivray,	Wishek,
Gregory,	Parkin,	Young.
Haggart,	Plain,	

Messrs. Davis and Dobie voting in the negative.

Absent and not voting. Messrs. Enger, Sorley and Strom.

So the bill passed and the title was agreed to.

Mr. Haggart moved

That the vote by which House Bill No. 74 was passed be reconsidered, and that the motion to reconsider be laid on the table.

Which motion prevailed.

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

Which consent was granted.

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. 15,

A Bill for an act to amend Section 79 of Chapter 109 of the Laws of 1893, being an act entitled "an act prescribing the mode of making assessment and the levy and collection of taxes, and for other purposes relative thereto,"

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

C. E. GREGORY,
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. 152,

A Bill for an act authorizing the board of directors of corporations to hold their meetings at any place within or without the State of North Dakota,

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

D. C. TUFTS,
Chairman.

Mr. Little moved

That Senate Bill No. 157 be given its third reading and put upon its final passage,

Which motion prevailed.

Senate Bill No. 157,

A Bill for an act to amend an act entitled "an act to provide for a uniform system of free public schools throughout the State, and to prescribe penalties for the violation of the provisions thereof, passed by the first session of the Legislative Assembly of the State of North Dakota and approved March 20, 1890, in relation to teachers' institutes, and to repeal conflicting laws,

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

The roll being called there were ayes 9, nays 17, not voting 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Benedict,	Fuller,	White,
Brown,	Haggart,	Whishek,
Day,	LaMoure,	Young.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hanscom,	Rourke,
Burke,	Hillier,	Stevens,
Clark,	Lamb,	Strom,
Davis,	McCarten,	Tufts,
Dobie,	Parkin,	Viets.
Enger,	Plain,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Gregory,	McGillivray,	Valentine.
Little,	Sorley,	

So the bill was lost.

Mr. Arnold moved

That the vote by which Senate Bill No. 157 was lost be reconsidered, and that the motion to reconsider be laid on the table, Which motion prevailed.

Mr. Rourke moved

That House Bill No. 35 be given its third reading and put upon its final passage, Which motion prevailed.

House Bill No. 35,

A Bill for an act to amend Section 39, Chapter 132 of the Session Laws of 1890, entitled "an act prescribing the mode of making assessments and the levy and collection of taxes, and for other purposes relative thereto,"

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

The roll being called, there were ayes 26, nays none, not voting 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hanscom,	Plain,
Benedict,	Hillier,	Rourke,
Brown,	Lamb,	Stevens,
Clark,	LaMoure,	Strom,
Davis,	Little,	Tufts,
Day,	McCarten,	Valentine,
Dobie,	McGillivray,	White,
Enger,	Parkin,	Wishek,
Fuller,		

Absent and not voting:

Messrs—

Burke,
Gregory.

Messrs—

Haggart,
Sorley,

Messrs—

Viets.

So the bill passed and the title was agreed to.

Mr. LaMoure moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

FRED FALLEY,
Secretary.

FIFTY-THIRD DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 1, 1895.

The Senate was called to order by the President.

Prayer by the Chaplain.

Roll called.

All members present except Mr. Sorley, who was excused.

The Journal was read and approved.

The courtesies of the floor of the Senate were extended to
Lieut. A. M. Creel, of Devils Lake.

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. 132,

A Bill for an act to provide free text books for use in public schools of this State.

Also,

Senate Bill No. 79,

A Bill for an act defining the practice in county courts having increased jurisdiction, fixing the term of court, compensation of judges and clerks and their duties.

Also,

Substitute for Senate Bill No. 6,

A Bill for an act entitled "an act to provide for the inspection of steam boilers and licensing of steam engineers."

Also,

Senate Bill No. 72,

A Bill for an act entitled "an act to regulate the manner in which individuals, firms and private corporations shall be authorized to construct, maintain and operate public warehouses and elevators on railway right of way in the State of North Dakota,"

And find the same correctly engrossed.

E. YOUNG,
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. 50,

A Bill for an act entitled an "act for the consolidation and organization of contiguous unorganized counties."

Also,

Senate Bill No. 65,

A Bill for an act entitled "an act to secure the safe keeping of all funds coming into the hands of county treasurers by prescribing and regulating the deposit thereof,"

And find the same correctly enrolled.

E. YOUNG,
Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred

House Bill No. 76,

A Bill for an act requiring county auditors to furnish township clerks with lists of real and personal taxes assessed in their township, and the amounts thereof,

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

C. B. LITTLE,
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. 104,

A Bill for an act to amend Section 6 of Chapter 27 of the General Laws of 1893, entitled "an act to provide for the organization and government of State banks,"

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

SECTION 3. Whereas, an emergency exists in that under the present law banks cannot be organized in towns of 500 inhabitants or less with \$5,000 capital; therefore this act shall be in force and effect on and after its passage and approval,

And when so amended recommend that the same do pass.

F. VIETS,
Chairman.

The Committee on Labor made the following report:

MR. SPEAKER:

Your Committee on Labor to whom was referred House Bill No. 149,

A Bill for an act authorizing the board of trustees of the penitentiary of this State to employ the inmates of the penitentiary in manufacturing of brick and constructing public improvements,

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

P. H. ROURKE,
Chairman.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs to whom was referred Senate Bill No. 122,

A Bill for an act declaring it a misdemeanor on the part of employers to require as a condition of employment the surrender of any right of citizenship,

Have had the same under consideration and recommend that the same be indefinitely postponed.

Also,

House Bill No. 137,

A Bill for an act entitled "an act to encourage the manufacture

and production of the long line spinning fibres, either flax or hemp, and spinning tows grown in the State of North Dakota,"

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

Also,

Senate Bill No. 161,

A Bill for an act to provide North Dakota coal for use at the State capitol, penitentiary and other State institutions, and to employ convict labor in opening and operating coal mines for the benefit of the State and the public school fund,

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

Also,

Senate Bill No. 151,

A Bill for an act entitled "an act to regulate peddling in this State and to provide a license fee for persons engaged in peddling,"

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

Also,

House Bill No. 102,

A Bill for an act entitled "an act to authorize the Secretary of State of North Dakota to receive, preserve and turn over to his successor in office, portraits of State officials and Members of Congress,"

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

Also,

House Bill No. 14,

A Bill for an act entitled "an act to regulate the practice of veterinary science in the State of North Dakota,"

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

P. H. ROURKE,
Chairman.

Mr. LaMoure moved

That the report of the Committee on Senate Bill No. 122; also that the bill be indefinitely postponed,

Which motion prevailed.

CONSIDERATION OF MESSAGES FROM THE HOUSE.

Mr. McCarten moved

That the House Concurrent Resolution asking that the Northern Pacific railroad indemnity land either be patented or opened for settlement be concurred in,

Which motion prevailed, and
The resolution was concurred in.

MOTIONS AND RESOLUTIONS.

Mr. Little moved

That the Senate now concur in the House resolution memorializing Congress for the appropriation of 40,000 acres of land for the maintenance of a school of forestry,

Which motion prevailed, and
The resolution was concurred in.

Mr. Little moved

That the Senate now concur in the House resolution that the Governor, Attorney General and State Auditor are appointed a Commission to inquire if North Dakota is not entitled to 5 per cent of certain lands disposed of in land grants,

Which motion prevailed, and
The resolution was concurred in.

Mr. LaMouré presented the following Concurrent Resolution:

CONCURRENT RESOLUTION.

WHEREAS, It appears from the report of the State Board of World's Fair Managers that the president of said board, Hon. Martin Hector, of Fargo, accepted no compensation from the State as a member of said Board, and at his personal expense attended every session of said board; from his private purse paid his expenses, which, among other things, included two extra trips to St. Paul and five to Chicago, thereby showing that the interests of North Dakota were ever present in his mind and that he is a typical Dakotan—liberal, broad-minded and at all times willing to contribute to the material prosperity of our State; therefore, be it

Resolved, By the Senate of the State of North Dakota, the House of Representatives concurring,

That a vote of thanks be extended to the Hon. Martin Hector for his action while a member of the State Board of World's Fair Managers;

That an engrossed copy of these resolutions be transmitted to him signed by the Lieutenant Governor of the State and the Speaker of the House, duly attested by the Secretary of the Senate and the Chief Clerk of the House.

Mr. LaMoure moved

To adopt the resolution,
Which motion prevailed.

INTRODUCTION OF BILLS.

Mr. White introduced

Senate Bill No. 162,

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 their compensation and payment.

Mr. White moved

That Senate Bill No. 162 be referred to the Committee of the Whole for Monday, March 4, 1895,

Which motion prevailed.

The Judiciary Committee introduced
Senate Bill No. 163,

A Bill for an act providing for the payment of an amount equal to a percentum of gross earnings of railroads in lieu of all State, county and school taxes, and repealing Chapter 107 of the Laws of Dakota Territory of 1889, and Chapter 134 of this State of 1890 upon the same subject.

Mr. Gregory introduced
Senate Bill No. 164,

A Bill for an act to change the line of organized counties and to provide for the annexation of unorganized territory to organized counties,

Which was read the first and second times, and
Referred to the Committee on Counties.

Mr. Rourke introduced
Senate Bill No. 165,

A Bill for an act to amend Section 134 of Article 5 of Chapter 5 of the Laws of 1895, entitled "a bill for an act to establish a Code of Criminal Procedure for the State of North Dakota,"

Which was read the first and second times, and
Referred to the Judiciary Committee.

Mr. LaMoure moved

That the Special Order be postponed until first reading of Senate bills.

Mr. White moved, as a substitute,

That the first reading of Senate bills be taken up in consideration of House Bill No. 8 and Senate Bill No. 90, they being made a Special Order for this time,

Which substitute motion prevailed.

First reading of
Senate Bill No. 163,

A Bill for an act providing for the payment of an amount equal to a percentum of gross earnings of railroads in lieu of all State, county and school taxes and repealing Chapter 107 of the Laws of Dakota Territory of 1889 and Chapter 134 of the Laws of this State, 1890, upon the same subject,

Which was read the first and second times, and referred to the Committee on Judiciary.

Mr. White moved

That House Bill No. 8, Senate Bill No. 90, Senate Bill No. 97 and Senate Bill No. 163 be made a Special Order for March 2d, at 2:30 p. m.,

Which motion prevailed.

A sealed communication was received from the Governor.

Mr. LaMoure moved

That the Senate now go into executive session to consider the Governor's communication,
Which motion prevailed.

COMMITTEE OF THE WHOLE.

In open session.

Mr. Arnold moved

That the Senate go into Committee of the Whole for the purpose of considering Senate Bill No. 127,
Which motion prevailed, and
The Senate went into the Committee of the Whole.

Mr. Little moved

That the Senate do now rise,
Which motion prevailed.

MR. PRESIDENT:

Your Committee having had under consideration Senate Bill No. 127, make the following report:

Your Committee of the Whole recommend that Senate Bill No. 127 be amended in line 18 of Section 1 by striking out "April" and insert in lieu thereof the word "May;" also, add after the word "year" in line 18 the following: "But nothing in this act contained shall be construed to mean herds of stock which do not properly belong in any such municipality; and if any person or persons shall knowingly water at any such watering trough any animal infected with any infectious disease, he shall be guilty of a misdemeanor and upon conviction thereof before any justice of the peace, shall be fined not exceeding the sum of \$25 or by imprisonment in the county jail not to exceed the term of fifteen days or by both such fine and imprisonment;" also, strike out "negligently or" from lines 1 and 2.

And that the bill as so amended do pass.

JUDSON LAMOURE,
Chairman.

Mr. Arnold moved

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

The President announced that he was about to sign Senate Bill No. 74,

A Bill for an act to repeal Chapter 72 of the Session Laws of 1890, being an act entitled "an act providing for the purchase and distribution of the remaining reports of the Supreme Court of Dakota Territory."

Also,

Senate Bill No. 103,

A Bill for an act to amend Section 8, Chapter 79, Laws of 1891, changing the place of holding district court in Wells county.

Mr. Arnold moved

That the rules be suspended and that Senate Bill No. 127 be given its third reading and put upon its final passage,

Which motion prevailed.

Senate Bill No. 127,

A Bill for an act to amend Section 1 of Chapter 55 of the Session Laws of 1891, relating to cruelty to animals,

Was read the third time.

The question being upon the final passage of the bill as amended,

The roll being called, there were ayes 21, nays none, not voting 10.

Those who voted in the affirmative were:

Messrs—

Arnold,
Burke,
Clark,
Davis,
Day,
Dobie,
Enger,

Messrs—

Fuller,
Hillier,
Lamb,
LaMoure,
Little,
McCarten,
McGillivray,

Messrs—

Parkin,
Plain,
Stevens,
Strom,
Tufts,
Valentine,
Wishek.

Absent and not voting:

Messrs—

Benedict
Brown,
Gregory,
Haggart,

Messrs—

Hanscom,
Rourke,
Sorley,

Messrs—

Viets,
White,
Young.

So the bill passed and the title was agreed to.

Mr. Arnold moved

That the vote by which Senate Bill No. 127 was passed 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, }
March 1, 1895. }

MR. PRESIDENT:

I have the honor to transmit herewith

Concurrent Resolution, calling at the next general election a vote be taken on the question for or against a Constitutional Convention, to revise the Constitution of the State.

Also,

Concurrent Resolution, asking Congress to open for settlement a part of the Turtle Mountain reserve timber lying within the County of Bottineau.

Also,
 Senate Bill No. 108,
 A Bill for an act repealing Chapter 20 of the Special Laws of
 Dakota Territory for the year 1885,
 Which the House has passed as amended.

Respectfully,
 J. M. DEVINE,
 Chief Clerk.

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. 103,

A Bill for an act to amend Section 8, Chapter 79 of the Laws of 1891, changing the place of holding district court in Wells county.

Also,

Senate Bill No. 74, a Bill for an act to repeal Chapter 172 of the Session Laws of 1890, being an act entitled "an act providing for the purchase and distribution of the remaining reports of the Supreme Court of Dakota Territory,"

And find the same correctly engrossed.

E. YOUNG,
 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. 77,

A Bill for an act to amend Section 25, of Article 15, of Chapter 73, of the Session Laws of 1887.

Also,

Senate Bill No. 107,

A Bill for an act to provide for the levy and collection of a road poll tax,

And find the same correctly engrossed.

E. YOUNG,
 Chairman.

Mr. Little moved

That a concurrent resolution to vote on the Constitution be referred to the Judiciary Committee,

Which motion prevailed.

CONSIDERATION OF MESSAGES FROM THE HOUSE.

A Concurrent Resolution to open up the Turtle Mountain country for settlement.

Mr. Little moved

That the Senate do now concur in the resolution,
Which motion prevailed, and
The resolution was concurred in.

THIRD READING OF SENATE BILLS.

Senate Bill No. 84,

A Bill for an act amending Section 7, Chapter 127, Laws of 1893, entitled "an act to establish a weather and crop service, for the collection and dissemination of crop statistics and meteorological data,"

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

The roll being called, there were ayes 17, nays 1, not voting 13.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Burke,	LaMoure,	Strom,
Clark,	Little,	Tufts,
Davis,	McGillivray,	Viets,
Dobie,	Parkin,	White,
Fuller,	Plain,	Wishek.
Hanscom,	Stevens,	

Mr. Enger voting in the negative.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	Rourke,
Benedict,	Hillier,	Sorley,
Brown,	Lamb,	Valentine,
Day,	McCarten,	Young,
Gregory.		

So the bill passed and the title was agreed to.

Mr. Little moved

That the vote by which Senate Bill No. 84 was passed be reconsidered, and that the motion to reconsider be laid on the table,

Which motion prevailed.

Senate Bill No. 144, Substitute for Senate Bill No. 57,

A Bill for an act to amend Section 37 of Chapter 62 of the Session Laws of 1890, State of North Dakota, as amended by Section 8, Chapter 56 of the Laws of 1891, State of North Dakota.

Was read the third time and put upon its final passage,

The roll being called, there were ayes 19, nays none, not voting 12.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hanscom,	Plain.
Burke,	Hillier,	Stevens,
Clark,	LaMoure,	Strom,
Davis,	Little,	Tufts,
Dobie,	McGillivray,	White,
Enger,	Parkin,	Wishek.
Haggart,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Benedict,	Gregory,	Sorley.
Brown,	Lamb,	Valentine,
Day,	McCarten,	Viets,
Fuller,	Rourke,	Young.

So the bill passed and the title was agreed to.

Mr. Plain moved

That the vote by which Senate Bill No. 144 was passed be reconsidered, and that the motion to reconsider be laid on the table,

Which motion prevailed.

Senate Bill No. 149,

A Bill for an act to provide for the protection of planted fish in the waters of North Dakota,

Was read the third time and put upon its final passage,

The roll being called there were ayes 24, nays none, not voting 7.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	Parkin,
Brown,	Hanscom,	Plain,
Burke,	Hillier,	Rourke,
Clark,	Lamb,	Stevens,
Davis,	LaMoure,	Strom,
Day,	Little,	Tufts,
Dobie,	McCarten,	Viets,
Enger,	McGillivray,	Wishek.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Benedict,	Sorley,	White,
Fuller,	Valentine,	Young.
Gregory,		

So the bill passed and the title was agreed to.

Mr. Little moved

That the rules be suspended, and that House Bill No. 149 be read the third time and put upon its final passage.

Which motion prevailed.

House Bill No. 149,

A Bill for an act authorizing the board of trustees of the peni-

tentiary to employ the inmates of the penitentiary in the manufacture of brick for constructing public improvements,

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

The roll being called there were ayes 27, nays 1, not voting 3.

Those who voted in the affirmative were:

Messrs--

Arnold,
Brown,
Burke,
Clark,
Day,
Dobie,
Enger,
Fuller,
Gregory,

Messrs--

Haggart,
Hanscom,
Hillier,
Lamb,
LaMoure,
Little,
McGillivray,
Parkin,
Plain,

Messrs--

Rourke,
Stevens,
Strom,
Tufts,
Valentine,
Viets,
White,
Wishek.

Mr. McCarten voted in the negative.

Absent and not voting:

Messrs--

Benedict,

Messrs--

Sorley,

Messrs--

Young.

So the bill passed and the title was agreed to.

Mr. Little moved

That the vote by which House Bill No. 149 was passed be reconsidered, and that the motion to reconsider be laid on the table,

Which motion prevailed.

Mr. Haggart moved

That House Bill No. 104 be read the third time and put upon its final passage.

House Bill No. 104,

A Bill for an act to amend Section 6 of Chapter 27 of the General Laws of 1893, entitled "an act to provide for the organization and government of State Banks,"

Was read the third time.

Mr. Little moved

That the report of the Committee be adopted,

Which motion prevailed.

The question being on the final passage of the bill as amended,

The roll being called there were ayes 25, nays none, not voting 6.

Those who voted in the affirmative were:

Messrs--

Brown,
Burke,
Clark,
Davis,
Day,
Dobie,
Enger,
Fuller,
Gregory,

Messrs--

Haggart,
Hanscom,
Hillier,
Lamb,
LaMoure,
Little,
McCarten,
Parkin,

Messrs--

Plain,
Rourke,
Stevens,
Strom,
Tufts,
Valentine,
Viets,
White.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	McGillivray,	Wishek,
Benedict,	Sorley,	Young.

So the bill passed and the title was agreed to.

Mr. Haggart moved

That the vote by which House Bill No. 104 was passed be reconsidered, and that the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Little moved

That House Bills No. 30, No. 64 and No. 112 be given their third reading and put upon their final passage,

Which motion prevailed.

House Bill No. 30,

A Bill for an act to amend Section 9 of Article 3 of Chapter 73 of the Laws of 1887, being Section 877 of the Compiled Laws of 1887, providing for the incorporation of cities.

The roll being called, there were ayes 27, nays none, not voting 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Brown,	Haggart,	Rourke,
Burke,	Hanscom,	Stevens,
Clark,	Hillier,	Strom.
Davis,	Lamb,	Tufts,
Day,	LaMoure,	Valentine,
Dobia,	Little,	Viets,
Enger,	McCarten,	White,
Fuller,	Parkin,	Wishek,
Gregory,	Plain,	Young.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	McGillivray,	Sorley.
Benedict,		

So the bill passed and the title was agreed to.

Mr Little moved

That the vote by which House Bill No. 30 was passed be reconsidered, and that the motion to reconsider be laid on the table,

Which motion prevailed.

House Bill No. 64,

A Bill for an act entitled "an act compelling railroad companies to provide a certain number of men to man trains and prescribing penalties for neglect thereof,"

Was read the third time.

Committee recommend to indefinitely postpone.

Mr. Day moved

As an amendment to the Committee report that it do pass,
Which amendment prevailed.

Mr. LaMoure moved

To amend in the third line to strike out the words "five hundred" and insert "fifty" in lieu thereof,

Which amendment prevailed.

The question being upon the final passage of the bill as amended,

The roll being called there were ayes 22, nays none, not voting 9.

Those who voted in the affirmative were:

Messrs—

Burke,
Clark,
Davis,
Day,
Dobie,
Enger,
Gregory,
Haggart,

Messrs—

Hanscom,
Hillier,
Lamb,
LaMoure,
McCarten,
Parkin,
Plain,

Messrs—

Rourke,
Stevens,
Strom,
Tufts,
Valentine,
White,
Young.

Absent and not voting:

Messrs—

Arnold,
Benedict,
Brown,

Messrs—

Fuller,
Little,
McGillivray,

Messrs—

Sorley,
Viets,
Whishek.

So the bill passed and the title was agreed to.

Mr. Day moved

That the vote by which House Bill No. 64 was passed be reconsidered, and that the motion to reconsider be laid on the table,

Which motion prevailed.

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

MR. PRESIDENT:

Your Committee on Enrolled and Engrossed Bills have examined

Senate Bill No. 123,

A Bill for an act to amend Chapter 93 of the Laws of 1891, being an act entitled "an act for the prevention of prairie fires, and to provide against damage done by them; also, prescribing duties of county commissioners in relation thereto,"

And find the same correctly engrossed.

E. YOUNG,
Chairman.

House Bill 112,

A Bill for an act to suppress and prevent the printing, selling, loaning, making, advertising, giving away or exposing to view, or

showing or taking subscriptions for any indecent or obscene literature, prints, etchings, drawings or papers, or any article or instrument of immoral use, and prescribing the punishmen therefor, -

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

The roll being called there were ayes 21, nays 4, not voting 6.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Clark,	Haggart,	Stevens,
Davis,	Hanscom,	Strom,
Day,	Hillier,	Tufts,
Dobie,	LaMoure,	Viets,
Enger,	Little,	White,
Fuller,	McCarten,	Wishek,
Gregory,	Parkin,	Young.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Burke,	Rourke,	Valentine.
Lamb,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Brown,	Plain,
Benedict,	McGillivray,	Sorley.

So the bill passed and the title was agreed to.

Mr. Tufts moved

That the vote by which House Bill No. 112 was passed be reconsidered, and that the motion to reconsider be laid on the table, Which motion prevailed.

Mr. Strom moved

That the rules be suspended and that Senate Bill No. 72 be given its third reading and put upon its final passage, Which motion prevailed.

Senate Bill No. 72,

A Bill for an act to regulate the manner in which individuals, firms and private corporations shall be authorized to construct, maintain and operate public warehouses and elevators on railway right of way in the State of North Dakota,

Was read the third time.

Mr. Little moved

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

Mr. LaMoure moved

To amend in line 2 by striking out the words "local ticket agent" and insert "its division superintendent" in lieu thereof,

Which amendment prevailed.

Mr. Strom moved

To amend Section 3, line 9, striking out "ten days" and inserting the words "thirty days" in lieu thereof,

Which motion prevailed.

The question being upon the final passage of the bill as amended,

The roll being called there were ayes 21, nays none, not voting 10.

Those who voted in the affirmative were:

Messrs—

Arnold,
Burke,
Clark,
Davis,
Dobie,
Enger,
Fuller,

Messrs—

Gregory,
Hillier,
Lamb,
LaMoure,
Little,
McCarten,
McGillivray,

Messrs—

Parkin,
Plain,
Stevens,
Strom,
Tufts,
Wishek,
Young.

Absent and not voting:

Messrs—

Benedict,
Brown,
Day,
Haggart,

Messrs—

Hanscom,
Kourke,
Sorley,

Messrs—

Valentine,
Viets,
White.

So the bill passed and the title was agreed to.

Mr. Strom moved

That the vote by which Senate Bill No. 72 was passed be reconsidered, and that the motion to reconsider be laid on the table,

Which motion prevailed.

EXECUTIVE SESSION.

Mr. Little moved

That the Senate now go into executive session,

Which motion prevailed.

On reassembling the confirmation of the following appointments was announced:

For members of Industrial School, each for a term of two years as per Section 2, Chapter 125, Laws of 1893—Edward N. Libbey, Dickey county; John N. Bishop, Dickey county; Milton F. Merchant, Dickey county.

For trustees of the Penitentiary at Bismarck for a term of four years, as per Section 1, Chapter 93, Laws of 1889—Roderick Johnson, Traill county; F. H. Register, Burleigh county; W. H. Bratton, Burleigh county.

For a term of two years—C. A. Lounsberry, Cass county; Ole Wing, McLean county.

Robert J. Mitchell, of Ransom county, as a member of the Board of Commissioners of the Soldiers' Home at Lisbon, for the

term of two years, as per Section 5, Chapter 121, Laws of 1893, in place of M. F. Brown, of Ransom county, recently nominated and confirmed, and declined.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 1, 1895. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 165,

A Bill for an act to establish a Political Code in the State for North Dakota,

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

Respectfully,

J. M. DEVINE,
Chief Clerk.

Mr. Little moved

That the Senate take a recess until tomorrow morning at 10 o'clock for the purpose of reading House Bill No. 165 the first and second times,

Which motion prevailed, and
The Senate adjourned.

FRED FALLEY,
Secretary.

MORNING SESSION—FIFTY-THIRD DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 2, 1895.

The Senate was called to order by Mr. Haggart, President *pro tempore*, pursuant to adjournment.

The first reading of
House Bill No. 165,
A Bill for an act to establish a Political Code for the State of
North Dakota,
Was taken 'up.

The first reading of
House Bill No. 165,
A Bill for an act to establish a Political Code for the State of
North Dakota,
Was concluded and read the second time and referred to the
Judiciary Committee.

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

FIFTY-FOURTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 2, 1895.

The Senate was called to order by the President.

Prayer by the Chaplain.

Roll called.

All members present except Mr. Sorley, who was excused.

Mr. Tufts moved

That the reading of the Journal be dispensed with, and that
the President appoint a committee to revise and correct the same,
Which motion prevailed.

The President announced as committee to correct the Journal,
Messrs. White, Valentine and Fuller.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 2, 1895. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 155,

A Bill for an act to locate and provide for the government of a
State blind asylum at Bathgate, Pembina county, North Dakota.

Also,

House Bill No. 121,

A Bill for an act entitled "an act to amend Sections 20, 22 and
23 of Chapter 86 of the Laws of the year 1891, entitled an act to
provide a Military Code for the State of North Dakota."

Also,

House Bill No. 114,

A Bill for an act entitled "an act to provide for the taxation
of property situated in the unorganized counties of the State."

Also,

House Bill No. 87,

A Bill for an act entitled "an act relating to steam threshing
machines, saw mills and traction engines and their passage on
public highways.

Also,

House Bill No. 133,

A Bill for an act to amend Sections 122 and 161 of Chapter 62 of the Laws of 1890,

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

Also,

House Bill No. 107,

A Bill for an act to amend Section 3 of Chapter 96 of the Laws of 1890, to regulate the practice of medicine in the State of North Dakota to license physicians, obstericians, and to punish persons violating the provisions of this act,

Also,

House Bill No. 141,

A Bill for an act entitled "an act fixing the salaries of the county auditor, register of deeds and county treasurer, and for the repeal of Sections 1 and 3 of Chapter 52, and Section 1 of Chapter 53 of the Session Laws of 1891," as amended.

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

Also,

Concurrent Resolution,

Extending a vote of thanks to the Hon. Martin Hector for his actions while a member of the State Board of World's Fair Managers,

Which the House has passed.

Respectfully,

J. M. DEVINE,
Chief Clerk.

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. 84,

A Bill for an act amending Section 7, Chapter 127, Laws of 1893, entitled "an act to establish a weather and crop service for the collection and dissemination of crop statistics and meteorological data.

Also,

Senate Bill No. 145,

A Bill for an act providing for printing and distributing ballots at public expense, and to regulate voting at all general elections, except municipal, town or school elections.

And find the same correctly engrossed.

E. YOUNG,
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. 79,

A Bill for an act defining the practice in county courts having increased jurisdiction, fixing the terms of court, compensation of judges and clerks, and their duties,

And find the same correctly enrolled.

E. YOUNG,
Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred

House Bill No. 70,

A Bill for an act declaring it a misdemeanor to practice fraud on hotel keepers,

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

Also,

Senate Bill No. 163,

A Bill for an act providing for payment of an amount equal to a per centum of gross earnings of railroads in lieu of all State, county, township and school taxes, and repealing Chapter 170 of the Laws of the Territory of Dakota of A. D. 1889, and Chapter 134 of the Laws of this State of A. D. 1890 upon the same subject,

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

By striking out all after the word "to," line 20, and before the word "year" line 26, Section 1, printed bill, and insert in lieu thereof the words "six per centum of all such gross earnings for the preceding calendar year, where such gross earnings as hereinafter provided shall be less than \$1,000 per mile of railroad for such calendar year, and five per centum of such gross earnings for the preceding calendar year when such gross earnings as hereinafter provided shall be \$1,000 and less than \$1,500 per mile of railroad for such calendar year, and four per centum of such gross earnings for the preceding calendar year where such gross earnings as hereinafter provided shall be \$1,500 and less than \$2,000 per mile of railroad for such calendar year, and three per centum of such gross earnings where such gross earnings as hereinafter provided shall be \$2,000 or more per mile of railroad for such calendar year."

And when so amended recommend that the same do pass.

Also,

House Bill No. 92,

A Bill for an act entitled "an act to encourage the culture of sugar beets in the State of North Dakota and their manufacture into sugar,"

Have had the same under consideration and recommend that the same 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. 50,

A Bill for an act entitled "an act to amend Section 2 (a) of Chapter 122 of the General Laws of 1890 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,'"

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

Also,

House Bill No. 100,

A Bill for an act entitled "an act requiring railway corporations to provide bulletin boards at stations, and providing penalties,"

Have had the same under consideration and recommend that said bill be indefinitely postponed.

H. S. PARKIN,
Chairman.

The Committee on Counties made the following report:

MR. PRESIDENT:

Your Committee on Counties to whom was referred

House Bill No. 65,

A Bill for an act entitled "an act to provide for the establishment, construction and maintenance of drains in this State,"

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

Also,

Senate Bill No. 110,

A Bill for an act to amend Sections 13, 62 and 71 of Chapter 118, Laws of 1893, entitled "an act to amend all of Chapters 25, 146, 147 and 148 of the Laws of 1890, and Chapter 65 of the Laws of 1891, and to provide for the management, control and disposal of university, school and all other public lands of the State, and the management of the funds arising therefrom, and making an appropriation therefor,"

Have had the same under consideration and report herewith a substitute, and recommend that the same do pass.

H. F. ARNOLD,
Chairman.

The Committee on Education made the following report:

MR. PRESIDENT:

Your Committee on Education to whom was referred
Senate Bill No. 153,

A Bill for an act in relation to health and decency in the school districts of this State,

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

A. V. BENEDICT,
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. 72,

A Bill for an act to amend Section 24, Chapter 132, Laws of 1890, entitled "an act prescribing the mode of making assessment and the levy and collection of taxes, and for other purposes relative thereto,"

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

By striking out the word "May" in line 9, Section 1, of printed bill, and insert in lieu thereof the word "April,"

And when so amended recommend that the same do pass.

Also,

House Bill No. 32,

A Bill for an act to amend Sections 20, 25 and 26 of Chapter 27 of the Session Laws of 1893, relating to the organization and government of State banks,

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

FRANK VIETS,
Chairman.

The Committee to correct the Journal of the fifty-third day made the following report:

MR. PRESIDENT:

Your Committee to correct the Journal of the fifty-third day have had the same under consideration and recommend that the same be amended as follows:

On page four, thirty-seventh line, the words "Senate Bill No 132" should have read "Senate Bill 122."

And when so amended recommend that the same be approved.

FRANK WHITE,
Chairman.

The report of the Committee was adopted.

MOTIONS AND RESOLUTIONS.

The courtesies of the floor of the Senate were extended to F. H. Sprague, of Grafton, and Wm. Hart, of Fargo.

Mr. Arnold moved

That the Senate do not concur in the House amendments to Senate Bill No. 108, and that a Conference Committee be appointed,

Which motion prevailed.

The President announced as such Conference Committee Messrs. Arnold and Parkin.

Mr. Arnold presented the following Concurrent Resolution:

CONCURRENT RESOLUTION

Of the Senate and House of Representatives of the Fourth Legislative Assembly of the State of North Dakota, Accepting the Donation of the United States Military Wood Reservation, Ramsey County, North Dakota, From the United States, to Be Used as Encampment Grounds for the National Guard of North Dakota, and Other Purposes Stated in Act of Congress Granting Same.

Resolved by the Senate, the House of Representatives Concurring,

That the United States Military Wood Reservation, situated on Rock Island, Rams-y county, North Dakota, recently donated to this State by Congress for an encampment ground for the National Guard of the State of North Dakota, and for other purposes, is hereby accepted by the State, subject to the provisions of act of Congress granting the same.

Mr. Arnold moved

To adopt the resolution,

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 2, 1895. }

MR. PRESIDENT:

I have the honor to transmit herewith
Senate Bill No. 99,

A Bill for an act to provide for the treatment and cure of
habitual drunkards,

Which the House has passed with amendments.

Also,

House Bill No. 116,

A Bill for an act to amend Section 2, Article 13 of Chapter 73, Laws of 1887, being Section 945, Compiled Laws of 1887, and to amend Section 3, Article 13 of Chapter 73, Laws of 1887, being Section 946, Compiled Laws of 1887.

Also,

House Bill No. 169,

A Bill for an act to provide for the division of civil townships containing two or more congressional townships by the creation of new civil townships therein.

Also,

House Bill No. 154,

A Bill for an act to amend an act entitled "an act to protect stock raisers and promote the breeding of improved live stock within the State of North Dakota and provide a lien for the service of sires, being Chapter 117 of the Laws of 1891,"

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

Respectfully,

J. M. DEVINE,
Chief Clerk.

Mr Young moved

That the motion to reconsider and lay on the table the vote by which Senate Bill No. 72 was passed be expunged from the records,

Which motion prevailed, there being no objection.

Mr. Young moved

That Senate Bill No. 72 be made a special order for this afternoon at 4 o'clock,

Which motion prevailed.

The courtesies of the floor were extended to J. H. Anderson and Brandon Johnson of Pembina county.

Mr. Little moved

That the Senate now concur in the House amendments to Senate Bill No. 99.

The roll being called there were ayes 19, nays 3, not voting 9.

Those who voted in the affirmative were:

Messrs—

Arnold,
Burke,
Clark,
Enger,
Haggart,
Hillier,
Lamb,

Messrs—

LaMoire,
Little,
McCarten,
McGillivray,
Parkin,
Plain,

Messrs—

Stevens,
Strom,
Tufts,
Viets,
Wishek,
Young.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Day,	Hanscom,	Rourke,

Absent and not voting:

Messrs—	Messrs—	Messrs—
Benedict,	Dobie,	Sorley,
Brown,	Fuller,	Valentine,
Davis,	Gregory,	White.

So the amendments were concurred in.

The President announced that he was about to sign Senate Bill No. 79,

A Bill for an act defining the practice in county courts having increased jurisdiction, fixing the term of court, compensation of judges and clerks and their duties.

THIRD READING OF SENATE BILLS.

Senate Bill No. 158,

A Bill for an act to suspend Sections 20, 21, 37, 40 and 60 of Chapter 86, Laws of 1891, being an act to provide a Military Code for the State of North Dakota,

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

The roll being called there were ayes 21, nays 1, not voting 9.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Enger,	McGillivray,
Benedict,	Gregory,	Plain,
Burke,	Haggart,	Stevens,
Clark,	Hanscom,	Strom,
Davis,	Hillier,	Tufts.
Day,	Lamb,	Viets,
Dobie,	McCarten,	Young.

Mr. Rourke voting in the negative.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brown,	Little,	Valentine,
Fuller,	Parkin,	White,
LaMoire,	Sorley,	Wishek.

So the bill passed and the title was agreed to.

Mr. Arnold moved

That the rules be suspended and that House Bills Nos. 14 and 65 be given their third reading and put upon their final passage, Which motion prevailed.

House Bill No. 14,

A Bill for an act entitled "an act to regulate the practice of veterinary science in the State of North Dakota,"

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

The roll being called there were ayes 21, nays 7, not voting 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gregory,	Rourke,
Brown,	Haggart,	Strom,
Burke,	Hanscom,	Tufts,
Clark,	Hullier,	Viets,
Davis,	Lamb,	White,
Enger,	Little,	Wishek,
Fuller,	McGillivray,	Young.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Day,	Parkin,	Stevens,
Dobie,	Plain,	Valentine.
McCarten,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Benedict,	LaMoure,	Sorley.

So the bill passed and the title was agreed to.

Mr. Stevens explaining his vote.

Mr. Arnold moved

That the vote by which House Bill No. 14 was passed be reconsidered, and that the motion to reconsider be laid on the table, Which motion prevailed.

The President announced that he was about to sign House Bill No. 23,

A Bill for an act defining the duties of railways in regard to station houses.

Also,
House Bill No. 35,

A Bill for an act entitled "an act to amend Section 39, Chapter 132 of the Session Laws of 1890, entitled '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. 74,

A Bill for an act to cure defective acknowledgments.

Also,
House Bill No. 136,

A Bill for an act entitled "an act to appropriate for the support of organized fire companies within this State a portion of the tax paid by fire insurance companies upon premiums received and repealing Chapter 53 of the Session Laws of 1887 of the Territory of Dakota, and Chapter 66 of the Session Laws of 1893 of the State of North Dakota."

The President called Mr. Little to the Chair.

House Bill No. 65,

A Bill for an act to provide for the establishment, construction and maintenance of drains in this State,

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

The roll being called there were ayes 23, nays 3, not voting 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gregory,	Rourke,
Benedict,	Haggart,	Tufts,
Brown,	Hanscom,	Valentine,
Burke,	Hillier,	Viets,
Davis,	LaMoure,	White,
Day,	Little,	Wishek,
Dobie,	McGillivray,	Young.
Fuller,	Plain,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Clark,	Stevens,	Strom.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Enger,	McCarten,	Sorley.
Lamb,	Parkin,	

So the bill passed and the title was agreed to.

Mr. LaMoure moved

That the vote by which House Bill No. 65 was passed be reconsidered, and that the motion to reconsider be laid on the table,

Which motion prevailed.

Mr. Plain was granted unanimous consent to return to the ninth order of business to introduce a bill.

Mr. Plain introduced

Senate Bill No. 166,

A Bill for an act fixing the maximum compensation that a railroad company may charge for a stopover in cars in transit between intermediate and terminal points, and for transportation of freight between such points,

Which was read the first and second times, and Referred to the Railroad Committee.

Mr. Gregory introduced

Senate Bill No. 167,

A Bill for an act to suspend Chapter 11 of the Laws of 1893, being an act for an appropriation for the creation of the North Dakota Reform School at Mandan, and for incidental and contingent expenses for the same,

Which was read the first and second times, and Referred to the Appropriation Committee.

The time having arrived for special orders,

Mr. White moved

That the consideration of House Bill No. 8 be taken up,

Which motion prevailed.

House Bill No. 8,

A Bill for an act to repeal an act of the Legislative Assembly of the Territory of Dakota, approved March 7, 1889, entitled "an act providing for the levy and collections of taxes upon the property of railroad companies in this Territory, and all acts amendatory thereto,"

Was read the third time.

Mr. LaMoure moved

That House Bill No. 8 be made a special order for Tuesday, March 5, at 2:30 p. m.

Roll call demanded.

The roll being called there were ayes 15, nays 13, not voting 3.

Those who voted in the affirmative were:

Messrs—

Arnold,
Benedict,
Brown,
Burke,
Clark,

Messrs—

Day,
Gregory,
Haggart,
Hanscom,
Lamb,

Messrs—

LaMoure,
Little,
Parkin,
Viets,
Wishek.

Those who voted in the negative were:

Messrs—

Davis,
Dobie,
Enger,
Fuller,
Hillier,

Messrs—

McCarten,
McGillivray,
Rourke,
Stevens,

Messrs—

Strom,
Valentine,
White,
Young.

Absent and not voting:

Messrs—

Plain,

Messrs—

Sorley,

Messrs—

Tufts.

So the motion for special order prevailed.

Mr. LaMoure moved

That the Senate now take up Senate Bill No. 163,

Which motion prevailed,

Senate Bill No. 163,

A Bill for an act providing for the payment of an amount equal to a per centum of gross earnings of railroads in lieu of all State, county and school taxes, and repealing Chapter 107 of the Laws of Dakota Territory of 1889, and Chapter 134 of this State of 1890 upon the same subject,

Was read the third time.

Mr. LaMoure moved

That the Senate take a recess for five minutes,

Which motion prevailed.

The Senate reassembled.

Mr. Burke moved

That the vote by which House Bill No. 8 was made a special order, be reconsidered,

Which motion prevailed.

The question being on the final passage of House Bill No. 8,

A Bill for an act to repeal 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, and all acts amendatory thereto,"

It having been read the third time.

The President in the Chair.

The roll being called there were ayes 26, nays 2, not voting 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	Rourke,
Brown,	Hanscom,	Stevens,
Burke,	Hillier,	Strom,
Clark,	Lamb,	Tufts,
Davis,	LaMoure,	Valentine,
Dobie,	Little,	Viets,
Enger,	McCarten,	White,
Fuller,	McGillivray,	Young.
Gregory,	Plain,	

Messrs. Benedict and Parkin voting in the negative.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Day,	Sorley,	Wishek.

So the bill passed and the title was agreed to.

Mr. Little moved

That the vote by which House Bill No. 8 was passed be reconsidered, and the motion to reconsider be laid on the table,

Which motion prevailed.

The President announced that he was about to sign House Bill No. 149,

A Bill for an act authorizing the board of trustees of the penitentiary of this State to employ the inmates of the penitentiary in manufacturing of brick and constructing public improvements.

Also,

A Concurrent Resolution,

Granting a vote of thanks to Hon. Martin Hector.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 2, 1895.

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 145,
A Bill for an act entitled "an act to establish a garnishment
law for the State of North Dakota."

Also,

House Bill No. 120,
A Bill for an act to authorize and regulate within this State
the business of commercial agencies, credit companies and guar-
antee associations,

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

Respectfully,
J. M. DEVINE,
Chief Clerk.

MESSAGE FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE CHAMBER, }
March 2, 1895.

To the Senate:

GENTLEMEN:—I take pleasure in informing you that I have this
day approved

Senate Bill No. 103,

A Bill for an act to amend Section 8, Chapter 79 of the Laws
of 1891, changing the place of holding district court in Wells
county.

Also,

Senate Bill No. 74,

A Bill for an act to repeal Chapter 172 of the Session Laws of
1890, being an act entitled "an act providing for the purchase and
distribution of the remaining reports of the Supreme Court of
Dakota Territory."

Also,

Senate Bill No. 65,

A Bill for an act entitled "an act to secure the safe keeping of
all funds coming into the hands of county treasurers by pre-
scribing and regulating the deposit thereof,"

Respectfully,
ROGER ALLIN,
Governor.

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. 149,

A Bill for an act to provide for the protection of planted fish in the waters of North Dakota.

Also,

Substitute for Senate Bill No. 57, being Senate Bill No. 144,

A Bill for an act to amend Section 37 of Chapter 62 of the Session Laws of 1890, State of North Dakota, as amended by Section 8, Chapter 56, of the Laws of 1891, State of North Dakota.

Also,

Senate Bill No. 127,

A Bill for act to amend Section 1 of Chapter 55 of the Session Laws of 1891, relating to cruelty to animals.

Also,

Senate Bill No. 158,

A Bill for an act to suspend Sections 20, 21, 37, 40 and 60 of Chapter 86, Laws of 1891, being "an act to provide a Military Code for the State of North Dakota,

And find the same correctly engrossed.

E. YOUNG,
Chairman.

The question recurring to Senate Bill No. 163,

Mr. Little moved

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

Mr. McGillivray moved

That the vote by which the Committee report on Senate Bill No. 163 was adopted be reconsidered.

• Roll call demanded.

The roll being called there were ayes 9, nays 18, not voting 8.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Dobie,	McGillivray,	Valentine,
Fuller,	Strom,	White,
McCarten,	Tufts,	Young.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Arnold,	Enger,	Parkin,
Brown,	Gregory,	Plain,
Burke,	Hanscom.	Rourke,

Messrs—

Clark,
Davis,
Day,

Messrs—

Hillier,
Lamb,
LaMoure,

Messrs—

Stevens,
Viets,
Wishek.

Absent and not voting:

Haggart,
Benedict,

Little,

Sorley.

So the motion was lost.

Mr. Hillier moved

That the consideration of Senate Bill No. 72 be postponed until the present business is dispensed with,

Which motion prevailed.

Mr. LaMoure moved

A call of the Senate,
Which motion prevailed.

Mr. Gregory moved

That further proceedings under the call be dispensed with,
Which motion prevailed.

Mr. White raised the point of order that the report of the Committee is amendable.

The question being upon the final passage of Senate Bill No. 163 as amended by the Judiciary Committee,

The roll being called, there were ayes 26, nays 4, not voting 1.

Those who voted in the affirmative were:

Messrs—

Arnold,
Benedict,
Brown,
Burke,
Clark,
Davis,
Day,
Dobie,
Enger,

Messrs—

Gregory,
Haggart,
Hanscom,
Hillier,
Lamb,
LaMoure,
Little,
Parkin,
Plain,

Messrs—

Rourke,
Stevens,
Tufts,
Valentine,
Viets,
White,
Wishek,
Young.

Absent and not voting:

Messrs—

Fuller,
McCarten,

Messrs—

McGillivray,

Messrs—

Strom.

Mr. Sorley absent and not voting.

So the bill passed and the title was agreed to.

Mr. McGillivray explaining his vote.

Mr. Little moved

That the vote by which Senate Bill No. 163 was passed be reconsidered, and that the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. White moved

That the further consideration of Senate Bills No. 90 and No. 97 be indefinitely postponed,

Which motion prevailed.

Mr. LaMoure moved

That House bills be taken and given their first and second reading and reference,

Which motion prevailed.

The time having arrived for the consideration of Senat Bill No. 72, it having been made a special order for this time, Senate Bill No. 72,

A Bill for an act to regulate the manner in which individuals, firms, and private corporations shall be authorized to construct, maintain and operate public warehouses and elevators on railway right of way in the State of North Dakota,

Was read the third time.

Mr. Hillier offered the following amendment:

Amend Section 1 by striking out all of line 5, and the words "any railway" in line 6; also, strike out the words "agent or" at the end of line 6 and insert in lieu thereof the words "division superintendent."
Strike out all of lines 7 and 8, and the words "application is made" in line 9, as found in printed copy of said bill.

Which amendment was adopted.

The question being upon the final passage of the bill as amended,

The roll being called, there were ayes 22, not voting 9.

Those who voted in the affirmative were:

Messrs—

Arnold,
Benedict,
Burke,
Clark,
Davis,
Day,
Dobie,
Enger,

Messrs—

Fuller,
Gregory,
Hillier,
Lamb,
LaMoure,
McCarten,
Parkin,

Messrs—

Plain,
Stevens,
Strom,
Tufts,
Viets,
Wishek,
Young.

Absent and not voting:

Messrs—

Brown,
Haggart,
Hanscom,

Messrs—

Little,
McGillivray,
Rourke,

Messrs—

Sorley,
Valentine,
White.

So the bill passed and the title was agreed to.

FIRST AND SECOND READING OF HOUSE BILLS.

House Bill No. 107,

A Bill for an act to amend Section 3 of Chapter 93 of the Laws of 1890, 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,

Which was read the first and second times, and
Referred to the Committee on Public Health.

House Bill No. 141,

A Bill for an act fixing the salaries of the county auditor, register of deeds and county treasurer, and for the repeal of Sections 1 and 3 of Chapter 52, and Section 1, Chapter 53, of the Session Laws of 1891,

Which was read the first and second times, and
Referred to the Committee on State Affairs.

House Bill No. 116,

A Bill for an act entitled "an act to amend Section 2, Article 13 of Chapter 73, Laws of 1887, being Section 945, Compiled Laws of 1887, and to amend Section 3, Article 13 of Chapter 73, Laws of 1887, being Section 946, Compiled Laws of 1887,"

Which was read the first and second times, and
Referred to the Committee on Cities and Municipalities.

House Bill No. 114,

A Bill for an act entitled "an act to provide for the taxation of property situated in the unorganized counties of the State,"

Which was read the first and second times, and
Referred to the Committee on Ways and Means.

House Bill No. 120,

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 Judiciary.

House Bill No. 121,

A Bill for an act to amend Sections 20, 22 and 23 of Chapter 86 of the Laws of the year 1891, entitled "an act to provide a Military Code for the State of North Dakota, and to provide a Board of Control for the State Encampment Grounds"

Which was read the first and second times, and
Referred to the Committee on Military Affairs.

House Bill No. 145,

A Bill for an act entitled "an act to establish a garnishment law for the State of North Dakota,

Which was read the first and second times, and
Referred to the Judiciary Committee.

House Bill No. 87,

A Bill for an act entitled "an act relating to steam threshing machines, saw mills and steam traction engines, and their passage on the public highway,"

Which was read the first and second times, and
Referred to the Committee on State Affairs.

House Bill No. 169,

A Bill for an act to provide for the division of civil townships containing two or more congressional townships, by the creation of new townships therein,

Which was read the first and second times, and
Referred to the Committee on State Affairs.

House Bill No. 154,

A Bill for an act to amend an act entitled "an act to protect stock raisers and promote the breeding of improved live stock within the State of North Dakota and provide a lien for the service of sires, being Chapter 117 of the Laws of 1891,"

Which was read the first and second times, and
Referred to the Committee on Stock.

House Bill No. 133,

A Bill for an act to amend Sections 122 and 161 of Chapter 62, Laws of 1890,

Which was read the first and second times, and
Referred to the Committee on Education.

House Bill No. 155,

A Bill for an act to locate and provide for the government of a State blind asylum at Bathgate, Pembina county, N. D.,

Which was read the first and second times, and
Referred to the Committee on State Affairs.

Mr. Little moved

That the vote by which Senate Bill No. 72 was passed be reconsidered, and that the motion to reconsider be laid on the table,
Which motion prevailed.

Mr. Arnold moved

That the Senate concur in the resolution offered today "accepting the donation of the United States wood reservation," situate in Ramsey county, to be used as an encampment ground for the National Guard,

Which motion prevailed, and

The resolution was concurred in.

The President announced that he was about to sign

House Bill No. 1,

A Bill for an act entitled "an act to provide for State depositories and to regulate the deposit of public moneys therein and the interest thereon, and prescribing the means thereof."

Also,

House Bill No. 30,

A Bill for an act to amend Section 9 of Article 3 of Chapter 73 of the Laws of 1887, being Section 877 of the Compiled Laws of 1887, providing for the incorporation of cities.

Senate Bill No. 155,

A Bill for an act to repeal Sections 71 and 72 of Chapter 118 of the Laws of 1893,

Was read the third time.

Mr. White moved

That further action on Senate Bill No. 155 be deferred until Tuesday,

Which motion prevailed.

Senate Bill No. 156,

A Bill for an act to repeal Chapter 70 of the Session Laws of 1890, being "an act to amend Article 9 of the Compiled Laws of 1887, being 'an act entitled an act to promote forest tree culture,'"

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

Mr. Little moved

That the Senate do now adjourn,

Which motion was lost.

The roll being called on the final passage of Senate Bill No. 156 there were ayes 19, nays 3, not voting 9.

Those who voted in the affirmative were:

Messrs—

Arnold,
Burke,
Clark,
Davis,
Enger,
Hanscom,
Hillier,

Messrs—

Little,
McCarten,
McGillivray,
Plain,
Rourke,
Stevens.

Messrs—

Strom,
Tufts,
Viets,
White,
Wishek,
Young.

Those who voted in the negative were:

Messrs—

Day,

Messrs—

Dobie,

Messrs—

LaMoure.

Absent and not voting:

Messrs—

Benedict,
Brown,
Fuller,

Messrs—

Gregory,
Haggart,
Lamb,

Messrs—

Parkin,
Sorley,
Valentine.

So the bill passed and the title was agreed to.

Mr. Little moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

FRED FALLEY,
Secretary.

FIFTY-SIXTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 4, 1895.

The Senate was called to order by the President.

Prayer by the Chaplain.

Roll called.

All members present except Mr. Tufts.

Mr. White moved

That the reading of the Journal be dispensed with and that a Committee be appointed to correct the same,

Which motion prevailed.

The President appointed as such Committee Messrs. McGillivray, Arnold and Lamb.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
 March 4, 1895. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill 123,

A Bill for an act to amend Section 6, of Chapter 110, of the Laws of 1890, and defining what is intoxicating liquor,

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

Also,

Senate Bill No. 125,

A Bill for an act to provide for the extermination of the Russian thistles and French weeds,

Which the House has passed unchanged.

Also,

Concurrent Resolution

Calling for the State Auditor to audit bills incurred by the Joint and Investigating Committees that have been appointed by the Legislative Assembly.

Also,

Concurrent Resolution

Calling for the taxation of Northern Pacific bridge at its actual value,

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

Respectfully,

J. M. DEVINE,
 Chief Clerk.

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. 165,

A Bill for an act to establish a Political Code for the State of North Dakota,

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

By adding to Section 2010 the following: "*Provided, however,* That when a petition praying for the submission of the question of removing the county seat is submitted to the board of county commissioners it shall be verified by such of the signers of such petition, showing each to be a resident of the county, a qualified elector therein, and that he personally signed his name thereto knowing the contents and purpose of the petition; and further, that

it be amended by striking out Chapter thirteen (13) and insert in lieu thereof Senate Bill No. 148, as amended:"

By striking out Subdivisions 11 and 12 in Section 2.

And further, by adding to Subdivision 1, Section 3, "in assessing any tract or lot of real property the value of the land, exclusive of improvements, shall be determined, also the value of all improvements and structures thereon and the aggregate value of the property including all structures and other improvements, excluding the value of crops growing upon cultivated lands;" and further by striking out Subdivision 7, Section 3; and further by striking out "50" in Subdivision 18, Section 3, and inserting in lieu thereof "25;" and further by striking out the word "April" in line 1, Section 4, and insert in lieu thereof the word "March," and strike out the word "March" in line 6, Section 4, and insert in lieu thereof the word "February;" and further by inserting the words "or city" after the word "town" occurring in Subdivision 2 in Section 6; also by striking out the words after the word "furniture" in line 45, Section 5; and further by striking out Section 7; and further by striking out the word "thirtieth" in line 3, Section 8, and insert the word "first;" and further by striking out the word "proceeding" in line 3, Section 8, and insert in lieu thereof the words "of each year;" and further by striking out the word "May" in line 6, Section 8, and insert in lieu thereof the word "April;" also strike out the word "thirtieth" in line 13, Section 8, and insert the word "first;" also by striking out all after the word "accordingly" in line 18, Section 8; and further by striking out the words "by such railroad corporation for railroad purposes" in lines 3 and 4, Section 13, and insert in lieu thereof the words "in and about the prosecution of the business of such railroad companies as common carriers;" and further by striking out the words "will list" in line 2, Section 14, and insert the words "have listed;" and further by striking out the word "with," line 3, Section 17, and insert the word "which;" and further by striking out the word "expected" in line 2, Section 21, and insert the word "excepted;" and further by inserting after the word "range" in line 1 Section 27, the words "stock, including cattle, horses or sheep;" and further by inserting after the word "range" in line 1, Section 28 (marked Section 27 in printed bill) the words "stock, including cattle, horses or sheep."

Also strike out the word "cattle" in line 2, Section 28 (marked Section 27 in printed bill) and insert the word "stock."

Also, by inserting after the word "branding" in line 4, same section, the words, "Provided, that any such stock owned outside of this State and ranging within this State, shall be assessed wherever and whenever found ranging within this State."

And further, by striking out the word "cattle" wherever it occurs in Section 29 (marked Section 28) and insert the word "stock."

And further, by striking out Section marked Section 29 in printed bill.

And further, by striking out the word "cattle" wherever it occurs in Section 30, printed bill, and insert the word "stock."

And further, by striking out the word "thirtieth" in line 9, Section 31, and insert the word "first."

And further, in Subdivision first, line 14, Section 35, after the column marked "acres" there shall be three other columns, the first to be marked "value of land," the second "value of structures and improvements," the third "total value."

Also, in Subdivision second, line 20, same section after the column marked "lot" there shall be three other columns, the first marked "value of lots," the second value of structures and improvements," the third marked "total value."

After Section 36 insert the following two sections, numbered Section 37 and Section 38.

Section 37. The board of supervisors of each town, the recorder and president of each incorporated village, and the assessor, re-

cordor and mayor of each city (except cities whose charters provide for a board of equalization) shall meet on the Fourth Monday of June at the office of the town clerk or recorder for the purpose of reviewing the assessment of property in each town or district and they shall immediately proceed to examine, ascertain and see that all taxable property in their town or district has been properly placed upon the list and duly valued by the assessor; and in case any property, real or personal, shall have been omitted by inadvertence or otherwise, it shall be the duty of the said board to place the same upon the list with the true value thereof, and proceed to correct the assessment so that each tract or lot of real property and each article, parcel or class of personal property shall be entered on the assessment list at the true value thereof, but the assessment of the property of any person shall not be raised until each person shall have been duly notified of the intent of the board so to do, and on the application of any person considering himself aggrieved, they shall review the assessment and correct the same as shall appear to them just. Any two of said officers are authorized to act at such meeting, and they may adjourn from day to day until they shall finish the hearing of all cases presented on that day; *Provided*, That they shall complete the equalization within six days. All complaints and grievances of individuals, residents of the town or district in reference to the assessment of personal property shall be heard and decided by the town board, *Provided*, That the complaints of non-residents in reference to the assessment of any property, real or personal, and of others in reference to any assessment made after the meeting of the town board of review shall be heard and determined by the county board.

SECTION 38. The assessor shall cause at least ten days previous notice of the time and place of the meeting of the town board of review, by posting notice in at least three public places in each town or district, but the failure to give such notice or hold such meeting, shall not vitiate such assessment, except as to the excess of valuation of tax thereon shown to be unjustly made or levied.

And further, by striking out the word "thirteenth" in line 17, Section 38, printed bill, and insert in lieu thereof the word "first."

And further, by inserting after the word "town" in line 7, Section 39, the words "and city."

And further, by inserting after the word "general" in line 1, Section 40, printed bill, the words "Commissioner of Agriculture and State Treasurer."

And further, by striking out the words between the word "certified" in line 12, and the word "and" in line 14, Section 41.

And further, by striking out the word "November," line 9, Section 46 and insert the word "December."

And further, by striking out the word "auditor" in line 9, Section 56, and insert the word "treasurer."

And further, by striking out the words "after", "Monday" and "June" in line 4, Section 60 and insert in lieu of the word "June" the words "October, after the same shall have become due", strike out in line 5, same section, the words "next succeeding the levying of the taxes."

And further, strike out all of Section 61 and insert in lieu thereof the following: "Section 61. All unpaid taxes, both personal and real, shall become due on the first day of December of the year in which said taxes are assessed and levied and all taxes shall become delinquent on the first day of June after they become due, a discount shall be allowed on all taxes paid as follows: One per cent on all sums paid within fifteen days after the same shall have become due, and one-half of one per cent on all sums paid within thirty days after the same shall have become due. Thirty days after each of said taxes shall become delinquent there shall be added thereto a penalty of three per cent and the taxes shall thereafter draw interest at the rate of one per cent per month until paid or discharged by distress or sale."

And further, by inserting after the word "his" in line 6, Section 70, the word "quarterly."

Also by striking out the words "January and July" in line 7, Section 70.

Also by striking out the word "polite" in line 9, Section 70, and insert the word "politic."

And further, by striking out the word "June" in lines 6 and 7 and the word "December" in lines 8, and 9 and insert in lieu thereof the words respectively "July" and "January."

And further, by inserting after the word "sale" in line 8, Section 78, the words "in counties having daily papers the tax list shall be published in one issue of the daily edition and in two issues of the weekly edition of the same paper so selected by the board."

And further, by placing a comma after the words "time" and "harmless" in lines 2 and 3, Section 94.

And further, by striking out the word "arises" in line 5, Section 105 and insert the word "arising."

And further, by striking out the words "June" and "December" in line 3, Section 116, and insert the words "July" and "January" respectively.

And further, by striking out the word "April" line 6, Section 118, and insert the word "March."

And further, by inserting after the word "number" in line 4, Section 121, the words "and registered number."

And further, by striking out Section 127.

And further, by striking out the word "the" after the word "warrant," line 4 Section 128 and insert the word "is."

And further, by striking out the words "Section of" in line 3, Section 130.

And further, by striking out the words "the annual" in line 1, Section 144 and insert in lieu thereof the words "each quarterly."

And further, strike out Section numbered 145 on page 88, printed bill.

And further, by numbering each section of this bill as amended.

C. B. LITTLE,
Chairman.

Mr. LaMoure moved

That the report of the Committee be adopted,

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 Bill No. 72,

A Bill for an act to regulate the manner in which individuals, firms and private corporations shall be authorized to construct, maintain and operate public warehouses and elevators on railway right of way in the State of North Dakota,

And find the same correctly engrossed.

E. YOUNG,
Chairman.

REPORT OF SELECT COMMITTEE.

Your Conference Committee to whom was referred the matter

of nonconcurrency of the Senate in the House amendments to Senate Bill No. 108, have conferred with the House Committee and recommend that the House recede from its amendment.

H. F. ARNOLD,
H. S. PARKIN.

Mr. Arnold moved

That the report of the Committee be adopted,

Which motion prevailed.

MOTIONS AND RESOLUTIONS.

The courtesies of the Senate were extended to Geo. N. Morgan, Wm. Trueman, Geo. H. Lamb, H. D. Foss, G. A. Lieber, E. J. Lander and Henry Gotzen.

Mr. Haggart moved

That Hon. Roderick Johnson, of Traill county, be invited to a seat within the bar of the Senate,

Which motion prevailed.

Mr. Burke moved

That Senators Haggart, LaMoure and Fuller conduct Hon. Roderick Johnson to his seat within the bar of the Senate,

Which motion prevailed.

Mr. Rourke moved

That as clerks progress with reading House Bill No. 165, known as the Political Code, the stenographer make and transcribe minutes of titles and sub-titles on the page where same may occur and hang the same from the clerk's desk for inspection of members,

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 Bill No. 156,

A Bill for an act to repeal Chapter 70 of the Session Laws of 1890, being an act to amend Article 9 of the Compiled Laws of 1887, being an act entitled "an act to provide forest tree culture."

Also,

Senate Bill No. 20,

A Bill for an act to amend Section 3 of Chapter 91 of the Session Laws of 1891, being an act for the destruction of noxious weeds, providing penalties for the violation of the same, and for the repeal of an act entitled "an act to prevent the spread of noxious weeds in the Territory of Dakota, General Laws of

1885, supplement Dakota Territory, and "an act to amend Section 1, General Laws of 1885, supplement relating to noxious weeds, Chapter 102, Session Laws of 1890,"

And find the same correctly engrossed.

E. YOUNG,
Chairman.

The Committee on Municipal Corporations made the following report:

MR. PRESIDENT:

Your Committee on Municipal Corporations to whom was referred

House Bill No. 116,

A Bill for an act to amend Section 2, Article 13 of Chapter 73, Laws of 1887, being Section 945, Compiled Laws of 1887, and Section 3, Article 13 of Chapter 73, Laws of 1887, being Section 946, Compiled Laws of 1887,

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

B. W. FULLER,
Chairman.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 4, 1895. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill 157,

A Bill for an act with reference to driving stock into or through the State of North Dakota.

Also,

House Bill No. 170,

A Bill for an act fixing the maximum rates that railroad companies may charge for the transportation of grain and lumber within the State of North Dakota.

Also,

House Bill No. 162.

A Bill for an act to amend Section Seventy-two (72) of Chapter One Hundred and Thirty-two (132) of Laws of 1890, being an act entitled "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. 9,

A Bill for an act to provide for the better improvement of public highways.

Also,

House Bill No. 148,

A Bill for an act to amend Section Seventy-one (71) of Chapter One Hundred and Eighteen (118) of the Laws of 1893, being an act to provide for the control and management of university and school lands, and making an appropriation therefor.

House Bill No. 3,

A Bill for an act to repeal Chapter 45, Session Laws of 1893, Which the House has passed and your favorable consideration thereof is respectfully requested.

Also,

Concurrent Resolution,

To appoint a committee of nine, five from the House and four from the Senate, to examine and list all pending bills,

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

Respectfully,

J. M. DEVINE,
Chief Clerk.

INTRODUCTION OF BILLS.

Mr. Little introduced

Senate Bill No. 168,

A Bill for an act entitled "an act to cede to the United States jurisdiction of the State of North Dakota over lands acquired by military posts,"

Which was read the first and second times, and

Referred to the Committee on Judiciary.

Mr. Fuller introduced

Senate Bill No. 169,

A Bill for an act entitled "an act constituting the State Superintendent of Irrigation and Forestry the State Fish Commissioner of North Dakota, and providing for the establishment and maintenance of a State fish hatchery or hatcheries and fish breeding ponds, and for the stocking of the same and the other waters with fish and their protection,"

Which was read the first and second times, and

Referred to the Committee on State Affairs.

Mr. Hanscom introduced

Senate Bill No. 170,

A Concurrent Resolution to reimburse the messengers of the Senate and House,

Which was read the first and second times, and

Referred to the Appropriation Committee.

THIRD READING OF SENATE BILLS.

Senate Bill No. 154.

A Bill for an act amending Section 1, Article 19, Chapter 73 of the Laws of 1887, the same being Section 1016 of the Compiled Laws of the Territory of Dakota, now State of North Dakota,

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

The roll being called, there were ayes 26, nays none, not voting 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Fuller,	Plain,
Benedict,	Haggart,	Rourke,
Brown,	Hanscom,	Sorley,
Burke,	Hillier,	Stevens,
Clark,	LaMoure,	Strom,
Davis,	Little,	Valentine,
Day,	McCarten,	Viets,
Dobie,	McGillivray,	Young.
Enger,	Parkin,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Gregory,	Tufts,	Wishek.
Lamb,	White,	

So the bill passed and the title was agreed to.

Mr. Little moved

That the vote by which Senate Bill No. 154 was passed be reconsidered, and that the motion to reconsider be laid on the table,

House Bill No. 20,

A Bill for an act to amend Section 3 of Chapter 183 of the Session Laws of 1890, entitled "an act to provide for a system of accounts for the State Auditor and State Treasurer,"

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

The roll being called, there were ayes 21, nays none, not voting 10.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	Plain,
Benedict,	Hanscom,	Rourke,
Brown,	Hillier,	Sorley,
Burke,	LaMoure,	Stevens,
Clark,	Little,	Vaentine,
Dobie,	McGillivray,	White,
Enger,	Parkin,	Young.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Davis,	Lamb,	Tufts,
Day,	McCarten,	Viets,
Fuller,	Strom,	Wishek.
Gregory,		

So the bill passed and the title was agreed to.

The time having arrived for the consideration of Senate Bill No. 105, it having been made a Special Order for this time.

Senate Bill No. 105,

A Bill for an act fixing the fees of sheriffs and other officers for transporting insane persons to the asylum of the State,

Was read the third time.

Mr. LaMoure moved

That the report of the Committee be laid upon the table,
Which motion prevailed.

Mr. White raised the point of order that the report of the Committee had not been adopted and therefore could not take the bill to the table.

The point of order was decided well taken.

Mr. LaMoure moved

To amend in Section 1, line 9 by striking the words "two dollars" and inserting the words "one dollar" in lieu thereof,

Which motion prevailed.

Mr. McCarten moved

To amend by striking out of lines 4 and 5 the words "of the county from which said insane persons are committed,"

Which amendment prevailed.

Mr. Sorley moved

To amend by striking out the word "county" in the fourth line, and inserting the word "State" in lieu thereof.

Roll called demanded.

The roll being called there were ayes 22, nays 5, not voting 4.

Those who voted in the affirmative were:

Messrs—

Arnold,
Brown,
Burke,
Clark,
Day,
Dobie,
Enger,
Fuller,

Messrs—

Gregory,
Hanscom,
Hillier,
Lamb,
LaMoure,
McCarten,
McGillivray,

Messrs—

Parkin,
Plain,
Sorley,
Stevens,
Strom,
Viets,
Wishek.

Those who voted in the negative were:

Messrs—

Haggart,
Little,

Messrs—

Valentine,
White,

Messrs—

Young.

Absent and not voting:

Benedict,
Davis,

Rourke,

Tufts.

So the amendment prevailed.

Mr. Strom moved as a substitute

To strike out in line 7 the word "three" and insert the word "two" in lieu thereof,

Which motion prevailed.

Mr. LaMoire moved

To amend line 3 to strike out the word "county" and the word "State."

Mr. Rourke moved

That Senate Bill No. 105 be re-referred to the Judiciary for reconstruction,

Which motion was lost.

The question being upon the final passage of the bill as amended,

The roll being called there were ayes 30, nays none, not voting 1.

Those who voted in the affirmative were:

Messrs—

Arnold,
Benedict,
Brown,
Burke,
Clark,
Davis,
Day,
Dobie,
Enger,
Fuller,

Messrs—

Gregory,
Haggart,
Hanscom,
Hillier,
Lamb,
LaMoire,
Little,
McCarten,
McGillivray,
Parkin,

Messrs—

Plain,
Rourke,
Sorley,
Stevens,
Strom,
Valentine,
Viets,
White,
Wishek,
Young.

Mr. Tufts absent and not voting.

So the bill passed and the title was agreed to.

The President announced that he was about to sign House Bill No. 112,

A Bill for an act entitled "an act to suppress and prevent the printing, selling, loaning, making, advertising, giving away, or exposing to view, or showing, or taking subscriptions for any indecent or obscene literature, prints, etchings, drawings, or papers, or any article, or instrument of immoral use, and prescribing the punishment therefor."

House Bill No. 104,

A Bill for an act to amend Section 6 of Chapter 27 of the General Laws of 1893, entitled "an act to provide for the organization and government of State Banks."

Mr. White moved

That the Senate now go into the Committee of the Whole to consider Senate Bill No. 162,

Which motion prevailed.

The President called Mr. Wishek to the Chair.

When the Committee arose they submitted the following report:

MR. PRESIDENT:

Your Committee of the Whole have had under consideration Senate Bill 162,

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 their compensation and payment,

And recommend that the same be amended by adding a section as follows:

Section 6, Chapter 86, Laws of 1890, and Chapter 97, Laws of 1893, and all acts and parts of acts in conflict therewith are hereby repealed.

Also amend line 14, Section 1, by striking out "three" and insert in lieu thereof the word "four;" amend line 14, Section 2, by striking out "three" and inserting in lieu thereof the word "four,"

And that the bill when so amended do pass.

J. H. WISHEK,
Chairman.

Mr. White moved

That Senate Bill No. 162,

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 their compensation and payment,

Be given its third reading and put upon its final passage.

Mr. Little raised the point of order that the bill had been amended and under the rules of the Senate the bill must first be engrossed,

Which point of order was sustained.

Mr. Gregory asked consent to take up the ninth order of business,

Which consent was granted.

The Joint Compilation Committee introduced Senate Bill No. 171,

A Bill for an act entitled "an act to provide that the seven Codes prepared by the Revising Commission and introduced as bills and passed as acts at the Fourth Legislative Assembly of the State of North Dakota, shall not be printed as Session Laws of the Fourth Legislative Assembly,"

Which was read the first and second times, and

Referred to the Committee on Judiciary.

The Joint Compilation Committee introduced Senate Bill No. 172,

A Bill for an act entitled "an act to provide rules for the publication and construction to be placed upon the different acts passed at the Fourth Session of the Legislative Assembly,

Which was read the first and second times, and

Referred to the Judiciary Committee.

The Joint Committee on Compilation introduced
Senate Bill No. 173,

A Bill for an act entitled "an act to provide for the submission of proof sheets of the Revised Code to the members of the Joint Committee of the Legislative Assembly on the revision of the laws of North Dakota for final correction and approval, and appropriating funds to pay the expenses of such Committee's work,

Which was read the first and second times, and
Referred to the Judiciary Committee.

Mr. Young moved

That the rules be suspended and that House Bills No. 76 and 128 be given their third reading and put upon their final passage,

Was read the third time.

House Bill No. 76,

A Bill for an act requiring county auditors to furnish township clerks with lists of real and personal taxes assessed in their townships and the amounts thereof,

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

The roll being called there were ayes 25, nays none, not voting 6.

Those who voted in the affirmative were:

Messrs—

Arnold,
Benedict,
Brown,
Burke,
Clark,
Davis,
Day,
Dobie,
Enger,

Messrs—

Gregory,
Haggart,
Hillier,
LaMoire,
Little,
McCarten,
Parkin,
Plain,

Messrs—

Rourke,
Stevens,
Strom,
Valentine,
Viets,
White,
Wishek,
Young.

Absent and not voting:

Messrs—

Fuller,
Hanscom,

Messrs—

Lamb,
McGillivray,

Messrs—

Sorley,
Tufts.

So the bill passed and the title was agreed to.

House Bill No. 128,

A Bill for an act to prevent the destruction of farm buildings in the State of North Dakota,

Was read the third time.

Mr. LaMoire moved

That the report of the Committee be adopted,

Which motion prevailed.

The question being upon the final passage of the bill as amended,

The roll being called there were ayes 23, nays none, not voting 8.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Enger,	Parkin,
Benedict,	Gregory,	Plain,
Brown,	Haggart,	Rourke,
Burke,	Hanscom,	Stevens,
Clark,	Hillier,	Strom,
Davis,	LaMoure,	Viets,
Day,	Little,	Young.
Dobie,	McCarten,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fuller,	Sorley,	White,
Lamb.	Tufts,	Wishek.
McGillivray,	Valentine,	

So the bill passed and the title was agreed to.

Mr. Gregory moved

That we take up the Political Code for its third reading.

Mr. White moved as a substitute that the Senate take up third reading of Senate Bills,

Which substitute motion prevailed.

Senate Bill No. 121,

A Bill for an act fixing the time and place of holding general and special terms of the Supreme Court of the State of North Dakota,

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

The roll being called there were ayes 15, nays 11, not voting 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Benedict,	Enger,	Rourke,
Burke,	Fuller,	Strom,
Clark,	Gregory,	White,
Davis,	Little,	Wishek,
Day,	Parkin,	Young.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Brown,	Hillier,	Stevens,
Dobie,	LaMoure,	Valentine,
Haggart,	McCarten,	Viets.
Hanscom,	Sorley,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	McGillivray,	Tufts.
Lamb,	Plain,	

So the bill was lost.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE CHAMBER, }
BISMARCK, N. D., March 4, 1895. }

To the Senate:

GENTLEMEN: I have the honor to inform you that I have this day approved

Senate Bill No. 79,

A Bill for an act defining the practice in county courts having increased jurisdiction, fixing the term of court, compensation of judges and clerks and their duties.

Respectfully,

ROGER ALLIN,
Governor.

Senate Bill No. 152,

A Bill for an act authorizing the board of directors of corporations to hold their meetings at any place within or without the State of North Dakota.

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

The roll being called there were ayes 26, nays 1, not voting 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart	Rourke,
Burke,	Hanscom,	Sorley,
Clark,	Hillier,	Strom,
Davis,	LaMoure,	Valentine,
Day,	Little,	Viets,
Dobie,	McCarten,	White,
Enger,	McGillivray,	Whishek,
Fuller,	Parkin,	Young.
Gregory,	Plain,	

Mr. Stevens voting in the negative.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Benedict,	Lamb,	Tufts.
Brown,		

So the bill passed and the title was agreed to.

Senate Bill No. 111,

A Bill for an act indemnifying the owner of sheep in case of damage by dogs and creating a fund to pay the same by taxes on dogs, and to repeal Chapter 155, Laws of 1890,

Was read the third time.

Mr. Stevens moved

To amend Section 2, line 4, strike out the word "two" and insert the word "one" in lieu thereof,

Which amendment was lost,
 The question being upon the final passage of the bill,
 The roll being called, there were ayes 17, nays 11, not vot-
 ing 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gregory,	Parkin,
Benedict,	Haggart,	Strom,
Brown,	Hillier,	Viets,
Clark,	Little,	White,
Dobie,	McCarten,	Wishek.
Enger,	McGillivray,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Burke,	Lamb,	Sorley,
Davis,	LaMoure,	Stevens,
Day,	Plain,	Valentine.
Hanscom,	Rourke,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fuller,	Tufts,	Young.

So the bill passed and the title was agreed to.

Mr. Strom moved

That the vote by which Senate Bill No. 111 was passed be re-
 considered, and that the motion to reconsider be laid on the
 table,

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
 March 4, 1895. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 166,

A Bill for an act entitled "an act to amend Section 46, Chap-
 ter 132 of the Session Laws of the First Legislative Assembly of
 the State of North Dakota.

Also,

House Bill No. 159,

A Bill for an act to amend Section 26 of Chapter 75 of the
 Session Laws of 1891, entitled "an act to provide irrigation."

Also,

House Bill No. 16,

A Bill for an act entitled "an act exempting volunteer firemen
 from jury duty and from paying poll tax."

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

Also.

A Current Resolution,

Accepting the donation of the United States military wood reservation, Ramsey county, North Dakota, from the United States to be used as encampment grounds for the National Guard of North Dakota,

Which the House has concurred in.

Yours respectfully,

J. M. DEVINE,
Chief Clerk.

Mr. LaMoure moved

That the vote by which Senate Bill No. 121 was lost be reconsidered,

Which motion prevailed.

The question being on the final passage of the bill,

The roll being called there were ayes 22, nays 4, not voting 5.

Those who voted in the affirmative were:

Messrs—

Arnold,
Benedict,
Brown,
Burke,
Clark,
Day,
Fuller,
Gregory,

Messrs—

Hanscom,
Lamb,
LaMoure,
Little,
McGillivray,
Parkin,
Plain,

Messrs—

Rourke,
Stevens,
Strom,
Valentine,
Viets,
White,
Wishek.

Those who voted in the negative were:

Messrs—

Davis,
Dobie,

Messrs—

Enger,

Messrs—

Sorley.

Absent and not voting:

Messrs—

Haggart,
Hillier,

Messrs—

McCarten,
Tufts,

Messrs—

Young.

So the bill passed and the title was agreed to.

The President announced that he was about to sign House Bill No. 14,

A Bill for an act entitled "an act to regulate the practice of veterinary science in the State of North Dakota."

Also,

House Bill No. 46,

A Bill for an act to amend Section 7 of Chapter 110 of the Session Laws of 1890, entitled "an act to prescribe penalties for the unlawful manufacture, sale, barter and giving away of such

intoxicating liquors for medicinal, scientific and mechanical purposes."

Also,
House Bill No. 64,

A Bill for an act compelling railroad companies to provide a certain number of men to man trains, and prescribing penalties for neglect thereof.

Senate Bill No. 107,

A Bill for an act to provide for the levy and collection of a road poll tax,

Was read the third time.

Mr. Hillier moved

That the report of the Committee be adopted,

Which motion prevailed.

The question being upon the final passage of the bill as amended,

The roll being called, there nays were ayes 22, not voting 9.

Those who voted in the affirmative were:

Messrs—

Arnold,
Benedict,
Brown,
Burke,
Clark,
Davis,
Day,
Dobie,

Messrs—

Enger,
Hanscom,
Hillier,
Little,
McCarten,
Parkin,
Plain.

Messrs—

Sorley,
Stevens,
Strom,
Valentine,
Viets,
White,
Wishek.

Absent and not voting:

Messrs—

Fuller,
Gregory,
Haggart,

Messrs—

Lamb,
LaMoure,
McGillivray,

Messrs—

Rourke,
Tufts,
Young.

So the bill passed and the title was agreed to.

Senate Bill No. 151,

A Bill for an act entitled "an act to regulate peddling in this State and to provide a license fee for persons engaged in peddling."

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

The roll being called there were ayes 26, nays 1, not voting 4.

Those who voted in the affirmative were:

Messrs—

Arnold,
Benedict,
Brown,
Burke,
Clark,
Day,

Messrs—

Haggart,
Hanscom,
Hillier,
Lamb,
LaMoure,
Little,

Messrs—

Plain,
Rourke,
Sorley,
Strom,
Valentine,
Tufts,

Dobie,
Enger,
Gregory,

McCarten,
McGillivray,
Parkin,

Wishek,
Young.

Mr. Stevens voting in the negative.

Absent and not voting:

Messrs—
Davis,
Fuller,

Messrs—
Tufts,

Messrs—
White,

So the bill passed and the title was agreed to.

Senate Bill 153,

A Bill for an act in relation to health and decency in the school districts of this State.

Mr. Hillier moved

To amend Section 1, line 6, by striking out the words "and being under separate roofs.

Which amendment prevailed.

The question being upon the final passage of the bill as amended, The roll being called, there were ayes 24, not voting 7.

Those who voted in the affirmative were:

Messrs—
Arnold,
Benedict,
Burke,
Clark,
Davis,
Day,
Dobie,
Enger,

Messrs—
Gregory,
Hanscom,
Hillier,
Lamb,
LaMoure,
McCarten,
McGillivray,
Parkin,

Messrs—
Plain,
Sorley,
Stevens,
Strom,
Viets,
White,
Wishek,
Young.

Absent and not voting:

Messrs—
Brown,
Haggart,
Fuller,

Messrs—
Little,
Rourke,

Messrs—
Tufts,
Valentine.

So the bill passed and the title was agreed to.

Mr. LaMoure moved

That the vote by which Senate Bills Nos. 151, 152 and 107 were passed be reconsidered, and that the motion to reconsider be laid on the table,

Which motion prevailed.

Mr. McCarten moved

That the Substitute for Senate Bill No. 66 be given its third reading and put upon its final passage,

Which motion prevailed.

Substitute for Senate Bill No. 66,

A Bill for an act to amend Section 86, Chapter 132, Laws of 1890, being an act entitled "an act prescribing the mode of mak-

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

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

The roll being called, there were ayes 25, nays none, not voting 6.

Those who voted in the affirmative were:

Messrs—

Arnold,
Benedict,
Burke,
Clark,
Davis,
Day,
Dobie,
Enger,
Gregory.

Messrs—

Hanscom,
Hillier,
Lamb,
LaMoure,
McCarten,
McGillivray,
Plain,
Rourke,

Messrs—

Sorley,
Stevens,
Strom,
Valentine,
Viets,
White,
Wishek,
Young.

Absent and not voting:

Messrs—

Brown,
Fuller,

Messrs—

Haggart,
Little,

Messrs—

Parkin,
Tufts.

So the bill passed and the title was agreed to.

Mr. McCarten moved

That the vote by which Senate Bills No. 153 and Substitute for Senate Bill No. 66 were passed be reconsidered, and that the motion to reconsider be laid on the table,

Which motion prevailed.

Mr. Little asked consent to make a report,

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. 173,

A Bill for an act entitled "an act to provide for the submission of the proof sheets of the Revised Codes to members of the Joint Committee of the Legislative Assembly on the revision of the Laws of North Dakota,

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

Also,

Senate Bill No. 172,

A Bill for an act entitled "an act to provide rules for the publication of and the construction to be placed upon the different acts passed at the Fourth Session of the Legislative Assembly,

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

Also,

Senate Bill No. 171,

A Bill for an act entitled "an act to provide that the seven Codes prepared by the Revising Commission and introduced as bills and passed as acts at the Fourth Session of the Legislative Assembly shall not be printed as Session Laws,

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

Also,

Senate Bill 168,

A Bill for an act entitled "an act to cede to the United States jurisdiction of the State of North Dakota over lands acquired by military posts,

Have had the same under consideration and recommend that the same 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. 167,

A Bill for an act to suspend Chapter 11 of the Laws of 1893, being an act for an appropriation for the creation of the North Dakota Reform School at Mandan, and for incidental and contingent expenses for the same.

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

JOHN E. HAGGART,
Chairman.

The Committee on Education made the following report:

MR. PRESIDENT:

Your Committee on Education to whom was referred House Bill No. 133,

A Bill for an act to amend Sections 122 and 161 of Chapter 62 of the Laws of 1890,

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

A. V. BENEDICT,
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. 163,

A Bill for an act providing for the payment of an amount

equal to a percentum of gross earnings of railroads in lieu of all State, county and school taxes, and repealing Chapter 107 of the Laws of Dakota Territory of 1889, and Chapter 134 of this State of 1890 upon the same subject,

And find the same correctly engrossed.

E. YOUNG,
Chairman.

Mr. Sorley moved

That the report of the Judiciary and Appropriation Committees be adopted,

Which motion prevailed.

Mr. La Moure moved

That House bills be taken up given their first and second readings and reference,

Which motion prevailed.

FIRST AND SECOND READING OF HOUSE BILLS.

House Bill No. 148,

A Bill for an act to amend Section 71 of Chapter 118 of the Laws of 1893, being an act to provide for the control and management of university and school lands, and making an appropriation therefor,

Which was read the first and second times, and
Referred to the Committee on Appropriations.

House Bill No. 3,

A Bill for an act to repeal Chapter 45, Session Laws of 1893, Which was read the first and second times, and
Referred to the Judiciary Committee.

House Bill No. 16,

A Bill for an act entitled "an act exempting volunteer firemen from jury duty and from paying poll tax,"

Which was read the first and second times, and
Referred to the Committee on Ways and Means.

FIRST READING OF HOUSE BILLS.

House Bill No. 9,

A Bill for an act to provide for the better improvement of public highways for organized townships, and also providing for the payment of expenses thereof by taxation,

Which was read the first and second times, and
Referred to the Committee on Highways, Bridges and Ferries.

House Bill No. 123,

A Bill for an act to amend Section 6 of Chapter 119 of the Laws of 1890, and defining what is intoxicating liquor,

Which was read the first and second times, and
Referred to the Committee on Temperance.

House Bill No. 159,

A Bill for an act to amend Section 26 of Chapter 75 of the Session Laws of 1892, entitled "an act to promote irrigation,"

Which was read the first and second times, and
Referred to the Committee on Irrigation.

House Bill No. 157,

A Bill for an act with reference to driving stock into or through the State of North Dakota,

Which was read the first and second times, and
Referred to the Committee on Stock.

House Bill No. 162,

A Bill for an act to amend Section 72 of Chapter 132 of the Laws of 1890, being an act entitled "an act prescribing the mode of making assessment, and the levy and collection of taxes, and for other purposes relative thereto,"

Which was read the first and second times, and
Referred to the Committee on Ways and Means.

House Bill No. 166,

A Bill for an act entitled "an act to amend Section 46, Chapter 132 of the Session Laws of the First Legislative Assembly of the State of North Dakota,

Which was read the first and second times, and
Referred to the Committee on State Affairs.

House Bill No. 170,

A Bill for an act fixing the maximum rates that railroad companies may charge for the transportation of grain and lumber within the State of North Dakota,

Which was read the first and second times, and
Referred to the Committee on Railroads.

The President called Mr. Enger to the Chair.

Mr. LaMoure moved

That the third reading of House Bill No. 165 be taken up,
Which motion prevailed.

House Bill No. 165,

A Bill for an act to establish a Political Code for the State of North Dakota,

Third reading was commenced.

The third reading of House Bill No. 165 being in progress,

Mr. Gregory moved

That the Senate take a recess until tomorrow morning at 10 o'clock,

Which motion prevailed, and
The Senate adjourned.

FRED FALLEY,
Secretary.

MORNING SESSION—FIFTY-SIXTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 5, 1895.

The Senate was called to order by Mr. Haggart, President *pro tempore*, pursuant to adjournment.

UNFINISHED BUSINESS.

The third reading of
House Bill No. 165,
A Bill for an act to establish a Political Code for the State of
North Dakota,
Was taken up.

The Lieutenant Governor in the chair.

The third reading of House Bill No. 165 being in progress.

The President called Mr. Dobie to the chair.

The third reading of House Bill No. 165 was continued.

Mr. President in the chair.

Mr. Little moved

That the President appoint a committee of five, which shall be known as the Steering Committee.

Which motion prevailed.

The President called Mr. Davis to the chair.

The third reading of House Bill No. 165 was continued.

Mr. President in the chair.

Third reading of House Bill No. 165 was continued.

The President announced that he was about to sign House Bill No. 8,

A Bill for an act to repeal an act of the Legislative Assembly of the Territory of Dakota, approved March 7, 1889; entitled "an act providing for the levy and collections of taxes upon the property of railroad companies in this Territory, and all acts amendatory thereto".

Also,

A Concurrent Resolution,

Accepting the donation of the United States Military Wood reservation, Ramsey county, North Dakota, from the United States.

Also,

Senate Bill No. 99,

A Bill for an act to provide for the treatment and cure of habitual drunkards.

The third reading of House Bill No. 165 being in progress.

Mr. Davis moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

FRED FALLEY,
Secretary.

FIFTY-SEVENTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 5, 1895.

The Senate was called to order by Mr. Haggart, President *pro tempore*.

Prayer by the Chaplain.

Roll called.

All members present.

Mr. McGillivray moved

That the reading of the Journal be dispensed with and that a Committee be appointed to correct the same,

Which motion prevailed.

Mr. President appointed Messrs. McGillivray, Little and Viets.

The courtesies of the Senate were extended to Geo. Hanscom, of Tacoma.

The President announced as the Steering Committee Messrs. Little, Haggart, Enger, Burke and Gregory.

UNFINISHED BUSINESS.

Mr. Little moved

That the further reading of House Bill No. 165 be postponed, and that the Senate proceed with the regular order,

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. 111,

A Bill for an act entitled "an act indemnifying the owners of sheep in case of damage by dogs, and creating a fund to pay for the same by a tax on dogs, and for the repeal of Chapter 155, Laws of 1890.

Also,

Senate Bill No. 151,

A Bill for an act entitled an act to regulate peddling in this State, and to provide a license fee for persons engaged in peddling,"

And find the same correctly engrossed.

E. YOUNG,
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. 154,

A Bill for an act amending Section 1, Article 19, Chapter 73, of the Laws of 1890, the same being Section 1016 of the Compiled Laws of the Territory of Dakota, now State of North Dakota.

Also,

Senate Bill No. 152,

A Bill for an act authorizing the board of directors of corporations to hold their meetings at any place within or without the State of North Dakota.

Also,

Senate Bill No. 162,

A Bill for an act to fix the number of employes of the Legislative Assembly of the State of North Dakota and to provide their compensation and payment.

Also,

Senate Bill No. 153,

A Bill for an act in relation to health and decency in the school districts of this State,

And find the same correctly engrossed.

E. YOUNG,
Chairman.

The majority of your Committee on Temperance made the following report:

MR. SPEAKER:

Your Committee on Temperance to whom was referred
Senate Bill No. 160,

A Bill for an act entitled "an act to amend Sections 1, 10 and 16, and repealing Section 13 of Chapter 110 of the Laws of 1890, regarding sale of intoxicating liquors,

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

To add after the word "shall" in the sixth line, Section 1, the following: "Be guilty of a misdemeanor," and after the word "dollars" in the seventh line of the printed bill the following, "and shall be imprisoned in the county jail until such fine is paid, not exceeding 180 days, and add after the word "dollars" in line 21. Section 2, the following, "and be imprisoned in the county jail until such fine is paid, not exceeding 180 days, and by adding after the word "dollars" in the eleventh line, Section 4, the following, "and be imprisoned in the county jail until such fine is paid, not exceeding 180 days."

J. W. STEVENS,
A. L. HANSCOM.

And when so amended recommend that the same do pass.

The minority of the Committee on Temperance made the following report:

MR. PRESIDENT:

Your Committee on Temperance to whom was referred
Senate Bill No. 160,

A Bill for an act to amend Sections 1, 10 and 16 and repealing Section 13 of Chapter 110 of the Laws of 1890 regarding sale of intoxicating liquors,

Have had the same under consideration and recommend that the same do not pass.

F. G. ENGER, Chairman,
A. V. BENEDICT.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred
House Bill No. 145,

A Bill for an act entitled "an act to establish a garnishment law for the State of North Dakota,"

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

C. B. LITTLE,
Chairman.

The Committee on Military Affairs made the following report:

MR. PRESIDENT:

Your Committee on Military Affairs to whom was referred
House Bill No. 121,

A Bill for an act to amend Sections 20, 22 and 23 of Chapter 86 of the Laws of 1891, entitled "an act to provide a Military Code for the State of North Dakota," and provide a board of control for the State encampment grounds,

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

Section 2, line 6, all after the word "quartermaster" to the end of the section be stricken out.

Section 3, all after the beginning of line 22 to the end of the section be stricken out.

Section 4, line 2, by striking out the words "inspector and judge advocate general" and insert in lieu thereof the words "commander-in-chief," and line 12 by striking out the words "to the commander-in-chief."

Section 5, by striking out in lines 4 and 5 the words "such as prescribed by law for field duty and," and the title by striking out in fourth line the words "to provide a board of control of the State encampment grounds" and insert in lieu thereof the words "to establish a military board and prescribe its duties,"

And when so amended recommend that the same do pass.

FRANK WHITE,
Chairman.

The Committee on Temperance made the following report:

MR. PRESIDENT:

Your Committee on Temperance to whom was referred
House Bill No. 123,

A Bill for an act to amend Section 6 of Chapter 110 of the Laws of 1890, and defining what is intoxicating liquors,

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

F. G. ENGER,
Chairman.

The Committee on Railroads made the following report:

MR. PRESIDENT:

Your Committee on Railroads to whom was referred
Senate Bill No. 166,

A Bill for an act fixing the maximum compensation that a railroad company may charge for a stopover in cars in transit between intermediate and terminal points, and for transportation of freight between such points,

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

By adding to Section 1, printed bill, the words, "*Provided*. The car or cars contain no perishable goods and are billed to one consignee and in no case over one stop or stop over shall be made; nor shall said car or cars be opened once for distributing goods at intermediate stations,

And when so amended recommend that the same do pass.

H. S. PARKIN,
Chairman.

The Committee on Temperance made the following report:

MR. PRESIDENT:

Your Committee on Temperance to whom was referred
Senate Bill No. 146,

A Bill for an act to amend Chapter 110 of the Laws of 1890, being an act to prescribe penalties for the unlawful manufacture, sale, barter and giving away of such liquors for medicinal, scientific and mechanical purposes;

Have had the same under consideration, and recommend that the same do not pass.

E. F. ENGER,
Chairman.

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

MR. PRESIDENT:

Your Committee on Enrolled and Engrossed Bills have examined

Concurrent Resolution,

Accepting the donation of the United States of Military Wood reservation, Ramsey county, North Dakota, from the United States, to be used as encampment grounds for the National Guard of North Dakota, and other purposes stated in act of Congress granting same.

Also,
Senate Bill No. 99,
A Bill for an act to provide for the treatment and cure of
habitual drunkards,
And find the same correctly enrolled.

E. YOUNG,
Chairman.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs to whom was referred
House Bill No. 169,

A Bill for an act to provide for the division of civil townships
containing two or more congressional townships by the creation
of new townships therein,

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

Also,
House Bill No. 155.

A Bill for an act entitled "an act to locate and provide for the
government of a State blind asylum at Bathgate, Pembina
county, North Dakota,"

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

P. H. ROUBKE,
Chairman.

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 to amend Section 134 of Article 5 of Chap-
ter 5 of the Laws of 1895, entitled "a bill for an act to estab-
lish a Code of Criminal Procedure for the State of North Da-
kota,"

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

C. B. LITTLE,
Chairman.

A minority of the Committee on Counties made the following
report:

MR. PRESIDENT:

Your Committee on Counties to whom was referred
Senate Bill No. 164,

A Bill for an act to change the line of organized counties and
to provide for the annexation of unorganized territory to organ-
ized counties,

Have had the same under consideration and recommend that the same do not pass.

A. C. MCGILLIVRAY,

The Committee on Counties made the following report:

MR. PRESIDENT:

Your Committee on Counties to whom was referred
Senate Bill No. 164,

A Bill for an act to change the lines of organized counties and to provide for the annexation of unorganized territory to organized counties,

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

AMENDMENTS TO SENATE BILL No. 164.

Amend printed bill, line 3 of Section 1 by striking out words "call an election to vote" and insert in lieu thereof the following: "Submit to the qualified electors of such county at the next general election."

Amend line 9 by striking out the words "at least twenty" and insert in lieu thereof "a majority of *bona fide* male residents having the qualifications of electors as to age."

Amend Section 2 by striking out the word "called" in line 2 and insert in lieu thereof the word "had." Also in line 5 after the word "to" strike out the words "call an election" and insert in lieu thereof the following: "Submit to the qualified electors in such counties at the next general election thereafter the question of changing the county lines."

Amend Section 3 as follows: In line 6 after the word "authorized" add the following: "To submit to the qualified electors of such organized county and to the residents of such unorganized territory, having the qualifications of electors, at the next general election the question of changing the county lines and annexation of unorganized territory as hereinafter provided, and shall establish polling places in such unorganized territory." Strike out all of line 7 and line 8.

Add to Section 4: "But no change shall be made in the boundary lines of any such county and no such unorganized territory shall be annexed thereto unless a majority of the qualified electors of such organized county and a majority of the *bona fide* residents of such unorganized territory shall vote in favor of such change of lines and annexation of unorganized territory,"

And when so amended recommend that the same do pass.

H. F. ARNOLD,
Chairman.

REPORT OF SELECT COMMITTEES.

Mr. Little moved

That the reading of the following report be dispensed with and printed in the Journal:

To the Senate and House of Representatives of the State of North Dakota:

We, the undersigned members of the Committee appointed by the authority of a Concurrent Resolution of the Senate and House of Representatives of the State of North Dakota, deemed it our duty to visit the State Normal School at Valley City, believing that in no other way could a thorough and satisfactory investigation be had of the charges against one of the professors, said charges being contained in an article clipped from one of the daily

papers published at Fargo, North Dakota, which article has been copied extensively by many of the papers of the State, which article reads as follows:

"A professor in one of the State educational institutions gave his class a few days ago this item of unwritten history: 'Abraham Lincoln was nothing but a vagabond and wretch, and there is no use to try to cover it up for that was all he was, that he was not genteel, that squibs had been found written by him simply disgraceful.' The charges if found true would seem to demand the dismissal of said professor, but if not true do a great wrong to an honest person, reflect on the character of the school and the teachings of the faculty and be an injustice to all connected with the institution."

On Friday, March 1, 1895, your Committee visited Valley City. No notice, to our knowledge, having been given of the intended visit. Calling at the school we were met in the office by Professor McFarland and at his suggestion attended the chapel exercises, then in progress, the entire school being present.

After this we attended the recitation in United States history, the interest manifested throughout seemed to be very intense, the recitation being a review; students were questioned at random and each answered without hesitation, displaying a familiarity with the subject that indicated thoroughness and patriotism in a marked degree.

The investigation was conducted in the office of the institution privately, and every effort made to arrive at the true facts, each person called for, appeared before your Committee and seemed to answer fully and without reservation. Your Committee also met a large majority of the class in a body in one of the class rooms and voluntary testimony was given, all of which went to show that the teachings in history were unusually instructive, creating an interest such as had never before been felt; that the remarks in reference to our honored Lincoln only tended to raise him still higher in the estimation of the class; that the words used applied to another person entirely, and were for the purposes of comparison; that none knew any wrong construction had been put upon the words used until the article appeared in the paper as published. The spirit of patriotism; love of country, and high esteem of our country's illustrious men was manifest in every word and action, and Professor Schafer was spoken of in the highest terms for his thorough knowledge of the subject, his tact in bringing out the points of interest clustering about our country's history. The enthusiasm instilled into the members of the class, and in no instance were your Committee able to find any one who would speak in any but the highest terms of Professor Schafer, or that he had ever uttered a word in any way derogatory to American patriotism. Even the student referred to as author of the letter would not give an expression of ill will or prejudice against her teacher, but on the contrary voluntarily spoke of him in terms of praise and commendation, this too, in the privacy of her own house. The facts as developed by the investigation show conclusively that the student who wrote the letter from which the newspaper article was taken was to blame only in being for a moment inattentive and thereby losing the comparison being made by the professor. Not knowing but that she might be mistaken, she wrote her parent if such things were true. Had she been answered, or referred to her teacher instead of the paragraph being shown and published as though it had been a fact, nothing would have come of the matter. Your Committee believe that in the person of Professor Schafer the State has one of the best of historians, and ablest of teachers, and the institution at Valley City is to be congratulated on having secured the services of so competent an instructor.

Respectfully submitted,

A. V. BENEDICT,
For the Senate.

J. J. NIERLING,
ROLLIN C. COOPER,
For the House.

MOTIONS AND RESOLUTIONS.

CONCURRENT RESOLUTION.

Resolved by the Senate, the House Concurring.

That the Capital Commission is hereby instructed to audit bills for fuel used at the executive mansion during the ensuing two years.

Mr. Haggart moved

That the resolution be adopted,

Which motion prevailed, and

The resolution was adopted.

CONSIDERATION OF MESSAGES FROM THE HOUSE.

CONCURRENT RESOLUTION.

WHEREAS, The board of equalization failed for the years 1890, 1891, 1892, 1893 and 1894 to assess the Northern Pacific railroad bridge, known as the Bismarck bridge; and

WHEREAS, Chapter 135 of the Session Laws of 1890 directs that all railroad property shall be assessed at its actual value; therefore,

Resolved, That it is of the opinion of the House, the Senate concurring, that the board of equalization of 1895 and 1896 should assess said railroad bridge at its actual value, in compliance with the law.

Mr. Tufts moved

That the resolution be concurred in,

Which motion was lost.

Mr. LaMoure moved

To reconsider the vote by which the resolution was not concurred in,

Which motion prevailed.

Mr. LaMoure moved

That the resolution be referred to the Committee on State Affairs,

Which motion prevailed.

INTRODUCTION OF BILLS.

Mr. Enger introduced

Senate Bill No. 174,

A Bill for an act to repeal an act to create a joint school township in the Counties of Griggs and Steele,

Which was read the first and second times, and

Referred to the Committee on Education.

Mr. Benedict introduced

Senate Bill No. 175,

A Bill for an act to amend Chapter 63 of the Session Laws of 1885 entitled "an act establishing territorial and county boards of health, and providing for the protection of the health of persons and animals,

Which was read the first and second times, and Referred to the Committee on Public Health.

THIRD READING OF SENATE BILLS.

Senate Bill No. 171,

A Bill for an act entitled "an act to provide that the seven Codes prepared by the Revising Commission and introduced as bills and passed as acts at the Fourth Legislative Assembly of the State of North Dakota, shall not be printed as Session Laws of the Fourth Legislative Assembly,"

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

The roll being called, there were ayes 22, nays 1, not voting 8.

Those who voted in the affirmative were:

Messrs--	Messrs--	Messrs--
Arnold,	Hillier,	Sorley,
Clark,	LaMoure,	Stevens,
Davis,	Little,	Strom,
Dobie,	McGillivray,	Tufts,
Enger,	Parkin,	Viets,
Fuller,	Plain,	White,
Gregory,	Rourke,	Wishek.
Haggart,		

Mr. Hanscom voting in the negative.

Absent and not voting:

Messrs--	Messrs--	Messrs--
Benedict,	Day,	Valentine,
Brown,	Lamb,	Young.
Burke,	McCarten,	

So the bill passed and the title was agreed to.

Senate Bill No. 172,

A Bill for an act entitled "an act to provide rules for the publication and construction to be placed upon the different acts passed at the Fourth Session of the Legislative Assembly"

Was read the third time.

Mr. Rourke moved

To amend by inserting at the end of Section 5 the following: *Provided, however,* that this act shall not be construed to repeal Chapter 135, Laws of 1890, entitled "an act to provide for the assessment of railroad property in this State, and prescribing the manner of levying and collecting taxes on the same."

Which amendment prevailed.

The question being upon the passage of the bill as amended, The roll being called there were ayes 21, nays 2, not voting 8.

Those who voted in the affirmative were:

Messrs--	Messrs--	Messrs--
Arnold,	Haggart,	Stevens,
Clark,	Hanscom,	Strom,
Davis,	LaMoure,	Tufts,

Messrs—
Day,
Enger,
Fuller,
Gregory,

Messrs—
Little,
Parkin,
Rourke,
Sorley,

Messrs—
Valentine,
Viets,
White,
Wishek.

Messrs. Dobie and Hillier voting in the negative.

Absent and not voting:

Messrs—
Benedict,
Brown,
Burke,

Messrs—
Lamb,
McCarten,
McGillivray,

Messrs—
Plain,
Young.

So the bill passed and the title was agreed to.

Mr. Little moved

That the vote by which Senate Bill No. 172 was passed be reconsidered, and that the motion to reconsider be laid on the table,

Which motion prevailed.

Senate Bill No. 173,

A Bill for an act entitled "an act to provide for the submission of proof sheets of the Revised Code to the members of the Joint Committee of the Legislative Assembly on the revision of the laws of North Dakota for final correction and approval, and appropriating funds to pay the expenses of such Committee's work,

Was read the third time.

Mr. LaMoure objected, and raised the point of order that no appropriation bill could be introduced after the fortieth day of the session except by unanimous consent of the Senate,

Which objection was sustained.

Mr. White moved

That further consideration of Senate Bill No. 173 be indefinitely postponed,

Which motion prevailed.

Senate Bill No. 168,

A Bill for an act entitled "an act to cede to the United States jurisdiction of the State of North Dakota over lands acquired by military posts,"

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

The roll being called there were ayes 25, nays none, not voting 6.

Those who voted in the affirmative were:

Messrs—
Arnold,
Benedict,
Clark,
Davis,
Day,
Dobie,

Messrs—
Haggart,
Hanscom,
Hillier,
Lamb,
LaMoure,
Little,

Messrs—
Stevens,
Strom,
Tufts,
Valentine,
Viets,
White,

Messrs—
Enger,
Fuller,
Gregory,

Messrs—
McCarten,
Sorley,

Messrs—
Wishek,
Young.

Absent and not voting:

Messrs—
Brown,
Burke,

Messrs—
McGillivray,
Parkin,

Messrs—
Plain,
Rourke.

So the bill passed and the title was agreed to.

Mr. Little moved

That the vote by which Senate Bill No. 168 was passed be reconsidered, and that the motion to reconsider be laid on the table,

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 5, 1895. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 138,

A Bill for an act to amend Sections six (6) and fourteen (14) Chapter one hundred and twenty-three (123), Session Laws of 1893, entitled "an act to amend Sections one (1), six (6), eight (8), thirteen (13) and fourteen (14) of Chapter one hundred and sixty-one (161) of Session Laws of 1890, entitled 'an act to create an institute for the education of the deaf and dumb of North Dakota. and providing for its support and management.'"

Also,

Substitute for House Bill No. 91,

A Bill for an act to amend Sections 1, 2 and 3 of Chapter 97 of the Laws of 1893, being an act entitled "an act to amend Sections 1 and 3 of Chapter 86 of the Laws of 1890, entitled '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,

House Bill No. 125,

A Bill for an act to amend Section 675 of Article 13 of Chapter 9 of the Compiled Laws of the State of North Dakota, relating to counties and county officers, and providing for the preservation of coroner's records,

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

Also,

Senate Bill No. 108,

A Bill for an act repealing Chapter 20 of the Special Laws of Dakota Territory for the year 1885, being an act entitled "an act prescribing the duties and regulating the salaries of the county treasurer and register of deeds for Grand Forks county, N. D.,

Which the House has passed unchanged.

Yours Respectfully,

J. M. DEVINE,
Chief Clerk.

Mr. Little in the chair.

Senate Bill No. 167

A Bill for an act to suspend Chapter 11 of the Laws of 1893, being an act for an appropriation for the creation of the North Dakota Reform School at Mandan, and for incidental and contingent expenses of the same,

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

The roll being called there were ayes 25, not voting 6.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	Rourke,
Benedict,	Hanscom,	Sorley,
Clark,	Hillier,	Stevens,
Davis,	Lamb,	Tufts,
Day,	Little,	Valentine,
Dobie,	McCarten,	Viets,
Enger,	Parkin,	White,
Fuller,	Plain,	Wishek.
Gregory,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brown,	LaMoore,	Strom,
Burke,	McGillivray,	Young.

So the bill passed and the title was agreed to.

Mr. Plain moved

That Senate Bill No. 166 be given its third reading and put upon its final passage,

Which motion prevailed.

Senate Bill No. 166,

A Bill for an act fixing the maximum compensation that a railroad company may charge for a stopover in cars in transit between intermediate and terminal points, and for transportation of freight between such points,

Was read the third time.

Mr. Plain moved

That the report of the Committee be adopted,

Which motion prevailed.

The question being upon the final passage of the bill as amended,

The roll being called there were ayes 23, nays 3, not voting 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	LaMoure,	Stevens,
Benedict,	Little,	Strom,
Clark,	McCarten,	Tufts,
Dobie,	McGillivray,	Valentine,
Haggart,	Parkin,	Viets.
Hanscom,	Plain,	White,
Hillier,	Rourke,	Young.
Lamb,	Sorley,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Day,	Fuller,	Gregory.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brown,	Davis,	Wishek.
Burke,	Enger,	

So the bill passed and the title was agreed to.

Mr. Plain moved

That the vote by which Senate Bill No. 166 was passed be reconsidered, and that the motion to reconsider be laid on the table, Which motion prevailed.

Senate Bill No. 161,

A Bill for an act to provide North Dakota coal for use at the State capitol, penitentiary and other State institutions, and to employ convict labor in opening and operating coal mines for the benefit of the State and the public school fund,

Was read the third time.

Mr. LaMoure raised the point of order that the bill was introduced after the fortieth day of the session and contained an appropriation.

Mr. Gregory moved

That the further consideration of the bill be indefinitely postponed.

Mr. Lamb moved as a substitute

That the report of the Committee be adopted.

Mr. LaMoure raised the point of order that the substitute was not germane to the original motion.

The chair decided that the substitute was in order.

Mr. LaMoure appealed from the decision of the chair,

Which appeal was sustained.

The question being upon the motion to indefinitely postpone,

The motion prevailed.

Senate Bill No. 162,

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 their compensation and payment,

Was read the third time.

The question being upon the final passage of the bill as amended,

The roll being called there were ayes 23, nays 3, not voting 5.

Those who voted in the affirmative were:

Messrs—

Arnold,
Benedict,
Burke,
Clark,
Davis,
Day,
Dobie,
Enger,

Messrs—

Fuller,
Hanscom,
Hillier,
Lamb,
LaMoure,
McCarten,
Plain,
Rourke,

Messrs—

Sorley,
Stevens,
Strom,
Tufts,
Valentine,
White,
Young.

Those who voted in the negative were:

Messrs—

Gregory,

Messrs—

Little,

Messrs—

McGillivray.

Absent and not voting:

Messrs—

Brown,
Haggart,

Messrs—

Parkin,
Viets,

Messrs—

• Wishek.

So the bill passed and the title was agreed to.

Mr. Valentine moved

That the vote by which Senate Bill No. 162 was passed be reconsidered, and that the motion to reconsider be laid on the table,

Which motion prevailed.

Mr. Arnold moved

That the Senate take a recess for ten minutes to have their pictures taken,

Which motion prevailed.

The Senate reassembled.

Mr. Haggart President *pro tempore* in the Chair.

Mr. LaMoure moved

That the Senate take up unfinished business,

Which motion prevailed, and

The third reading of

House Bill No. 165,

A Bill to establish a Political Code for the State of North Dakota,

Was resumed.

The courtesies of the floor of the Senate were extended to J. A. Montgomery, clerk of the United States Court, and to Mr. Addison, Leech Jr.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 5, 1895. }

MR. PRESIDENT:

I have the honor to transmit herewith the following Senate Bills which have been indefinitely postponed:

Senate Bill No. 91,

A Bill for an act to prohibit the selling or letting of the labor of convicts to private parties or corporations.

Also,

Senate Bill No. 104,

A Bill for an act to amend Section 161 of an act entitled "an act to provide for a uniform system of free public schools throughout the State, and to prescribe penalties for the violation of the provisions thereof of Chapter 62, Session Laws of 1890."

Also,

Senate Bill No. 149,

A Bill for an act to provide for the protection of planted fish in the waters of North Dakota.

Also,

Senate Bill No. 120,

A Bill for an act regulating voting at primary elections.

Also,

Senate Bill No. 124,

A Bill for an act amending Section 20 of Chapter 119 of the Session Laws of 1890, being an act providing for the public printing of the State,

Respectfully,

J. M. DEVINE,
Chief Clerk.

Mr. Little in the chair.

The third reading of House Bill No. 165 continued.

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. 110,

A Bill for an act to amend Sections 13, 16, 14 and 71 of Chapter 118, Laws of 1893, entitled "an act to amend all of Chapters 25, 146, 147 and 148 of the Laws of 1890, and Chapter 65 of the Laws of 1891, and to provide for the management, control and disposal of university, school and all other public lands of the State, and the management of the funds arising therefrom."

Also,

Senate Bill No. 105,

A Bill for an act fixing the fees of sheriffs and other officers for transporting insane persons to the asylums of the State,

And find the same correctly engrossed.

E. YOUNG,
Chairman.

The third reading of

House Bill No. 165,

A Bill for an act to establish a Political Code for the State of North Dakota,

Was continued.

Mr. Tufts in the chair.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 5, 1895.

Mr. PRESIDENT:

I have the honor to transmit herewith

Senate Bill No. 63,

A Concurrent Resolution to amend Subdivision 8 of Section 215 of Article 19 of the Constitution of the State of North Dakota, Which the House has passed unchanged.

Also,

House Bill No. 171,

A Bill for an act entitled "an act to authorize the voters at annual town meetings to vote upon the question of establishing, by proper monuments, section, quarter section or meander posts or monuments, which have been destroyed or are becoming obscure."

Also,

House Bill No. 126,

A Bill for an act requiring county commissioners to furnish an official bond to his county.

Also,

House Bill No. 174,

A Bill for an act entitled "an act for the investigation of the resources of the surface and underground waters of parts of the

national government lands located in North Dakota, and for devising a system of irrigation suitable therefor."

Also,

Substitute for House Bill No. 110,

A Bill for an act to protect farm laborers, and giving them a lien upon crops as security for their wages,

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

Respectfully,

J. M. DEVINE,
Chief Clerk.

The third reading of House Bill No. 165 was continued.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 5, 1895. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 172,

A Bill for an act to amend Section 134 of Article 5 of Chapter 5 of the Laws of 1895, entitled "an act to establish a Code of Criminal Procedure of the State of North Dakota."

Also,

House Bill No. 176.

A Bill for an act entitled "an act establishing the maximum rates of freight of the first, second, third and fourth classes, which common carriers may charge and receive for the transportation thereof between points within the State of North Dakota.

Also,

House Bill No. 156,

A Bill for an act to require railroad companies to erect, maintain and keep open suitable buildings for the accommodation of passengers wherever the tracks of one crosses that of the other more than two miles from a passenger depot.

Also,

House Bill No. 161,

A Bill for an act to amend Section 1 of Chapter 70 of the Laws of 1893, being an act to amend Section 1 of Chapter 78 of the Laws of 1890, entitled "an act to amend Section 16 of the General Laws of 1889, relating to the publication of insurance statements,"

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

Yours respectfully,

J. M. DEVINE,
Chief Clerk.

Mr. Little moved

That the rules be suspended and that House Bills be given their first and second reading and reference,
Which motion prevailed.

FIRST READING OF HOUSE BILLS.

The President in the Chair.

House Bill No. 110,

A Bill for an act to protect farm laborers and giving them lien upon crops as security for their wages,

Which was read the first and second times, and
Referred to the Committee on Agriculture.

House Bill No. 125,

A Bill for an act to amend Section 675 of Article 13 of Chapter 9 of the Compiled Laws of the State of North Dakota, relating to counties and county officers, and providing for the preservation of coroner's records,

Which was read the first and second times, and
Referred to the Committee on Judiciary.

House Bill No. 126,

A Bill for an act requiring county commissioners to furnish an official bond to his county,

Which was read the first and second times, and
Referred to the Judiciary Committee.

House Bill No. 138,

A Bill for an act to amend Sections six (6) and fourteen (14), Chapter one hundred and twenty-three (123), Session Laws of 1893, entitled "an act to amend Sections one (1), six (6), eight (8), thirteen (13) and fourteen (14) of Chapter one hundred and sixty-one (161) of Session Laws of 1890, entitled '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 was read the first and second times, and
Referred to the Judiciary Committee.

House Bill No. 156,

A Bill for an act to require railroad companies to erect, maintain and keep open suitable buildings for the accommodation of passengers wherever the track of one crosses that of the other more than two (2) miles from a passenger depot,

Which was read the first and second times, and
Referred to the Committee on Railroads.

House Bill No. 161,

A Bill for an act to amend Section 1 of Chapter 70 of the Laws of 1893, being an act to amend Section 1 of Chapter 78 of the Laws of 1890, entitled "an act to amend Section 16 of the Gen-

eral Laws of 1885, and Section 10 of Chapter 69 of the General Laws of 1889, relating to the publication of insurance statements,"

Which was read the first and second times, and

Referred to the Committee on Judiciary.

House Bill No. 171,

A Bill for an act entitled "an act to authorize the voters at annual town meetings to vote upon the question of establishing, by proper monuments, section, quarter section or meander posts or monuments, which have been destroyed or are becoming obscure,"

Which was read the first and second times, and

Referred to the Committee on State Affairs.

House Bill No. 172,

A Bill for an act to amend Section 134 of Article 5 of Chapter 5 of the Laws of 1895, entitled "an act for an act to establish a Code of Criminal Procedure of the State of North Dakota,"

Which was read the first and second times, and

Referred to the Committee on State Affairs.

House Bill No. 174,

A Bill for an act entitled "an act for the investigation of the resources of the surface and underground waters of parts of the national government lands located in North Dakota, and for devising a system of irrigation suitable therefor,"

Which was read the first and second times, and

Referred to the Irrigation Committee.

House Bill No. 176,

A Bill for an act entitled "an act establishing the maximum rates of freight of the first, second, third and fourth classes, which common carriers may charge and receive for the transportation thereof between points within the State of North Dakota."

Which was read the first and second times, and

Referred to the Committee on Railroads.

UNFINISHED BUSINESS.

The third reading of

House Bill No. 165

A Bill for an act to establish a Political Code for the State of North Dakota,

Was continued.

Mr. Little moved

That at six o'clock the Senate take a recess until nine o'clock tomorrow morning,

Which motion prevailed.

The President announced that he was about to sign

House Bill No. 128,

A Bill for an act to prevent the destruction of farm buildings in the State of North Dakota.

Also,

House Bill No. 76,

A Bill for an act requiring county auditors to furnish township clerks with lists of real and personal taxes assessed in their townships and the amounts thereof.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE CHAMBER,
BISMARCK, N. D., March 5, 1895. }

To the Senate:

GENTLEMEN:—I herewith return to you Senate Bill No. 50, without my approval. I have given the bill my careful attention since it was placed in my hands, and am of the opinion that the best interests of the State will not be subserved if the bill should become a law. Senate Bill No. 24 passed at the present session, and now a law, makes full, ample and complete provisions for the organization of all unorganized counties in the State, and for its attachments to organized counties to which it is attached, by law, for judicial purposes, and the provisions of the Political Code fully provide for the organization of new counties in accordance with the provisions of the Constitution.

Should No. 50 become a law as it stands now without provisions for repealing the former laws passed at this session, it will place conflicting laws upon our statutes and will require, in my opinion and in the opinion of the Attorney General, Cowan, adjudication by the courts to decide which bill to proceed under before the unorganized territory can be organized. The condition of our treasury and depleted revenues seem to me to imperatively demand that the law upon this point should be clear and that no delay should be tolerated in the organization of the unorganized territory, but that the State should proceed to get the revenues to which it is entitled from property therein situated as speedily as possible, and existing laws make ample provisions therefor.

Yours respectfully,

ROGER ALLIN,
Governor.

The hour of six o'clock having arrived, the President announced a recess until Wednesday morning at nine o'clock.

FRED FALLEY,
Secretary.

MORNING SESSION—FIFTY-SEVENTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 6, 1895.

The Senate was called to order by Mr. Enger, pursuant to adjournment.

Third reading of
House Bill No. 165,
A Bill for an act to establish a Political Code for the State of
North Dakota,
Was continued.

Mr. President in the Chair.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 6, 1895.

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 167,

A Bill for an act to encourage the manufacture of binding twine in the State of North Dakota.

Also,

House Bill No. 175,

A Bill for an act amending Sections 10 and 15 of Chapter 91 of the Laws of 1890, relating to marriage licenses,

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

Also,

The House also desires the return of Senate Bill No. 147,

A Bill for an act to amend Section 10 of Chapter 38, Laws of 1887, being Section 545 of the Compiled Laws,

For correction of message transmitting.

Yours respectfully,

J. M. DEVINE,
Chief Clerk.

Mr. White moved

That the request of the House be complied with, and the bill returned,

Which motion prevailed.

MESSAGE FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE CHAMBER, }
March 6, 1895. }

To the Senate:

GENTLEMEN:—I have the honor to inform you that I have this day approved

Senate Bill No. 99,

A Bill for an act entitled "an act to provide for the treatment and cure of habitual drunkards."

Respectfully,
ROGER ALLIN,
Governor.

The President called Mr. Rourke to the Chair.

The third reading of House Bill No. 165 continued.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 6, 1895. }

MR. PRESIDENT:

I have the honor to transmit herewith

Senate Bill No. 47,

A Bill for an act to amend Sections 332 of Chapter 13 of the Code of Civil Procedure, being Section 5127 of the Compiled Laws, relating to property not exempt from execution,

Which the House has passed unchanged.

Also,

Senate Bill No. 147,

A Bill for an act creating an historical commission for the State, prescribing its duties and the place for preserving its records,

Which the House has amended as follows:

In last paragraph of Section 2, by striking out the word "they" and inserting in lieu thereof the words "the Board of Capitol Commissioners shall provide;" and on first line of second page of original bill by inserting before the word books "and other," and by striking out the word "other" immediately before the word "collections."

Also,

Senate Bill No. 67,

A Bill for an act to amend Subdivision 30 of Section 73 of the Laws of 1887,

Which the House has indefinitely postponed.

Respectfully,

J. M. DEVINE,

Chief Clerk.

Mr. Burke in the Chair.

The third reading of House Bill No. 165 was continued.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 6, 1895. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 178,

A Bill for an act to repeal an act approved February 28, 1893, entitled "an act for an appropriation for the erection of the North Dakota Reform School at Mandan and for incidental and contingent expenses for the same."

Also,

House Bill No. 179,

A Bill for an act entitled "an act to regulate the herding of animals for hire; to require herders to give bond, and to provide for herders' liens.

Also,

House Bill No. 160,

A Bill for an act to amend Section 103 of Chapter 132 of the Laws of 1890.

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

Also,

Senate Bill No. 84.

A Bill for an act amending Section 7, Chapter 127, Laws of 1893, entitled "an act to establish weather and crop service for the collection and dissemination of crop statistics and meteorological data."

Also,

Senate Bill No. 141.

A Bill for an act to prohibit the manufacture, sale and use of adulterated cigarettes, and the sale of cigarettes, cigars and tobacco to minors,

Which the House has passed unchanged.

Respectfully,

J. M. DEVINE,
Chief Clerk.

Mr. Hillier in the Chair.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 6, 1895. }

I have the honor to transmit herewith

Senate Bill No. 98,

A Bill for an act authorizing the counties in the State of North Dakota to raise and expend a fund for the purchase of poison for the destruction of gophers,

Which the House has passed with the following amendments:

On page 1, Section 1, line 3 of printed bill, after the word "one" insert the word "half."

On lines 3 and 4 of same section, strike out the words "real estate" and insert in lieu thereof the word "property."

On lines 8 and 9 of same section, strike out the words "among the several township boards in the county applying for the same."

On line 10 of same section, strike out the word "supervisors" and insert in lieu thereof the word "commissioners."

On page 2, Section 1, line 12, of printed bill, strike out the word "township" and insert in lieu thereof the word "county,"

Also,

Senate Bill No. 156,

A Bill for an act to repeal Chapter 70 of the Session Laws of 1890, being an act to promote forest tree culture,

Which was lost.

Also,

Senate Bill No. 154.

A Bill for an act amending Section 1, Article 19, Chapter 73 of the Laws of 1887, being Section 1016 of the Compiled Laws of the Territory of Dakota.

Also,

Senate Bill No. 153.

A Bill for an act in relation to health in the school districts of the State,

Which the House has passed unchanged.

Yours respectfully,

J. M. DEVINE,

Chief Clerk.

The President in the Chair.

The President announced that he was about to sign

House Bill No. 65,

A Bill for an act to provide for the establishment, construction and maintenance of drains in this State.

The third reading of

House Bill No. 165,

A Bill for an act to establish a Political Code for the State of North Dakota,

Being in progress,

Mr. LaMoure moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

FRED FALLEY,
Secretary.

FIFTY-EIGHTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 6, 1895.

The Senate was called to order by the President.

Prayer by the Chaplain.

Roll called.

All members present.

The President announced that he was about to sign

Senate Bill No. 125,

A Bill for an act to provide for the extermination of the Russian thistles and French weeds.

Mr. Little moved

That the reading of the Journal be dispensed with, and that a committee be appointed to correct the same.

The President appointed as such Committee, Messrs. Burke, Parkin and Benedict.

The Lieutenant Governor presented the following communication, which was read:

UNITED STATES SENATE,
WASHINGTON, D. C., Feb. 28, 1895. }

Hon. J. H. Worst, Bismarck, N. D.:

MY DEAR GOVERNOR:—When Senator Hansbrough heard of the splendid tribute which had been paid to the memory of the dear companion who had so recently left him, he was inexpressibly touched. When he read the words which were spoken concerning her and her life by men always eloquent, and whose power was more than ordinarily evidenced in that they themselves felt and showed that they felt their theme, he was overcome. He would long ere this have written to thank you and to thank all the members who participated in that most graceful tribute, both those whose good fortune it was to be able to voice their regrets and those who listened in sympathetic silence, but for the fact that the wound that he has received still aches in all its intensity and he cannot bring himself as yet to write on the subject of his sorrow. You and all your colleagues will readily realize this; but tell them how grateful the Senator feels for the wonderful mark of respect which they paid the memory of Mrs. Hansbrough.

Very truly,
FRED DENNETT,
Secretary.

Mr. Gregory moved

That the communication be spread on the Journal,
Which motion prevailed.

UNFINISHED BUSINESS.

The third reading of House Bill No. 165.

Mr. Gregory moved

That the further reading of House Bill No. 165 be postponed and the Senate take up the regular order,
Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

The Committee on Education made the following report:

MR. PRESIDENT:

Your Committee on Education to whom was referred
Senate Bill No. 174,

A Bill for an act to repeal an act to create a joint school township in the Counties of Griggs and Steele,

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

A. V. BENEDICT,
Chairman.

The Committee on Stock made the following report:

MR. PRESIDENT:

Your Committee on Stock to whom was referred

House Bill 157,

A Bill for an act with reference to driving stock into or through the State of North Dakota,

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

Also,

House Bill No. 154,

A Bill for an act to amend an act entitled "an act to protect stock,"

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

A. L. HANSCOM,
Chairman.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred

House Bill No 148,

A Bill for an act to amend Section (71) seventy-one of Chapter (118) one hundred and eighteen of the Laws of 1893, being an act to provide for the control and management of university and school lands, and making an appropriation therefor,

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

Also,

Senate Bill No. 170,

A Bill for an act to reimburse messengers of the Senate and House,

Without recommendation.

JOHN E. HAGGART,
Chairman.

The Committee on Public Health made the following report:

MR. PRESIDENT:

Your Committee on Public Health to whom was referred

House Bill No. 107,

A Bill for an act to amend Section 3 of Chapter 93 of the Laws of 1890, 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 thereof,

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

Also,

Senate Bill No. 175,

A Bill for an act to amend Chapter 63 of Session Laws of 1885 relating to Board of Public Health,

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

GEORGE R. CLARK,
Chairman.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs to whom was referred
House Bill No. 172,

A Bill for an act to amend Section 134 of Article 5 of Chapter 5 of the Laws of 1895, entitled "an act to establish a Code of Criminal Procedure of the State of North Dakota,"

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

P. H. ROURKE,
Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred
House Bill No. 82,

A Bill for an act entitled "an act to amend Subdivisions 4 and 5 of Section 2144 of Chapter 22 of the Political Code, Compiled Laws of 1887, relating to settlement and support of the poor,"

Have had the same under consideration and recommend that the same 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. 176,

A Bill for an act entitled "an act establishing the maximum rates of freight of the first, second, third and fourth classes, which common carriers may charge and receive for the transportation thereof between points within the State of North Dakota,"

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

H. S. PARKIN,
Chairman.

The Committee on Highways, Bridges and Ferries made the following report:

MR. PRESIDENT:

Your Committee on Highways, Bridges and Ferries to whom was referred

House Bill No. 9,

A Bill for an act to provide for the better improvement of pub-

lic highways for organized townships, and also providing for the payment of expenses thereof by taxation,

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

RICHARD McCARTEN,
Chairman.

The Committee on Irrigation made the following report:

MR. PRESIDENT:

Your Committee on Irrigation to whom was referred
House Bill No. 159,

A Bill for an act to amend Section 126 of Chapter 75 of the Session Laws of 1891, entitled "an act to promote irrigation,"

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

Also,
House Bill No. 174,

A Bill for an act entitled "an act for the investigation of the resources of the surface and underground waters of parts of the national government lands located in North Dakota, and for devising a system of irrigation suitable therefor,

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

JAMES DOBIE,
Chairman.

The Committee on Agriculture made the following report:

MR. PRESIDENT:

Your Committee on Agriculture to whom was referred
Substitute for House Bill No. 110,

A Bill for an act to protect farm laborers and giving them a lien upon crops as security for their wages,

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

H. H. STROM,
Chairman.

REPORTS OF SELECT COMMITTEES.

Your Committee appointed to correct the Journal of the fifty-fourth day have examined the same and recommend that the same be corrected by inserting after the second line on the sixth page of the printed Journal the Substitute for Senate Bill No. 110.

H. C. MCGILLIVRAY,
H. F. ARNOLD,
J. P. LAMB.

Mr. Arnold moved to adopt the report,

Which motion prevailed.

MR. PRESIDENT:

The Senate Steering Committee report the following bills to be taken up in the order named:

House Bill No. 4,

A Bill for an act to amend Subdivision 11 of Section 1 of Chapter 100, Session Laws of 1891.

Also,

House Bill No. 99,

A Bill for an act to promote speedy justice, and a prompt hearing of cases appealed to the Supreme Court.

Also,

House Bill No. 85,

A Bill for an act entitled "an act to amend Section 3 of Chapter 38 of the Session Laws of 1890, relating to the construction of county bridges."

Also,

House Bill No. 140,

A Bill for an act making an appropriation to pay Nellie McDonald for labor as clerk for Commissioners of Railroads.

Also,

House Bill No. 145,

A Bill for an act entitled "an act to establish a garnishment law for the State of North Dakota."

Also,

House Bill No. 147,

A Bill for an act to amend Section 10 of Chapter 38, Laws of 1887, being Section 545 of the Compiled Laws.

Also,

House Bill No. 70,

A Bill for an act declaring it a misdemeanor to practice fraud on hotel keepers.

Also,

House Bill No. 137,

A Bill for an act entitled "an act to encourage the manufacture and production of the long line spinning fibres, either flax or hemp, and spinning tows grown in the State of North Dakota."

Also,

House Bill No. 62,

A Bill for an act to amend Section 6916 of the Compiled Laws of Dakota, 1887, being Section 3 of Chapter 57 of the Penal Code, pertaining to sale of intoxicating liquors.

Also,

House Bill No. 98,

A Bill for an act amending Section 28 of Chapter 24 of the

Political Code, being Section 1049 of the Compiled Laws of 1887, relating to the qualifications of officers of incorporated towns.

Also,

House Bill No. 133,

A Bill for an act to amend Sections 122 and 161 of Chapter 62, Laws of 1890.

Also,

House Bill No. 50,

A Bill for an act entitled "an act to amend Section 2 (a) of Chapter 122 of the General Laws of 1890 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,

House Bill No. 155,

A Bill for an act to locate and provide for the government of a State blind asylum at Bathgate, Pembina county, North Dakota.

Also,

House Bill No. 108,

A Bill for an act entitled "an act requiring county treasurers to report to town clerks amounts of township funds on hand and amounts drawn by town treasurers and requiring town clerks to keep accounts of township funds."

Also,

House Bill No. 151,

A Bill for an act entitled "an act making an appropriation to pay certain expenses incurred by the Fourth Legislative Assembly of the State of North Dakota."

Also,

House Bill No. 121,

A Bill for an act entitled "an act to amend Sections 20, 22 and 23 of Chapter 86 of the Laws of the year 1891, entitled 'an act to provide a Military Code for the State of North Dakota, and to provide a board of control for the State encampment grounds.'"

C. B. LITTLE,

Chairman.

MOTIONS AND RESOLUTIONS.

CONCURRENT RESOLUTION.

WHEREAS, Section 216 of the Constitution of this State provides for the location of a blind asylum in the county of Pembina, and

WHEREAS, Such asylum has been located by vote of the electors of the County of Pembina, and by proclamation of the Governor of this State, and

WHEREAS, The present condition of the finances of the State will not admit of the erection of an asylum for the blind, and

WHEREAS, There is now no provision for the education of blind children in the State; therefore be it

Resolved By the Senate, the House of Representatives concurring, that

the Commission established by an act of this Legislative Assembly approved February 18, 1895, be authorized and empowered to provide for the care and education of all blind children of school age residing in this State.

Mr. McCarten moved
To adopt the resolution,
Which motion prevailed.

THIRD READING OF SENATE BILLS.

Senate Bill No. 164,

A Bill for an act to change the lines of organized counties and to provide for the annexation of unorganized territory to organized counties,

Was read the third time.

Mr. McGillivray moved
That further consideration of Senate Bill No. 164 be indefinitely postponed.

Mr. Rourke moved as a substitute
That further consideration of Senate Bill No. 164 be deferred until Mr. Gregory's return,
Which substitute motion prevailed.

Senate Bill No. 165,

A Bill for an act to amend Section 134 of Article 5 of Chapter 5 of the Laws of 1895, entitled "a bill for an act to establish a Code of Criminal Procedure for the State of North Dakota,"

Was read the third time.

Mr. Burke moved
That further consideration of Senate Bill No. 165 be indefinitely postponed, for the reason that a duplicate of the bill had passed the House and was now in the Senate,
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 Bill No. 166,

A Bill for an act fixing the maximum compensation that a railroad company may charge for a stopover in cars in transit between intermediate and terminal points, and for transportation of freight between such points,

And find the same correctly engrossed.

E. YOUNG,
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. 125,

An act to provide for the extermination of Russian thistles and French weeds,

And find the same correctly enrolled.

E. YOUNG,
Chairman.

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

MR. PRESIDENT:

Your Committee on Enrolled and Engrossed Bills have examined

Substitute for Senate Bill No. 66,

A Bill for an act to amend Section 86, Chapter 132, Laws of 1890, being an act prescribing the mode of making assessment and the levy and collection of taxes, and other purposes relative thereto.

Also,

Senate Bill No. 171,

A Bill for an act entitled "an act to provide that the seven Codes prepared by the Revising Commission and introduced as bills and passed as acts at the Fourth Session of the Legislative Assembly shall not be printed as Session Laws of the Fourth Legislative Assembly.

Also,

Senate Bill No. 167,

A Bill for an act to suspend Chapter 11 of the Laws of 1893, being an act for an appropriation for the erection of the North Dakota Reform School at Mandan, and for incidental and contingent expenses for the same.

Also,

Senate Bill 168,

A Bill for an act entitled "an act to cede to the United States jurisdiction of the State of North Dakota over lands acquired by military posts,

And find the same correctly engrossed.

E. YOUNG,
Chairman.

FIRST READING OF HOUSE BILLS.

House Bill No. 178,

A Bill for an act to repeal an act approved February 28, 1893, entitled "an act for an appropriation for the erection of the North Dakota Reform School at Mandan and for incidental and contingent expenses for the same,

Which was read the first and second times, and
Referred to the Committee on Appropriations.

House Bill No. 179,

A Bill for an act entitled "an act to regulate the herding of animals for hire; to require herders to give bond and to provide for herders' liens,

Which was read the first and second times, and
Referred to the Committee on State Affairs.

House Bill No. 91,

A Bill for an act to amend Sections 1, 2 and 3 of Chapter 97, of the Laws of 1893, being an act entitled "an act to amend Sections 1 and 3 of Chapter 86 of the Laws of 1890," entitled "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 was read the first and second times, and
Referred to the Judiciary Committee.

House Bill No. 160,

A Bill for an act to amend Section 103, of Chapter 132, of the Laws of 1890,

Which was read the first and second times, and
Referred to the Committee on Ways and Means.

House Bill No. 167,

A Bill for an act to encourage the manufacture of binding twine in the State of North Dakota,

Which was read the first and second times, and
Referred to the Committee on State Affairs.

House Bill No. 175,

A Bill for an act amending Sections 10 and 15 of Chapter 91 of the Laws of 1890, relating to marriage licenses,

Which was read the first and second times, and
Referred to the Judiciary Committee.

Mr. Little moved

That the Senate now take up unfinished business,
Which motion prevailed, and

House Bill No. 165,

A Bill for an act to establish a Political Code for the State of North Dakota,

Was continued.

The President called Mr. Brown to the chair.

Mr. Burke asked consent to make a report,
Which consent was granted.

MR. PRESIDENT:

Your Committee appointed to examine and correct the Journal of the fifty-seventh day have had the same under consideration and recommend that the same be amended by expunging from said Journal, on the 22d page thereof, all of that matter commencing with and including the word "communication" and ending with the word "Governor" inclusive, the same being a communication from the Governor and when so amended the Journal be adopted.

JOHN BURKE,
H. S. PARKINS,
A. V. BENEDICT,
Committee.

Mr. President in the Chair.

Mr. Burke moved
That the report be adopted.

Mr. Gregory moved
A call of the House,
Which motion prevailed,

Mr. Burke moved
That further proceedings under the call be dispensed with,
Which motion prevailed.

Mr. LaMoure raised the point of order that the Legislative day of the fifty-seventh day did not end until the 6th of March at 12 m.

The question being upon the motion to adopt the report of the Committee to correct the Journal of the fifty-seventh day,
Which motion was lost.

Mr. LaMoure moved
That the Senate proceed to consider the Governor's veto.

Mr. Burke raised the point of order that the veto was not properly before the Senate.

Mr. Burke rises to a question of privilege.

Mr. Burke moved
That the following interrogatories and answers thereto be spread upon the minutes of the Senate,

Which motion was seconded by Senator LaMoure and prevailed.

Senator Burke: I would ask the Secretary of the Senate when he received the communication from the Governor which contains the veto message to Senate Bill No. 50.

The Secretary: Personally, I never received such a message, but I understand the Assistant Secretary received it last night after the recess was taken.

Senator Burke: I will ask the Assistant Secretary the same question.

Assistant Secretary Smith: I received it last evening about 6:15, after the Senate took a recess.

Senator McGillivray: I would ask if the Assistant Secretary receipted to the Governor for this message?

Assistant Secretary Smith: I receipted to the Governor's Secretary for the message.

Mr. Gregory asked unanimous consent to make some Committee reports,

Which consent was granted.

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. 162,

A Bill for an act to amend Section 72 of Chapter 132 of Laws of 1890, being an act entitled "an act prescribing the mode of making assessment and the levy and collection of taxes and for other purposes relative thereto,"

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

Also,

House Bill No. 16,

A Bill for an act entitled "an act exempting volunteer firemen from jury duty and from paying poll tax,"

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

Also,

House Bill No. 144,

A Bill for an act to amend Section ninety-seven of Chapter one hundred thirty-two of the Laws of 1890, being an act entitled "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 the same do pass.

Also,

House Bill No. 114,

A Bill for an act entitled "an act to provide for the taxation of property situated in the unorganized counties of the State,"

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

C. E. GREGORY,
Chairman.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs to whom was referred House Bill No. 169.

A Bill for an act constituting the State Superintendent of Irrigation and Forestry the State Fish Commissioner of North Dakota,

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

P. H. ROURKE,
Chairman.

The courtesies of the Senate were extended to J. M. Chisholm, of Pembina, and E. M. Paulson.

Mr. Sorley moved

That the Senate take up the third reading of Senate bills,
Which motion prevailed.

Mr. LaMoure in the Chair.

THIRD READING OF SENATE BILLS.

Senate Bill No. 175,

A Bill for an act to amend Chapter 63 of the Session Laws of 1885 entitled "an act establishing territorial and county boards of health, and providing for the protection of the health of persons and animals,

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

The roll being called, there were ayes 19, nays 3, not voting 9.

Those who voted in the affirmative were:

Messrs--	Messrs--	Messrs--
Benedict,	Lamb,	Plain,
Clark,	LaMoure,	Stevens,
Dobie,	Little,	Strom,
Enger,	McCarten,	Tufts,
Gregory,	McGillivray,	Viets,
Hanscom,	Parkin,	Wishek.
Hillier,		

Those who voted in the negative were:

Messrs--	Messrs--	Messrs--
Sorley,	Valentine,	Young.

Absent and not voting:

Messrs--	Messrs--	Messrs--
Arnold,	Davis,	Haggart,
Brown,	Day,	Rourke,
Burke,	Fuller	White.

So the bill passed and the title was agreed to.

Senate Bill No. 169,

A Bill for an act entitled "an act constituting the State Superintendent of Irrigation and Forestry the State Fish Commissioner of North Dakota, and providing for the establishment and maintenance of a State fish hatchery or hatcheries and fish breeding ponds, and for the stocking of the same and the other waters with fish, and their protection,"

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

The roll being called there were ayes 29, not voting 2.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gregory,	Rourke,
Benedict,	Haggart,	Sorley,
Brown,	Hanscom,	Stevens,
Burke,	Hillier,	Tufts,
Clark,	LaMoure,	Valentine,
Davis,	Little,	Viets,
Day,	McGillivray,	White,
Dobie,	McCarten,	Wishek,
Enger,	Parkin,	Young.
Fuller,	Plain,	

Absent and not voting, Messrs. Lamb and Strom.

So the bill passed and the title was agreed to.

Mr. McGillivray moved.

That the vote by which Senate Bill No. 169 was passed be reconsidered, and that the motion to reconsider be laid on the table,

Which motion prevailed.

Senate Bill No. 174,

A Bill for an act to repeal an act to create a joint school township in the counties of Griggs and Steele.

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

The roll being called there were ayes 28, nays none, not voting 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	Sorley,
Benedict,	Hillier,	Stevens,
Burke,	LaMoure.	Strom,
Clark,	Little,	Tufts,
Davis,	McCarten,	Valentine,
Day,	McGillivray.	Viets,
Dobie,	Parkin,	White,
Enger,	Plain,	Wishek,
Fuller,	Rourke,	Young.
Gregory,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brown,	Hanscom,	Lamb.

So the bill passed and the title was agreed to.

Mr. LaMoure moved

That the vote by which Senate Bill No. 174 was passed be reconsidered, and that the motion to reconsider be laid on the table,

Which motion prevailed.

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

MR. PRESIDENT:

Your Committee on Enrolled and Engrossed Bills have examined

Senate Bill No. 164,

A Bill for an act to change the lines of organized counties and to provide for the annexation of unorganized territory to organized counties.

Also,

Senate Bill No. 160,

A Bill for an act entitled "an act to amend Sections 1, 10 and 16 and to repeal Section 13 of Chapter 110 of the Laws of 1890, 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 such liquors for medical, scientific and mechanical purposes,"

And find the same correctly engrossed.

E. YOUNG,
Chairman.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 6, 1895. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 173,

A Bill for an act to change the lines of organized counties and to provide for the annexation of unorganized territory to organized counties.

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

Yours respectfully,

J. M. DEVINE,
Chief Clerk.

Senate Bill No. 160,

A Bill for an act entitled "an act to amend Sections 1, 10 and 16, and repealing Section 13 of Chapter 110 of the Laws of 1890, regarding sale of intoxicating liquors,

Was read the third time.

Mr. LaMoure moved

That the majority report be adopted.

Mr. Young moved

As a substitute that the minority report be adopted,

Which substitute motion was lost and so the majority report was adopted.

Mr. Fuller moved

A call of the Senate,

Which motion prevailed.

Mr. Rourke moved

That further proceedings under the call of the Senate be dispensed with,

Which motion prevailed.

Mr. Rourke moved

That the further consideration of Senate Bill No. 160 be indefinitely postponed.

Roll call demanded.

The roll being called there were ayes 16, nays 15.

Those who voted in the affirmative were:

Arnold,	Dobie,	Rourke,
Benedict,	Enger,	Stevens,
Brown.	Hillier,	Strom,
Clark,	Lamb,	Tufts,
Davis,	McCarten,	Young.
Day,		

Those who voted in the negative were:

Burke,	LaMoure,	Sorley,
Fuller,	Little,	Valentine,
Gregory,	McGillivray,	Viets,
Haggart,	Parkin.	White,
Hanscom,	Plain,	Wishek.

So the bill was indefinitely postponed.

Substitute for Senate Bill No. 110.

A Bill for an act to amend Sections 13, 62 and 71 of Chapter 118, Laws of 1893, entitled "an act to amend all of Chapters 25, 146, 147 and 148 of the Laws of 1890, and Chapter 65 of the Laws of 1891, and to provide for the management, control and disposal of university, school and all other public lands of the State, and the management of the funds arising therefrom,"

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

Mr. LaMoure moved

To amend and to strike out "\$1,500" in line 3 and insert '\$1,000' in lieu thereof,

Which motion was lost.

The roll being called, there were ayes 25, nays 2, not voting 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Fuller,	Stevens,
Benedict,	Hillier,	Strom,
Brown,	Lamb,	Tufts,
Burke,	McCarten,	Valentine,
Clark,	McGillivray,	Viets,
Davis,	Parkin,	White,
Day,	Rourke,	Wishek,
Dobie,	Sorley,	Young.
Enger,		

Messrs. Hanscom and LaMoure voting in the negative.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Gregory.	Little,	Plain.
Haggart,		

So the bill passed and the title was agreed to.

Mr. White moved

That the vote by which Substitute for Senate Bill No. 110 was passed be reconsidered, and that the motion to reconsider be laid on the table,

Which motion prevailed.

Senate Bill No. 170,

A Concurrent Resolution to reimburse the messengers of the Senate and House,

Was read the third time.

Mr. Young moved

That further consideration of Senate Bill No. 170 be indefinitely postponed,

Which motion prevailed.

FIRST READING OF HOUSE BILLS.

Mr. LaMoure moved

That House Bills be given their first and second reading and reference.

House Bill No. 173,

A Bill for an act to change the lines of organized counties and to provide for the annexation of unorganized territory to organized counties.

Which was read the first and second times, and

Referred to the Committee on Counties.

Mr. LaMoure moved

That the Senate now concur in the House amendments to Senate Bill No. 147.

The roll being called there were ayes 21, nays none, not voting 10.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Benedict,	Hanscom,	Strom,
Burke,	Hillier,	Tufts,
Clark,	LaMoure,	Valentine,
Davis,	McGillivray,	Viets,
Dobie,	Plain,	White,
Enger,	Sorley,	Wishek,
Fuller,	Stevens,	Young.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	McCarten,
Brown,	Lamb,	Parkin,
Day,	Little,	Rourke.
Gregory,		

So the amendments were concurred in.

Mr. Enger moved

That the Senate do now concur in the House amendments to Senate Bill No. 98,

The roll being called, there were ayes 21, nays 1, not voting 9.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Benedict,	Hillier,	Stevens,
Burke,	LaMoure,	Strom,
Clark,	McCarten,	Tufts,
Davis,	McGillivray,	Valentine,
Dobie,	Parkin,	Viets,
Enger,	Plain,	Wishek,
Hanscom,	Sorley,	Young.

Mr. Lamb voting in the negative.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Fuller,	Little,
Brown,	Gregory,	Rourke,
Day,	Haggart,	White.

So the amendments were concurred in.

House Bill No. 4,

A Bill for an act to amend Subdivision 11 of Section 1, Chapter 100, Laws of 1891,

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

The roll being called there were ayes 21, nays 2, not voting 8.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Benedict,	Hillier,	Stevens,
Burke,	LaMoure,	Strom,
Clark,	McCarten,	Tufts,
Davis,	McGillivray,	Valentine,
Enger,	Parkin,	Viets,
Gregory,	Plain,	Wishek,
Hanscom,	Rourke,	Young.

Messrs. Dobie and Fuller voting in the negative.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	Sorley,
Brown,	Lamb,	White,
Day,	Little,	

So the bill passed and the title was agreed to.

Mr. Plain moved

That the vote by which House Bill No. 4 was passed be reconsidered, and that the motion to reconsider be laid on the table, Which motion prevailed.

House Bill No. 99,

A Bill for an act to promote speedy justice and a prompt hearing of cases appealed to the supreme court,

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

The roll being called, there were ayes 21, nays 2, not voting 8.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gregory,	Parkin,
Benedict,	Hanscom,	Plain,
Burke,	Hillier,	Stevens,
Clark,	Lamb,	Strom,
Davis,	LaMoure,	Tufts,
Dobie,	McCarten,	White,
Enger,	McGillivray,	Wishek.

Messrs. Rourke and Sorley voting in the negative.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brown,	Haggart,	Viets,
Day,	Little,	Young.
Fuller,	Valentine,	

So the bill passed and the title was agreed to.

Mr. McGillivray moved

That the vote by which Senate Bill No. 99 was passed be reconsidered, and that the motion to reconsider be laid on the table,

Which motion prevailed.

Mr. LaMoure moved

A call of the Senate,
Which motion prevailed.

Mr. Sorley moved

That further proceedings under the call be dispensed with,
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 Bill No. 174,

A Bill for an act to repeal an act to create a joint school township in the Counties of Griggs and Steele,

And find the same correctly engrossed.

E. YOUNG,
Chairman.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 6, 1895. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 6,

A Bill for an act repealing an act entitled "an act creating the office of State Superintendent of Irrigation and Forestry, and prescribing the duties thereof,"

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

Also,

Concurrent Resolution,

Authorizing Commission established by an act of this Legislative Assembly approved February 18, 1895, to provide for the care and education of all blind children of school age residing in this State.

Which the House has concurred in.

Yours respectfully,
J. M. DEVINE,
Chief Clerk.

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. 172,

A Bill for an act entitled "an act to provide rules for the publication and construction to be placed upon the different acts passed at the Fourth Session of the Legislative Assembly."

Also,

Senate Bill No. 175,

A Bill for an act to amend Chapter 63 of the Session Laws of 1885, entitled "an act establishing territorial and county boards

of health, and providing for the protection of the health of persons and animals, and for other purposes,"

And find the same correctly enrolled.

E. YOUNG,
Chairman.

House Bill No. 121,

A Bill for an act to amend Sections 20, 22 and 23 of Chapter 86 of the Laws of the year 1891, entitled "an act to provide a Military Code for the State of North Dakota, and to provide a Board of Control for the State Encampment Grounds,"

Was read the third time.

Mr. Burke moved

That the bill be referred to the Attorney General for his opinion,

Which motion prevailed.

Mr. White moved

That the Attorney General be requested to state his opinion as to the following point: Referring to Section 188 of the Constitution, we find that "the militia of the State shall consist of all able-bodied persons residing in the State between the ages of 18 and 45 years, etc.;" therefore, is a person over the age of 45 years eligible, or can he hold any position or office in the militia of the State? Second—Referring to Section 46, Chapter 86, Laws of 1891, we find "the articles of war governing the army of the United States are adopted as far as practicable and where not incompatible with the laws of the State, etc." Further, referring to Section 1132, United States Statutes, second edition, 1878, we find "that all appointments to the quartermaster's department shall be made from the army;" would it follow that the officers of the supply department, which corresponds to the quartermaster's department of the army, shall be appointed from the militia?

Which motion prevailed.

Mr. Burke moved

That the Senate take a recess until tomorrow morning at 9 o'clock,

Which motion prevailed, and
The Senate adjourned.

FRED FALLEY,
Secretary.

MORNING SESSION—FIFTY-EIGHTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 7, 1895.

The Senate was called to order by the President pursuant to adjournment.

The third reading of
House Bill No. 165,
A Bill for an act to establish a Political Code for the State of
North Dakota,
Was continued.

The President called Mr. Enger to the chair.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 7, 1895. }

MR. PRESIDENT:

I have the honor to transmit herewith

Senate Bill No. 21,

A Bill for an act providing for the appropriation of additional buildings, and for the payment of the contingent expenses of the North Dakota Agricultural College and Experimental Station of Fargo.

Also,

Senate Bill No. 54,

A Bill for an act providing for an appropriation for the maintenance and improvements of the State Normal School at Mayville.

Also,

Senate Bill No. 126,

A Bill for an act to appropriate \$30,000 to pay the expenses necessary incident to the eradication of the Russian thistle and French weeds.

Also,

Senate Bill No. 26,

A Bill for an act providing for an appropriation for the maintenance of the State Normal School at Valley City.

Also,

Senate Bill No. 49,

A Bill for an act making an appropriation for maintenance of the State University, and for needed permanent improvements of the State University.

Also,

Senate Bill No. 32,

A Bill for an act providing for an appropriation for the current and contingent expenses, furnishing, maintenance and making needed permanent improvements and repairs for the Soldiers' Home at Lisbon.

Also,

Senate Bill No. 25,

A Bill for an act for an appropriation for current and contingent expenses of the Hospital for the Insane at Jamestown.

Also,

Senate Bill No. 29,

A Bill for an act providing for an appropriation for the penitentiary at Bismarck, and for making needed permanent improvements thereat,

Which the House has passed unchanged.

Also,

Senate Bill No. 35,

A Bill for an act providing for an appropriation for the maintenance and the current and contingent expenses of the School

for the Deaf of North Dakota at Devils Lake for deficiency and for making needed improvements thereat,

Which the House has amended as follows:

That the figures "20,000" in line 8 of printed bill be stricken out and the figures "23,000" be inserted in lieu thereof."

Also,

House Bill No. 68,

A Bill for an act to provide for the establishment and government of the North Dakota School of Forestry, and making an appropriation therefor.

Also,

House Bill No. 97, •

A Bill for an act to encourage immigration into the State of North Dakota, and to enable the Commissioner of Agriculture and Labor to carry out the provisions of Section 8 of Chapter 46 of the Session Laws of 1890, and to make appropriations therefor,

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

Yours respectfully,

J. M. DEVINE,
Chief Clerk.

Mr. President in the chair.

The third reading of

House Bill No. 165,

A Bill for an act to establish a Political Code for the State of North Dakota.

Was concluded.

Mr. White moved

That further consideration of House Bill No. 165 be postponed and that it be made a special order for 2:30 this afternoon,

Which motion prevailed.

Mr. LaMoure moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

FRED FALLEY,
Secretary.

FIFTY-NINTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 7, 1895.

The Senate was called to order by the President.

Prayer by the Chaplain.

Roll called.

All members present.

Mr. Gregory asked consent to take the Political Code to his desk for examination.

Which consent was granted.

The Journal was read and approved.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 7, 1895. }

MR. PRESIDENT:

I have the honor to transmit herewith
Senate Bill No. 132,

A Bill for an act to provide for free text books and school supplies for the use of the pupils in the public schools of North Dakota.

Also,
Senate Bill No. 140,

A Bill for an act defining the qualifications of electors of Indian descent.

Also,
Senate Bill No. 143,

A Bill for an act to amend Section 307 of the Probate Code of the State of North Dakota.

Also,
Senate Bill No. 4,

A Bill for an act to amend Section 130, Chapter 62 of the Session Laws of 1890, entitled "an act to provide for a uniform system of free public schools throughout the State, and to prescribe penalties for the violation of the provisions thereof."

Also,
Senate Bill No. 71,

A Bill for an act relating to the duties of county superintendent of schools,

Which the House has passed unchanged.

Respectfully,
J. M. DEVINE,
Chief Clerk.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 7, 1895.

Mr. PRESIDENT:

I have the honor to transmit herewith
Senate Bill No. 131,

A Bill for an act to amend Chapter 100 of the Session Laws of 1890, being an act amending Articles 4, 9 and 16 of Chapter 73 of the General Laws of 1887, entitled "an act to provide for the incorporation of cities," also to repeal Section 1 of Chapter 97 of the Laws of 1890 in so far as the same relates to cities.

Also,
Senate Bill No. 134,

A Bill for an act to amend and re-enact Sections 2, 17, 21, 22 and 23 of Article 15 of Chapter 73 of the Laws of 1887.

Also,
Senate Bill No. 136,

A Bill for an act to repeal Section 24 of Article 15 of Chapter 73 of the Laws of 1887, being Section 982 of the Compiled Laws, Which the House has passed unchanged.

Also,
Senate Bill No. 150,

A Bill for an act making an appropriation for the purpose of completing and furnishing the executive mansion and defraying the incidental expenses thereof for the years 1895 and 1896.

Which the House has amended as follows:

In Section one line 4 of the original bill, strike out the sum "\$1,500" and insert in lieu thereof "\$500."

Yours respectfully,

J. M. DEVINE,
Chief Clerk.

Mr. Little moved

That the Senate do not concur in House amendments to Senate Bill No. 150, and that there be a Committee of Conference appointed on the same,

Which motion prevailed.

The President appointed as such Conference Committee, Messrs Little and Viets.

The President announced that he was about to sign

Senate Bill No. 126,

A Bill for an act to appropriate \$30,000 to pay expenses necessarily incident to the eradication of Russian thistles.

Also,
Senate Bill No. 141,

A Bill for an act to prohibit the manufacture, sale or use of

adulterated cigarettes, and the sale of cigarettes, cigars and tobacco to minors.

Also,

Senate Bill No. 153,

A Bill for an act in relation to health and decency in the school districts of this State.

Also,

Senate Bill No. 154,

A Bill for an act amending Section 1, Article 19, Chapter 73, of the Laws of 1890, the same being Section 1016 of the Compiled Laws of the Territory of Dakota, now State of North Dakota.

Also,

Senate Bill No. 54,

A Bill for an act providing for an appropriation for the maintenance and improvements of the State Normal School at Mayville.

Also,

Senate Bill No. 108,

A Bill for an act repealing Chapter 20 of the Special Laws of Dakota Territory for the year 1885, being an act entitled "an act prescribing the duties and regulating the salaries of the county treasurer and register of deeds for Grand Forks county, D. T."

Also,

Senate Bill No. 84,

A Bill for an act amending Section 7, Chapter 127, Laws of 1893, entitled "an act to establish weather and crop service for the collection and dissemination of crop statistics and meteorological data."

Also,

Senate Bill No. 32,

A Bill for an act providing for an appropriation for the current and contingent expenses, furnishing maintenance and making needed improvements and repairs for the Soldiers' Home at Lisbon.

Also,

Senate Bill No. 26,

A Bill for an act providing for an appropriation for the maintenance of the State Normal School at Valley City.

Also,

Senate Bill No. 29,

A Bill for an act providing for an appropriation for the penitentiary at Bismarck and for making needed permanent improvements thereat.

Also,

Senate Bill No. 47,

A Bill for an act to amend Section 332 of Chapter 13 of the Code of Civil Procedure, being Section 5127 of the Compiled Laws, relating to property not exempt from execution.

Also,

Senate Bill No. 25,

A Bill for an act for an appropriation for current and contingent expenses of the Hospital for the Insane at Jamestown.

The President announced that he was about to sign

House Bill No. 99,

A Bill for an act to promote speedy justice, and a prompt hearing of cases appealed to the Supreme Court.

Also,

House Bill No. 4,

A Bill for an act to amend Subdivision 11 of Section 1 of Chapter 100, Session Laws of 1891.

House Bill No. 165,

Being a special order for this time,

A Bill for an act to establish a Political Code for the State of North Dakota,

Mr. LaMoure offered the following amendment:

SECTION 1786. Permits to hunt game shall be granted to any person applying therefor in person on or before August 1st, of each year, upon the payment of a fee of fifty cents therefor. Any person or applicant for a permit subsequent to August 1st, shall pay a fee of twenty-five dollars for such permit.

Which amendment was adopted.

Mr. White offered the following amendment:

That subdivision eight (8) of Section 2779 of the Political Code be amended by striking out in line five in said subdivision the figures 135, that is to say, that all of that part of the said subdivision which repeals Chapter 135 of the Session Laws of 1890 be stricken out.

Which amendment was adopted.

Mr. White moved

That the Political Code be amended by striking out all of Section 1434,

Which motion prevailed.

Mr. Gregory offered the following amendment:

Add to Section 223:

Provided, That if in the opinion of the Board of University and School Lands there will not be sufficient of such lands lying in any county leased to pay the expenses of such advertisement in such newspapers, the said notice may be given by posting as aforesaid.

Which amendment was adopted.

Mr. White offered the following amendment:

That Chapter 135 of the Session Laws of 1890, "an act providing for assessment and taxation of railroads," a copy of which is appended, be inserted at the end and after Chapter 13 of the Political Code:

SECTION 1. RAILROAD PROPERTY TO BE ASSESSED BY THE STATE BOARD OF EQUALIZATION.] The State Board of Equalization shall at their annual meeting in August in each year, assess at its actual value, the franchise, roadway, roadbed, rails and rolling stock of all railroads operated in this State. To enable said board to make a correct valuation of such property, they shall have access to all reports, estimates and surveys of such lines of railroads as may be on file in the office of the Commissioners of Railroads, and shall have power to summon and compel the attendance of witnesses and may examine such witnesses under oath in any matter relating to the value of such property. In estimating the value of each railroad, branches and sidetracks thereof, they shall be governed by the same rules as are provided for the government of county and township assessors, in valuing other property in this State. They shall cause a record to be made of the estimated value placed upon each of the items set forth in this section which go to make the aggregate valuation of such assessments.

SEC. 2 APPORTIONMENT TO COUNTIES ACCORDING TO MILEAGE.] The Board of Equalization shall divide the valuation so found and determined of each continuous line by the number of miles of such line contained in the State, and the result shall be the valuation per mile for which said line shall be assessed. The value of each branch line shall be determined in the same manner, and such valuation per mile shall be apportioned to each county according to the number of miles of such line or branch line contained in such county.

SEC. 3. MILEAGE AND VALUATION, HOW CERTIFIED TO VARIOUS POLITICAL SUBDIVISIONS FOR TAXATION.] The State Auditor shall at the time of certifying the equalized value of each organized county to the county auditor, also certify the number of miles of each main line of railroad, and branches and sidetracks thereof contained in said county, and the valuation per mile of such line or branch line as determined by the State Board of Equalization, and the county auditor of such county shall apportion such valuation to the cities, towns, townships and districts through which such railroads run according to the number of miles contained in each, as a part of the valuation of such city, town, township and district for the purpose of taxation, and the same shall be taxed as personal property is taxed in each county.

SEC. 4. TAXATION IN UNORGANIZED COUNTIES.] The valuation so apportioned to unorganized counties in this State shall be taxed for State purposes only, and such tax shall be levied annually by the State Auditor at the same rate as other property is taxed for State purposes, and the State Auditor shall notify each railroad company so taxed of the amount of such tax on or before the first day of December in each year, and such tax must be paid to the State Treasurer at the same time and subject to the same penalty as is prescribed by law for the collection of personal property taxes in organized counties, and the State Treasurer shall have the same powers, and it shall be his duty to collect the said tax in the same manner as county treasurers are authorized by law to collect personal property taxes.

SEC. 5. WHEN PROVISIONS OF THIS ACT INOPERATIVE.] If at any time the Legislative Assembly shall provide by law for the payment of a per centum of gross earnings by railroads, as authorized by Section 176 of the Constitution of this State, then and during the time such law shall be in force, the provisions of this act shall be inoperative.

Which amendment was adopted.

Mr. Gregory offered the following amendment of the Revenue Laws:

SECTION 61. All unpaid taxes, both personal and real, shall become due

on the first day of December of the year in which said taxes are assessed and levied, and all taxes shall become delinquent on the first day of June next after the same becomes due. A discount shall be allowed on all taxes paid as follows: One per cent on all sums paid within fifteen days after the same shall have become due, and one-half of one per cent on all sums paid within thirty days after the same shall have become due. After said taxes shall become delinquent they shall draw interest at the rate of one per cent per month accruing on the first day of each month; and if any of said taxes shall remain unpaid on the first day of October next after the same become due, an additional five per cent shall accrue and thereafter be charged upon all such delinquent taxes.

Which amendment was adopted.

Mr. Gregory moved

That the Senate take a recess for ten minutes,

Which motion prevailed.

The Senate reassembled.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 7, 1895. }

MR. PRESIDENT:

I have the honor to transmit herewith
Senate Bill No. 57,

A Bill for an act to amend Section 37, Chapter 62 of an act to provide for a uniform system of public schools, of Laws of 1890.

Also,

Senate Bill No. 135,

A Bill for an act declaring the Carlisle tables of mortality to be competent evidence in certain cases.

Also,

Senate Bill No. 18.

A Bill for an act to amend an act entitled "an act to amend Section 1, Chapter 25 of the General Laws of 1881, being Section 4383 of the Compiled Laws"

Which the House has passed unchanged.

Yours respectfully,

J. M. DEVINE,
Chief Clerk.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 7, 1895. }

MR. PRESIDENT:

I have the honor to transmit herewith

A Concurrent Resolution

That the Railroad Commissioners be requested to proceed at once to compel the Great Northern Railroad to carry coal in the State for as low rates as are charged by the Northern Pacific and Soo Railroads for similar services.

Also,

A Concurrent Resolution

Requesting our delegates in Congress to introduce into the National Congress at its next session, a bill for the sum of \$20,000, the money to be used in the direction of irrigation and for the benefit of agricultural pursuits in the State,

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

Respectfully,

J. M. DEVINE,
Chief Clerk.

Mr. Strom moved

That the House Concurrent Resolution regarding coal rates be made a special order for tomorrow at 2:30 o'clock,

Which motion prevailed.

Mr. Strom moved

That the Senate do now concur in the House Concurrent Resolution memorializing Congress for an appropriation for irrigating purposes,

Which motion prevailed, and

The resolution was concurred in.

Mr. Hanscom moved to

Amend Section 2228, in line 3, after the words "twenty five cents" insert the words "making certified abstracts of title for the first deed of transfer one dollar, and for each additional deed or transfer ten 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 ten cents for each new transfer, and twenty-five cents for his certificate thereto, and no more.

Mr. Little offered the following amendment:

In page 137 insert Secretary of State's office, \$2,500 per annum.
Which amendment was adopted.

Mr. Enger offered the following amendment:

Section 2216b. Strike out all of lines numbered 4, 5, 6, 7, 8, 9, 10, 11, and insert in lieu thereof in counties having more than three thousand inhabitants, one thousand dollars for each additional thousand or major fraction thereof, but in no case to exceed more than two thousand dollars.

Which amendment prevailed.

Mr. Gregory offered the following:

Strike out "at least three members of said board shall be resident practicing graduate dentists" at the end of Section 302.

Which amendment prevailed.

Mr. Gregory offered the following amendment:

Section 2224. Strike out "\$800 in counties where the assessed valuation does not exceed \$1,000,000." Also strike out the words "exceeds \$1,000,000 but" insert "thousand" after the words "5090" in the eighth line of Section 2224.

Which amendment was adopted.

Mr. Enger offered the following amendment:

Section 2217 in line 26 after the word "or" insert the word "major."

Which amendment prevailed.

Mr. Haggart moved

The following amendment:

That the figures \$2,500 in line 5 of Section 341 be amended to read \$2,900.

Which amendment was adopted.

Mr. Hillier offered the following amendment:

Amend Section 2215 in line 22 by striking out the word "sixteen" and insert in lieu thereof the word "fourteen."

Which amendment was adopted.

Mr. Little moved

That the consideration of the amendment be indefinitely postponed,

Which motion was lost.

Mr. Arnold offered the following:

Amend Section 711, line 26, by inserting after the word "law" the following words, "and shall publish his annual statement in a newspaper published in the nearest city or town to his district."

Which amendment was adopted.

Mr. Hillier offered the following amendment:

Amend Chapter 13, Section 8, as found in Senate Bill No. 148, introduced by Mr. Little, by striking out in lines 9 and 10 thereof the words, "excepting incorporated banks or banking associations," and after the word "April," in line 13, insert the following:

The stockholders of every bank, located in this State, whether such bank has been organized under the banking laws of this State, or of the United States, shall be assessed and taxed on the value of their shares of stock therein in the county, town, district, city or village where such bank or banking association is located, and not elsewhere, whether such stockholders reside in such places or not, such shares shall be listed and assessed annually, with regard to the ownership and value thereof, on the first day of May of each year. To aid the assessor in determining the value of such shares of stock, the accounting officer of every bank shall furnish a statement to the assessor, verified by oath, showing the amount and number of such shares of capital stock of such bank, the amount of surplus or reserve fund, and the amount of its legal investments in real estate, which real estate shall be assessed and taxed as other real estate is assessed and taxed under this act.

The assessor shall deduct the amount of the assessed valuation of such investments in real estate from the aggregate amount of the assessed valuation of such capital and surplus fund, and the remainder shall be taken as a basis for the valuation of the shares of stock in the hands of the stockholders, sub-

ject to the provisions of law requiring all property to be assessed at its true and full value.

The shares of capital stock of national banks not located in this State, held in this State, shall not be required to be listed under this act.

Mr. Young moved

That the amendment be indefinitely postponed,

Which motion prevailed.

Mr. Strom moved

That where the word "April" occurs in Chapter 13 be stricken out and the word "May" inserted in lieu thereof,

Which amendment was lost.

Mr. Strom moved

That Subdivision 7 of Section 3 of Chapter 13 be reinstated, which reads "promissory notes, mortgages and all other securities whether bearing interest or not.

Which amendment prevailed.

Mr. Gregory moved

To amend by striking out Section 578a.

Which amendment was lost.

The question being on the final passage of House Bill No. 165 as amended,

The roll being called there were ayes 30, nays 1.

Those who voted in the affirmative were:

Messrs—

Arnold,
Benedict,
Brown,
Burke,
Clark,
Davis,
Day,
Dobie,
Enger,
Fuller,

Messrs—

Gregory,
Haggart,
Hanscom,
Hillier,
Lamb,
Little,
McCarten,
McGillivray,
Parkin,
Plain,

Messrs—

Rourke,
Sorley,
Stevens,
Strom,
Tufts,
Valentine,
Viets,
White,
Wishek,
Young.

Mr. LaMoure voting in the negative.

So the bill passed and the title was agreed to.

Mr. Little moved

That the vote by which House Bill No. 165 was passed be reconsidered, and that the motion to reconsider be laid on the table,

Which motion prevailed.

The President announced that he was about to sign Senate Bill No. 18,

A Bill for an act to amend an act entitled "an act to amend Section 1, Chapter 25, of the General Laws of 1881, being Section 4383 of the Compiled Laws."

Also,

Senate Bill No. 135,

A Bill for an act declaring the Carlisle tables of mortality to be competent evidence in certain cases.

MOTIONS AND RESOLUTIONS.

Mr. Little offered the following Concurrent Resolution:

CONCURRENT RESOLUTION

Of the Senate and House of Representatives of the Fourth Legislative Assembly of the State of North Dakota, Authorizing and Instructing the Governor, State Auditor and State Treasurer to Fund the Outstanding Warrants of the Territory of Dakota, Issued Under and by Virtue of Chapter Twenty-four of the Laws of 1889 of Said Territory, Being Entitled "An Act to Provide for the Refunding of the Outstanding Territorial Warrants Drawn on the Capitol Building Fund."

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

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 an amount not to exceed sixty-seven thousand dollars (\$67,000), for the purpose of funding the principal and interest due April 1, 1895, upon refunding warrants issued under Chapter 24 of the Laws passed in 1889 at the eighteenth session of the Legislative Assembly of the Territory of Dakota. Such bonds shall be made payable to the purchaser or bearer in twenty years from date of issuing, and shall bear interest at a rate not to exceed four per cent (4 per cent) per annum, payable semi-annually on the first day of April and October of each year, with coupons attached for such interest payment, said coupons to be made payable anywhere in the United States. The 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 State Treasurer to the highest bidder for cash, at not less than their par value.

SEC. 2. The State Board of Equalization at the time the 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 pay off and retire 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. 3. When the interest coupons attached to said 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 the funds in the treasury applicable thereto, and to cancel said coupons and bonds when paid.

SEC. 4. When said bonds have all been 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. 5. The State Treasurer is hereby authorized and empowered to offer said bonds for sale 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. 6. Said bonds shall be known and styled North Dakota Capitol Building Funding Bonds, and said bonds shall be issued in denominations of not less than one thousand dollars each.

Mr. Little moved

To concur in 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. 161,

A Bill for an act to amend Section 1 of Chapter 70 of the Laws of 1893, being an act to amend Section 1 of Chapter 78 of the Laws of 1890, entitled "an act to amend Section 16 of the General Laws of 1889, and Section 10 of Chapter 69 of the General Laws of 1889, relating to the publication of insurance statements,"

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

Also,

Substitute for House Bill No. 91,

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 for the same,

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

Also,

House Bill No. 125,

A Bill for an act to amend Section 675 of Article 13 of Chapter 9 of the Compiled Laws of the State of North Dakota, relating to counties and county officers and providing for the preservation of coroners' records,

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

Also,

House Bill No. 138,

A Bill for an act to amend Sections 6 and 14, Chapter 123, Session Laws of 1893, entitled "an act to amend Sections 1, 6, 8, 13 and 14 of Chapter 161 of Session Laws of 1890, entitled "an act to create an institute for the education of the deaf and dumb of North Dakota and providing for its support and management,"

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

Also,

House Bill No. 126,

A Bill for an an act requiring county commissioners to furnish an official bond to his county,

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

Also,

House Bill No. 175,

A Bill for an act amending Sections 10 and 15 of Chapter 91 of the Laws of 1890, relating to marriage license,

Have had the same under consideration and recommend that the same 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. 167,

A Bill for an act to encourage the manufacture of binding twine in the State of North Dakota,

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

P. H. ROURKE,
Chairman.

The Committee on Counties made the following report:

MR. PRESIDENT:

Your Committee on Counties to whom was referred

House Bill No. 173,

A Bill for an act entitled "an act to change the lines of organized counties and to provide for the annexation of unorganized territory to organized counties,

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

H. F. ARNOLD,
Chairman.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred

House Bill No. 178,

A Bill for an act to repeal an act approved February 28, 1893, entitled "an act for an appropriation for the erection of the North Dakota Reform School at Mandan and for incidental and contingent expenses for the same,

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

JOHN E. HAGGART,
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. 131,

A Bill for an act to amend Chapter 100 of the Session Laws of 1890, being an act amending Articles 4, 9 and 16 of Chapter 73 of the General Laws of 1887, entitled "an act to provide for the incorporation of cities, and also to repeal Section 1 of Chapter 97 of the Laws of 1890, in so far as the same relates to cities."

Also,

Senate Bill No. 144,

A Bill for an act to amend Section 37 of Chapter 62 of the Session Laws of 1890, State of North Dakota, as amended by Section 8, Chapter 56 of the Laws of 1891, State of North Dakota.

Also,

Senate Bill No. 134,

A Bill for an act to amend and re-enact Sections 2, 17, 21, 22 and 23 of Article 15 of Chapter 73 of the Laws of 1887.

Also,

Senate Bill No. 132,

A Bill for an act to provide free text books and school supplies for use in the public schools of this State.

Also,

Senate Bill No. 71,

A Bill for an act relating to the duties of county superintendent of schools.

Also,

Senate Bill No. 143,

A Bill for an act to amend Section 307 of the Probate Code of the State of North Dakota.

Also,

Senate Bill No. 4,

A Bill for an act to amend Section 130, Chapter 62, of the Session Laws of 1890, entitled "an act to provide for a uniform system of free public schools throughout the State, and to prescribe penalties for the violation of the provisions thereof."

Also,

Senate Bill No. 140,

A Bill for an act defining the qualifications of electors of Indian descent.

Also,

Senate Bill No. 35,

A Bill for an act providing for an appropriation for the maintenance and the current and contingent expenses of the School

for the Deaf of North Dakota, at Devils Lake, for deficiency and for making needed improvements thereat.

Also,

Senate Bill No. 25,

A Bill for an act for an appropriation for contingent and current expenses for the hospital for the insane at Jamestown, N. D.

Also,

Senate Bill No. 126,

A Bill for an act to appropriate \$30,000 to pay expenses necessarily incident to the eradication of Russian thistles and French weeds.

Also,

Senate Bill No. 18,

A Bill for an act to amend an act entitled "an act to amend Section 1, Chapter 25, of the General Laws of 1881, being Section 4383 of the Compiled Laws.

Also,

Senate Bill No. 135,

A Bill for an act declaring the Carlisle tables of mortality to be competent evidence in certain cases.

Also,

Senate Bill No. 153,

A Bill for an act in relation to health and decency in the school districts of this State.

Also,

Senate Bill No. 108,

A Bill for an act repealing Chapter 20 of the Special Laws of Dakota Territory for the year 1885, being an act entitled "an act prescribing the duties and regulating the salaries of the county treasurers and registers of deeds for Grand Forks county, D. T.,"

Also,

Senate Bill No. 84,

A Bill for an act amending Section 7, Chapter 127, Laws of 1893, entitled an "act to establish a weather and crop service or the collection and dissemination of crop statistics and meteorological data."

Also,

Senate Bill No. 47,

A Bill for an act to amend Section 332 of Chapter 13 of the Code of Civil Procedure, being Section 5136 of the Compiled Laws relating to property not exempt from taxation.

Also,

Senate Bill No. 141,

A Bill for an act to prohibit the manufacture, sale or use of

adulterated cigarettes, and the sale of cigarettes, cigars and tobacco to minors.

Also,

Senate Bill No. 154,

A Bill for an act amending Section 1 of Article 19, Chapter 73 of the Laws of 1887, the same being Section 1016 of the Compiled Laws of the Territory of Dakota, now State of North Dakota.

Also,

Senate Bill No. 32,

A Bill for an act providing for the appropriation for the current and contingent expenses, furnishing, maintenance and for making needed permanent improvements and repairs for the Soldiers' Home at Lisbon.

Also,

Senate Bill No. 29,

A Bill for an act providing for the appropriation for the current and contingent expenses of the penitentiary at Bismarck and for making needed permanent improvements thereat.

Also,

Senate Bill No. 54,

A Bill for an act providing for an appropriation for the maintenance and improvements of the State Normal School at Mayville.

Also,

Senate Bill No. 26,

A Bill for an act providing for an appropriation for the maintenance of the State Normal School at Valley City.

Also,

Senate Bill No. 147,

A Bill for an act creating an historical commission for the State, prescribing its duties and the place for preserving its records.

Also,

Senate Bill No. 49,

A Bill for an act making an appropriation for the maintenance of the State University, and for needed permanent improvements of the State University.

Also,

Senate Bill No. 21,

A Bill for an act providing for the appropriation of additional buildings, and for the payment of the contingent expenses of the North Dakota Agricultural College and Experimental Station of Fargo.

Also,
Senate Bill No. 136,

A Bill for an act to repeal Section 24 of Article 15 of Chapter 73 of the Laws of 1887, being Section 982 of the Compiled Laws.

Also,
Senate Bill No. 98,

A Bill for an act authorizing the counties in the State of North Dakota to raise and expend a fund for the purchase of poison for the destruction of gophers.

Also,
Senate Bill No. 169,

A Bill for an act entitled "an act constituting the State Superintendent of Irrigation and Forestry the State Fish Commissioner of North Dakota, and providing for the establishment and maintenance of a State fish hatchery or hatcheries and fish breeding ponds, and for the stocking of the same and the other waters with fish, and their protection."

Also,
Senate Bill No. 110,

A Bill for an act to amend Sections 13, 62 and 71 of Chapter 118, Laws of 1893, entitled "an act to amend all of Chapters 25, 146, 147 and 148 of the Laws of 1890, and Chapter 65 of the Laws of 1891, and to provide for the management, control and disposal of university, school and all other public lands of the State, and the management of the funds arising therefrom,"

And find the same correctly engrossed.

E. YOUNG,
Chairman.

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

MR. PRESIDENT:

Your Committee on Enrolled and Engrossed Bills respectfully report that they have engrossed all the Senate amendments to the Political Code, being House Bill No. 165, and have inserted the amendments in the bill in the sections and on the pages designated by the amendments.

Respectfully,
E. YOUNG,
Chairman.

The President in the chair.

The President announced that he was about to sign
Senate Bill No. 4,

A Bill for an act to amend Section 130, Chapter 62, of the

Session Laws of 1890, entitled "an act to provide for a uniform system of free public schools throughout the State, and to prescribe penalties for the violation of the provisions thereof."

Also,
Senate Bill No. 131,

A Bill for an act to amend Chapter 100 of the Session Laws of 1890, being an act amending Articles 49 and 16 of Chapter 73 of the General Laws of 1887, entitled "an act to provide for the incorporation of cities, and also to repeal Section 1 of Chapter 97 of the Laws of 1890, in so far as the same relates to cities."

Also,
Senate Bill No. 71,
A Bill for an act relating to the duties of county superintendent of schools.

Also,
Senate Bill No. 134,
A Bill for an act to amend and re-enact Sections 2, 17, 21, 22 and 23 of Article 15 of Chapter 73 of the Laws of 1887.

Also,
Senate Bill No. 132,
A Bill for an act to provide free text books for use in public schools.

Also,
Senate Bill No. 144,
A Bill for an act to amend Section 37 of Chapter 62 of the Session Laws of 1890.

Also,
Senate Bill No. 143,
A Bill for an act to amend Section 307 of the Probate Code of the State of North Dakota.

Also,
Senate Bill No. 140,
A Bill for an act defining the qualifications of electors of Indian descent.

Also,
Senate Bill No. 49,
A Bill for an act making an appropriation for maintenance of the State University, and for needed permanent improvements of the State University.

Also,
Senate Bill No. 21,
A Bill for an act providing for the appropriation for additional buildings, and for the payment of the contingent expenses of the

North Dakota Agricultural College and Experimental Station at Fargo.

Also,

Senate Bill No. 136,

A Bill for an act to repeal Section 24 of Article 15 of Chapter 73 of the Laws of 1887, being Section 982 of the Compiled Laws.

Also,

Senate Bill No. 98,

A Bill for an act authorizing the counties in the State of North Dakota to raise and expend a fund for the purchase of poison for the destruction of gophers, and repealing Chapter 144 of the Session Laws of 1890.

Also,

Senate Bill No. 147,

A Bill for an act to amend Section 10 of Chapter 38, Laws of 1887, being Section 545 of the Compiled Laws.

MESSAGE FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE CHAMBER, }
March 7, 1895. }

To the Senate:

GENTLEMEN:—I have the honor to inform you that I have this day approved

Senate Bill No. 153,

A Bill for an act entitled "an act in relation to health and decency in the school districts of this State."

Respectfully,

ROGER ALLIN,
Governor.

CONSIDERATION OF MESSAGES FROM THE HOUSE.

Mr. Day moved

That the Senate now concur in the House amendments to Senate Bill No. 35,

A Bill providing for an appropriation for the maintenance and the current and contingent expenses of the School for the Deaf of North Dakota at Devils Lake, and for making needed improvements thereat.

The roll being called there were ayes 27, nays none, not voting 4.

Those who voted in the affirmative were:

Messrs—

Arnold,
Benedict,
Brown,

Messrs—

Gregory,
Haggart,
Hanscom,

Messrs—

Plain,
Rourke,
Sorley,

Messrs—
Burke,
Clark,
Day,
Dobie,
Enger,
Fuller,

Messrs—
Hillier,
Lamb,
LaMoure,
Little,
McCarten,
McGillivray,

Messrs—
Stevens,
Strom,
Tufts,
Viets,
Wishek,
Young.

Absent and not voting:

Messrs—
Davis,
Parkin,

Messrs—
Valentine,

Messrs—
White.

So the amendments were concurred in.

FIRST READING OF HOUSE BILLS.

House Bill No. 6,

A Bill for an act repealing an act entitled "an act creating the office of State Superintendent of Irrigation and Forestry, and prescribing the duties thereof,"

Which was read the first and second times, and
Referred to the Committee on Irrigation.

House Bill No. 97,

A Bill for an act to encourage immigration into the State of North Dakota, and to enable the Commissioner of Agriculture and Labor to carry out the provisions of Section 8 of Chapter 46 of the Session Laws of 1890, and to make an appropriation therefor,

Which was read the first and second times, and
Referred to the Committee on Appropriations.

House Bill No. 68,

A Bill for an act to provide for the establishment and government of the North Dakota School of Forestry, and making an appropriation therefor,

Which was read the first and second times, and
Referred to the Committee on State Affairs.

Mr. LaMoure in the chair.

THIRD READING OF HOUSE BILLS.

House Bill No. 140,

A Bill for an act making an appropriation to pay Nellie McDonald for labor as clerk for Commissioners of Railroads,
Was read the third time.

Mr. McGillivray moved
That the report of the Committee be adopted,
Which motion prevailed.

The question being upon the final passage of the bill,

The roll being called, there were ayes 19, nays 2, not voting 10.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Benedict,	Haggart,	McGillivray,
Burke,	Hillier,	Parkin,
Clark,	Lamb,	Plain,
Davis,	LaMoure,	Stevens,
Day,	Little,	Valentine,
Dobie,	McCarten,	Viets.
Fuller,		

Messrs. Rourke and Sorley voting in the negative.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Hanscom,	White,
Brown,	Strom,	Wishek,
Enger,	Tufts,	Young.
Gregory,		

So the bill passed and the title was agreed to, and the emergency clause defeated.

Mr. President in the chair.

House Bill No. 145,

A Bill for an act entitled "an act to establish a garnishment law for the State of North Dakota,"

Was read the third time.

Mr. Plain moved

That the report of the Committee be adopted,

Which motion prevailed.

The question being upon the final passage of the bill,

The roll being called there were ayes 22, nays 5, not voting 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hanscom,	Rourke,
Benedict,	Lamb,	Sorley,
Burke,	LaMoure,	Strom,
Clark,	Little,	Tufts,
Day,	McGillivray,	Valentine,
Fuller,	Parkin,	White,
Gregory,	Plain,	Wishek.
Haggart,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Dobie,	Hillier,	Stevens,
Enger,	McCarten,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brown,	Viets,	Young.
Davis,		

So the bill passed and the title was agreed to.

Mr. Little moved

That the vote by which House Bill No. 145 was passed be reconsidered, and that the motion to reconsider be laid on the table, Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 7, 1895. }

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. 165,

A Bill for an act to establish a Political Code for the State of North Dakota,

And asks for a conference of the Houses on the differences, and has appointed as members of the Conference Committee on the part of the House, Messrs. Hanna, Nierling and Horgan.

Yours respectfully,

J. M. DEVINE,
Chief Clerk.

Mr. Gregory moved

That the President appoint a Conference Committee on House Bill No. 165,

Which motion prevailed.

The President appointed as such Conference Committee, Messrs. Gregory, Little and Rourke.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 7, 1895. }

Mr. PRESIDENT:

I have the honor to transmit herewith Senate Bill No. 82,

A Bill for an act establishing an Emergency Commission, prescribing the duties thereof,

Which the House has indefinitely postponed.

Also,

Senate Bill No. 163,

A Bill for an act providing for the payment of an amount equal to a percentum of gross earnings of railroads in lieu of all State, county, township and school taxes and repealing Chapter 107 of

the Laws of Dakota Territory of 1889 and Chapter 134 of the Laws of this State, 1890, upon the same subject,

Which was lost.

Also,

Senate Bill No. 72,

A Bill for an act to regulate the manner in which individuals, firms and private corporations shall be authorized to construct, maintain and operate public warehouses and elevators on railway right of way in the State of North Dakota,

Which the House has amended as follows:

Wherever the words "railway commissioners" appear in said bill amend by changing to read "railroad commissioners."

Which was passed.

Yours respectfully,

J. M. DEVINE,
Chief Clerk.

Mr. LaMoure moved

That the Senate proceed to reconsider the Governor's objection to Senate Bill No. 50,

Which motion prevailed.

The question being on the final passage of Senate Bill No. 50,

A Bill for an act for the consolidation and organization of contiguous unorganized counties,

The opinion of the Governor to the contrary notwithstanding.

The roll being called, there were ayes 3, nays 25, not voting 3:

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Burke,	Hanscom,	Parkin,

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gregory,	Stevens,
Benedict,	Haggart,	Strom,
Brown,	Hillier,	Tufts,
Clark,	LaMoure,	Va'entine,
Davis,	Little,	Viets,
Day,	McGillivray,	White,
Dobie,	Rourke,	Wishek,
Enger,	Sorley,	Young.
Fuller		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Lamb,	McCarten,	Plain,

So the Governor's veto was sustained.

Opinion of the Attorney General as to House Bill No. 121:

BISMARCK, March 7, 1895.

To the Honorable Senate of the State of North Dakota:

GENTLEMEN: In reply to a communication received yesterday from the secretary of your honorable body referring to me House Bill No. 121 for my official opinion as to its constitutionality, I will say that I am of the opinion that the proposed amendment to the same, by striking out in Section 2 all after the word "quartermaster" to the end of the Section, that is striking out the proviso to said Section 2, would render the bill unconstitutional for the reasons given in my official opinion to Governor Allin on February 21, 1895, in reference to House Bill No. 41.

As said opinion of February 21 has been much discussed and pulished, I do not deem it necessary to repeat the same to you.

Briefly stated, my opinion is that in striking out the proviso in Section 2 of this bill, the Legislature seeks to take away all of the clearly defined duties of an officer commissioned and holding office under the Constitution of the State and impose them upon another officer, and in so doing the Legislature would in my opinion exceed its constitutional authority.

I see no constitutional bar to the bill becoming a law except the amendment proposed to strike out said proviso.

Yours truly,

JOHN F. COWAN.

Attorney General.

Mr. Sorley moved

That the vote by which the Committee's report on House Bill No. 121 was adopted be reconsidered.

Mr. White moved as a substitute

That this matter be deferred until the attorney general's opinion is obtained on all the questions presented,

Which substitute motion was lost,

The question being upon the motion to reconsider the Committee's report, and

The motion to reconsider prevailed.

The question being upon the adoption of the Committee report

The motion was lost, and

The report was not adopted.

Mr. Gregory moved

To amend House Bill No. 121 in Section 3, line 16, by striking out \$500 and insert \$100.

Mr. Burke moved as a substitute

That the salary be stricken out entirely,

Which motion was lost.

Mr. White moved

As a substitute that the whole of Section 3 be stricken out,

Which substitute was lost.

The question being upon Mr. Gregory's motion to amend.

The amendment prevailed.

Mr. Gregory moved

To amend by adding after the words "one hundred" in line 16 the words "which shall be in lieu of all compensation and emoluments."

Which amendment prevailed.

Mr. White moved

That wherever the words "quartermaster's department" occur in the bill they be changed to "supply department," and wherever the word "quartermaster" occur they be changed to "chief of supply."

Which motion prevailed.

Mr. LaMoure moved

The previous question.

Which motion prevailed.

The question being upon the final passage of House Bill No. 121,

A Bill for an act entitled "an act to amend Sections 20, 22 and 23 of Chapter 86 of the Laws of the year 1891, entitled 'an act to provide a Military Code for the State of North Dakota, and to provide a board of control for the State encampment grounds as amended,'"

The roll being called there were ayes 24, nays 4, not voting 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	Bourke,
Benedict,	Hillier,	Sorley,
Brown,	Lamb,	Stevens,
Clark,	LaMoure,	Strom,
Davis,	Little,	Tufts,
Dobie,	McGillivray,	Valentine,
Fuller,	Parkin,	Viets,
Gregory,	Plain,	Wishek.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Burke,	White,	Young.
McCarten,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Day,	Hanscom,	Enger.

So the bill passed and the title was agreed to.

Mr. Gregory moved

That the vote by which House Bill No. 121 was passed be reconsidered, and that the motion to reconsider be laid on the table,
Which motion prevailed.

Mr. Sorley moved

That the Senate take a recess until tomorrow morning at 9 o'clock.

Mr. Strom moved

As a substitute that the Senate take a recess until tonight at 8 o'clock,

Which substitute was lost.

The President announced that he was about to sign Senate Bill No. 35,

A Bill for an act providing for an appropriation for the maintenance and the current and contingent expenses of the School for the Deaf of North Dakota at Devils Lake for deficiency and for making needed improvements thereat,

The question being upon the motion to take a recess until tomorrow morning at 9 o'clock,

Which motion prevailed, and
The Senate adjourned.

FRED FALLEY,
Secretary.

MORNING SESSION—FIFTY-NINTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 8, 1895.

The Senate was called to order by Mr. Haggart, president *pro tempore*.

Mr. President in the Chair.

THIRD READING OF HOUSE BILLS.

The Steering Committee make the following report:

MR. PRESIDENT:

Your Steering Committee report the following House Bills to be acted on:

House Bill No. 71,

A Bill for an act to provide for the acquisition of lands for township cemeteries.

House Bill No. 126,

A Bill for an act requiring county commissioners to furnish an official bond to his county.

House Bill No. 159,

A Bill for an act entitled "an act to amend Section 26 of Chapter 75 of Session Laws of 1891, entitled "an act to promote irrigation." "

House Bill No. 122,

A Bill for an act entitled "an act to protect dairy interests of the State of North Dakota, and to prevent fraud in dairy products, and to regulate the traffic in adulterated butter and cheese."

House Bill No. 169,

A Bill for an act to provide for the division of civil townships containing two or more congressional townships by the creation of new townships therein.

House Bill No. 9,

A Bill for an act to provide for the better improvement of public highways for organized townships, and also providing for the payment of expenses thereof by taxation.

House Bill No. 51,

A Bill for an act to amend Section 687, Penal Code of Revised Codes of 1877, being Section 6876 of the Compiled Laws of 1887

House Bill No. 108,

A Bill for an act entitled "an act requiring county treasurers to report to town clerks amounts of township funds on hand and amounts drawn by town treasurers and requiring town clerks to keep accounts of township funds."

House Bill No. 125,

A Bill for an act to amend Section 675 of Article 13 of Chapter 9 of the Compiled Laws of the State of North Dakota, relating to counties and county officers, and providing for the preservation of coroner's records.

House Bill No. 127,

A Bill for an act to reimburse Dr. F. R. Smyth for stamping diphtheria out of the county of Mercer by order of the State Board of Health, and making an appropriation therefor.

House Bill No. 32,

A Bill for an act to amend Sections 20, 25 and 26 of Chapter 27 of the Session Laws of 1893, relating to the organization and government of State banks.

House Bill No. 107,

A Bill for an act to amend Section 3 of Chapter 93 of the Laws of 1890, to regulate the practice of medicine in the State o

North Dakota; to license physicians, surgeons and obstetricians, and to punish persons violating the provisions of this act.

House Bill No. 103,

A Bill for an act to create the seventh judicial district of the State of North Dakota, and defining the boundaries of the first and seventh judicial districts, and providing for terms of court in the seventh judicial district.

House Bill No. 175,

A Bill for an act amending Sections 10 and 15 of Chapter 91 of the Laws of 1890, relating to marriage licenses.

House Bill No. 147,

A Bill for an act entitled "an act to amend Section 10, Chapter 38, Laws of 1887, being Section 545 of the Compiled Laws,"

House Bill No. 167,

A Bill for an act to encourage the manufacture of binding twine in the State of North Dakota.

Substitute for House Bill No. 110,

A Bill for an act to protect farm laborers and give them a lien upon crops as security for their wages.

House Bill No. 173,

A Bill for an act to change the lines of organized counties and to provide for the annexation of unorganized territory to organized counties.

Respectfully,

C. B. LITTLE,
Chairman.

House Bill No. 85,

A Bill for an act entitled "an act to amend Section 3 of Chapter 38 of the Session Laws of 1890, relating to the construction of county bridges,"

Was read the third time.

Mr. Strom moved

That the report of the Committee be adopted,

Which motion prevailed.

The question being upon the final passage of the bill as amended,

The roll being called there were ayes 20, nays none, not voting 11.

Those who voted in the affirmative were:

Messrs—

Arnold,
Benedict,
Burke,
Clark,
Davis,
Day,
Dobie,

Messrs—

Enger,
Gregory,
Haggart,
LaMoure,
Little,
McGillivray,
Plain,

Messrs—

Rourke,
Sorley,
Strom,
Tufts,
Valentine,
White.

Absent and not voting:

Messrs—
Brown,
Fuller,
Hanscom,
Hillier,

Messrs—
Lamb,
McCarten,
Parkin,
Stevens,

Messrs—
Viets,
Wishek,
Young.

So the bill passed and the title was agreed to.

House Bill No. 147,

A Bill for an act to amend Section 10 of Chapter 38, Laws of 1887, being Section 545 of the Compiled Laws,

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

The roll being called, there were ayes 19, nays none, not voting 12.

Those who voted in the affirmative were:

Messrs—
Arnold,
Benedict,
Burke,
Clark,
Davis,
Day,
Dobie,

Messrs—
Enger,
Gregory,
Haggart,
LaMoure,
Little,
McGillivray,

Messrs—
Plain,
Rourke,
Strom,
Tufts,
Valentine,
White.

Absent and not voting:

Messrs—
Brown,
Fuller,
Hanscom,
Hillier,

Messrs—
Lamb,
McCarten,
Parkin,
Sorley,

Messrs—
Stevens,
Viets,
Wishek,
Young.

So the bill passed and the title was agreed to.

Mr. Haggart moved

That the vote by which House Bill No. 147 was passed be reconsidered, and that the motion to reconsider be laid on the table,

Which motion prevailed.

House Bill No. 70,

A Bill for an act declaring it a misdemeanor to practice fraud on hotel keepers,

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

The roll being called, there were ayes 20, nays none, not voting 11.

Those who voted in the affirmative were:

Messrs—
Arnold,
Benedict,
Burke,
Clark,
Davis,
Day,
Dobie,

Messrs—
Enger,
Gregory,
Haggart,
LaMoure,
Little,
McGillivray,
Plain,

Messrs—
Rourke,
Strom,
Tufts,
Valentine,
White,
Wishek.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brown,	Lamb,	Stevens,
Fuller,	McCarten,	Viets,
Hanscom,	Parkin,	Young.
Hillier,	Sorley,	

So the bill passed and the title was agreed to.

House Bill No. 137,

A Bill for an act entitled "an act to encourage the manufacture and production of the long line spinning fibres, either flax or hemp, and spinning tows grown in the State of North Dakota,"

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

The roll being called there were ayes 22, nays none, not voting 9.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gregory,	Sorley,
Benedict,	Haggart,	Strom,
Burke,	Hillier,	Tufts,
Clark,	LaMoure.	Valentine,
Davis,	Little,	Viets,
Day,	McGillivray.	White,
Dobie,	Rourke,	Wishek.
Enger,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brown,	Lamb,	Plain,
Fuller,	McCarten,	Stevens,
Hanscom,	Parkin,	Young.

So the bill passed and the title was agreed to.

Mr. Gregory asked unanimous consent to make a Committee report,

Which consent was granted.

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. 160,

A Bill for an act to amend Section 103 of Chapter 132 of the Laws of 1890,

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

C. E. GREGORY,
Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred

A Concurrent Resolution,

Recommending to the electors of the State of North Dakota that at the next general election to be held on the first Tuesday after the first Monday in November, 1896, that they vote for or against a convention to revise the Constitution of the State,

Report the same back without recommendation.

C. B. LITTLE,
Chairman.

The Committee on Appropriations made the following majority report:

MR. PRESIDENT:

A majority of your Committee on Appropriations to whom was referred

House Bill No. 97,

A Bill for an act to encourage immigration into the State of North Dakota and to enable the Commissioner of Agriculture to carry out the provisions of Section 8 of Chapter 46 of Session Laws of 1890 and to make appropriation therefor,

Have had the same under consideration and recommend that the same be indefinitely postponed.

JOHN E. HAGGART,
Chairman.

The Committee on Appropriations made the following minority report:

MR. SPEAKER:

A minority of your Committee on Appropriations to whom was referred

House Bill No. 97,

A Bill for an act to encourage immigration into the State of North Dakota, and to enable the Commissioner of Agriculture and Labor to carry out the provisions of Section 8 of Chapter 46 of the Session Laws of 1890, and to make appropriations therefor,

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

J. H. WISHEK,
Chairman.

Mr. LaMoure moved

That the rules be suspended and that, on the announcement by the Chair, that bills be immediately messaged to the House, Which motion prevailed.

House Bill No. 62,

A Bill for an act to amend Section 6916 of the Compiled Laws of Dakota, 1887, being Section 3 of Chapter 57 of the Penal Code entitled "offenses pertaining to sale of intoxicating liquors,"

Was read the third time.

The roll being called there were ayes 12, nays 10, not voting 9.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Dobie,	Strom,
Benedict,	Enger,	Tufts,
Burke,	Hillier,	Valentine,
Davis,	McCarten,	White.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Clark,	LaMoure,	Rourke,
Day,	Little,	Viets,
Gregory,	Plain,	Wishek.
Haggart		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brown,	Lamb,	Sorley,
Fuller,	McGillivray,	Stevens,
Hanscom,	Parkin,	Young.

So the bill was lost.

Mr. LaMoure moved

That the report of the Appropriation Committee on House Bill No. 97 be adopted,
Which motion prevailed.

House Bill No. 98,

A Bill for an act entitled "an act amending Section 28 of Chapter 24 of the Political Code, being Section 1049 of the Compiled Laws of 1887, relating to the qualification of officers of incorporated towns,"

Was read the third time.

The question being upon the final passage of the bill,
The roll being called there were ayes 22, nays none, not voting 9.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gregory,	Plain,
Benedict,	Haggart,	Strom,
Burke,	Hillier,	Tufts,
Clark,	Lamb,	Valentine,
Davis,	LaMoure,	Viets,
Day,	Little,	White,
Dobie,	McGillivray,	Wishek.
Enger,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brown,	McCarten,	Sorley,
Fuller,	Parkin,	Stevens,
Hanscom,	Rourke,	Young.

So the bill passed and the title was agreed to.

House Bill No. 133,
A Bill for an act to amend Sections 122 and 161 of Chapter 62,
Laws of 1890,

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

The roll being called there were ayes 22, not voting 9.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hillier,	Stevens,
Benedict,	LaMoure,	Strom,
Burke,	Little,	Tufts,
Clark,	McCarten,	Valentine,
Davis,	McGillivray,	Viets,
Day,	Plain,	Wishek,
Dobie,	Rourke,	Young.
Enger,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brown,	Haggart,	Parkin.
Fuller,	Hanscom,	Sorley,
Gregory,	Lamb,	White.

So the bill passed and the title was agreed to.

House Bill No. 155,

A Bill for an act to locate and provide for the government of a
State blind asylum at Bathgate, Pembina county, North Dakota,
Was read the third time.

Mr. LaMoure moved

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

The question being upon the final passage of the bill,

The roll being called there were ayes 25, nays none, not voting 6.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	Plain,
Benedict,	Hanscom,	Stevens,
Burke,	Hillier,	Strom,
Clark,	Lamb,	Tufts,
Davis,	LaMoure,	Valentine,
Day,	Little,	Viets,
Dobie,	McCarten,	Wishek,
Enger,	McGillivray,	Young.
Gregory,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brown,	Parkin,	Sorley,
Fuller,	Rourke,	White.

So the bill passed and the 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 Bill No. 72,

A Bill for an act to regulate the manner in which individuals, firms, and private corporations shall be authorized to construct, maintain and operate public warehouses and elevators on railway right of way in the State of North Dakota,

And find the same correctly enrolled.

E. YOUNG,
Chairman.

House Bill No. 108,

A Bill for an act requiring county treasurers to report to town clerks amounts of township funds on hand and amounts drawn by town treasurers and requiring town clerks to keep accounts of township funds,

Was read the third time.

Mr. Arnold moved

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

The question being upon the final passage of the bill as amended,

The roll being called there were ayes 17, nays none, not voting 14.

Those who voted in the affirmative were:

Messrs—

Arnold,
Clark,
Davis,
Day,
Dobie,
Enger,

Messrs—

Hanscom,
Hillier,
Little,
McGillivray,
Plain,
Strom,

Messrs—

Tufts,
Valentine,
White,
Wishek,
Young.

Absent and not voting:

Messrs—

Benedict,
Brown,
Burke,
Fuller,
Gregory,

Messrs—

Haggart,
Lamb,
LaMoure,
McCarten,
Parkin,

Messrs—

Rourke,
Sorley,
Stevens,
Viets.

So the bill passed and the title was agreed to.

House Bill No. 151,

A Bill for an act making an appropriation to pay certain expenses incurred by the Fourth Legislative Assembly of the State of North Dakota,

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

The roll being called there were ayes 21, nays none, not voting 10.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hanscom,	Strom,
Burke,	Hillier,	Tufts,
Davis,	Little,	Valentine,
Day,	McCarten,	Viets,
Dobie,	McGillivray,	Wishek,
Enger,	Plain,	White,
Gregory,	Stevens,	Young.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Benedict,	Haggart,	Parkin,
Brown,	Lamb,	Rourke,
Clark,	LaMoure,	Sorley.
Fuller,		

So the bill passed and the title was agreed to.

The President announced that he was about to sign
Senate Bill No. 72,

A Bill for an act to regulate the manner in which individuals, firms and private corporations shall be authorized to construct, maintain and operate public warehouses and elevators on railway right of way in the State of North Dakota.

House Bill No. 71,

A Bill for an act to provide for the acquisition of lands for township cemeteries,

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

The roll being called there were ayes 25, nays none, not voting 6.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	Stevens,
Benedict,	Hanscom,	Strom,
Brown,	Hillier,	Tufts,
Burke,	LaMoure,	Valentine,
Clark,	Little,	Viets,
Davis,	McCarten,	White,
Day,	McGillivray,	Wishek,
Dobie,	Plain,	Young.
Enger,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fuller,	Lamb,	Rourke,
Gregory,	Parkin,	Sorley.

So the bill passed and the title was agreed to.

Mr. Little moved

That the Senate do now concur in the House amendments to
Senate Bill No. 88,

A Bill for an act to amend Section 1 of Chapter 100, Session
Laws of 1891, being an act to amend Chapter 132 of the Laws of

1890, being an act entitled "an act prescribing the mode of making assessments and the levy and collection of taxes, and for other purposes relative thereto."

The roll being called there were ayes 25, nays none, not voting 6.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	Plain,
Benedict,	Hanscom,	Stevens,
Brown,	Hillier,	Strom,
Burke,	LaMoure,	Tufts,
Clark,	Little,	Valentine,
Davis,	McCarten,	Viets,
Day,	McGillivray,	White,
Dobie,	Parkin,	Young.
Enger,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fuller,	Lamb,	Sorley,
Gregory,	Rourke,	Wishek.

So the amendments were concurred in.

Mr. Haggart moved

That the Senate do now concur in the House amendments to Senate Bill No. 150,

A Bill for an act making an appropriation for the purpose of completing and furnishing the executive mansion and defraying the incidental expenses thereof for the years 1895 and 1896.

Mr. Burke explaining his vote.

Mr. Haggart explaining his vote.

The roll being called there were ayes 23, nays 3, not voting 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	Stevens,
Benedict,	Lamb,	Strom,
Brown,	LaMoure,	Tufts,
Clark,	Little,	Valentine,
Davis,	McGillivray,	Viets,
Day,	Parkin,	White,
Enger,	Plain,	Young.
Gregory,	Rourke,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Burke,	Dobie,	Hanscom.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fuller,	McCarten,	Wishek.
Hillier,	Sorley,	

So the amendments were concurred in.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 8, 1895. }

MR. PRESIDENT:

I have the honor to transmit herewith
Senate Bill No. 150,

A Bill for an act making an appropriation for the purpose of completing and furnishing the executive mansion and defraying the incidental expenses thereof for the years 1895 and 1896.

The House having concurred in the Joint Conference Committee amending it from \$500 to \$1,000.

Also,

Senate Bill No. 88,

A Bill for an act to amend Section 1 of Chapter 100, Session Laws of 1891, being an act to amend Chapter 132 of the Laws of 1890, being an act entitled "an act prescribing the mode of making assessments and the levy and collection of taxes, and for other purposes relative thereto,"

Which the House has amended as follows:

By inserting in line 22 of Section 1 of printed bill after the words "Grand Army Post" the following words "all property and armory buildings owned by companies of the State militia" and by striking out all of line 49 in printed bill. And passed.

Also,

Senate Bill No. 123,

A Bill for an act to amend Chapter 93 of the Laws of 1891, being an act entitled "an act for the prevention of prairie fires and to provide against damage done by them, also prescribing the duties of county commissioners in relation thereto,"

Which the House has passed unchanged.

Also,

Senate Bill No. 129,

A Bill for an act to amend Section 1961 (a) of the Civil Code,
Which the House has passed unchanged.

Also,

Senate Bill No. 118,

A Bill for an act providing for the deposit in court of money, property or effects for which there are adverse claimants,

Which the House has amended and passed as follows:

By striking out Section 2.

Also,

Senate Bill No. 86,

A Bill for an act to provide for the abolishment of the provisions of Chapter 38 of the Code of Civil Procedure, entitled

"Herd Law," in counties where a majority of the qualified electors so elect to provide for an election upon the question of such abolishment, and to establish a fence law in such counties,

Which the House has amended as follows:

• Cut out Section 2 of the printed bill and insert in lieu thereof:

SEC. 2. The ballots to be used at such election shall be in the following form: "For the Herd Law" and "Against the Herd Law." In voting on the question, each voter must place to the left of the proposition he favors, the mark "X."

Also,

Senate Bill No. 77,

A Bill being an act to amend Section 25 of Article 15 of Chapter 73 of the Session Laws of 1887,

Which the House has amended and passed as follows:

In line 11, page 1, original bill, strike out the figure "1" and insert in lieu thereof the figures "25."

In line 17 strike out the word and figure "Section 2."

In line 21 strike out the word and figure "Section 3."

Also, in line 3, page 2 of same bill strike out the word and figure "Section 4."

Also,

Senate Bill No. 16,

A Bill for an act for the establishment of courts of conciliation and prescribing the mode of procedure of the same, and to repeal Chapter 45 of the Laws of 1893,

Which the House has passed unchanged.

Respectfully,

J. M. DEVINE,
Chief Clerk.

Mr. LaMoure rose to a question of personal privilege.

Mr. Wishek moved

That further consideration of House Bill No. 103 be indefinitely postponed,

Which motion was lost.

Mr. Hillier moved

That the Senate do now concur in the House amendments to Senate Bill No. 72,

A Bill for an act to regulate the manner in which individuals, firms and private corporations shall be authorized to construct, maintain and operate public warehouses and elevators on railway right of way in the State of North Dakota.

The roll being called there were ayes 22, nays 1, not voting 8.

Those who voted in the affirmative were:

Messrs—

Arnold,
Benedict,
Burke,

Messrs—

Hanscom,
Hillier,
Lamb,

Messrs—

Plain,
Stevens,
Strom,

Messrs—	Messrs—	Messrs—
Clark,	LaMoure,	Tufts,
Davis,	McCarten,	Viets,
Day,	McGillivray,	White,
Dobie,	Parkin,	Wishek.
Enger,		

Mr. Fuller voting in the negative.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brown,	Little,	Valentine,
Gregory,	Rourke,	Young.
Haggart,	Sorley,	

So the amendments were concurred in.

House Bill No. 126,

A Bill for an act requiring county commissioners to furnish an official bond to his county,

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

The roll being called there were ayes 16, nays 6, not voting 9.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gregory.	Parkin,
Benedict,	Hanscom,	Plain.
Clark,	Hillier,	Sorley,
Davis,	Lamb,	Stevens,
Dobie,	McCarten,	Tufts.
Enger,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Day,	McGillivray,	Valentine,
LaMoure,	Strom,	Wishek.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brown,	Haggart,	Viets.
Burke,	Little.	White.
Fuller,	Rourke,	Young.

So the bill passed and the title was agreed to.

But the emergency clause was lost.

House Bill No. 159,

A Bill for an act to amend Section 26 of Chapter 75 of the Session Laws of 1892, entitled "an act to promote irrigation,"

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

The roll being called there were ayes 18, nays 1, not voting 12.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Benedict,	Hillier,	Stevens,
Brown,	Lamb,	Strom,
Clark,	McCarten,	Tufts,
Davis,	McGillivray,	Valentine,
Dobie,	Parkin,	Viets,
Fuller,	Plain,	Wishek.

Mr. Hanscom voting in the negative.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Gregory,	Rourke,
Burke,	Haggart,	Sorley.
Day,	La Moure,	White,
Enger,	Little,	Young.

So the bill passed and the title was agreed to.

But the emergency clause was lost.

Mr. Gregory moved

That the Senate do now concur in the House amendment to Senate Bill No. 86,

A Bill for an act to provide for the abolishment of Chapter 38 of the Code of Civil Procedure, entitled "Herd Law," in counties where a majority of the qualified electors so elect to provide for an election upon the question of such abolishment, and to establish a fence law in such counties.

The roll being called there were ayes 22, nays none, not voting 9.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gregory,	Strom,
Benedict,	Hanscom,	Tufts,
Brown,	Hillier,	Valentine,
Burke,	LaMoure,	Viets,
Clark,	McCarten,	White,
Day,	Plain,	Wishek,
Dobie,	Stevens,	Young.
Enger,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Davis,	Lamb,	Parkin,
Fuller,	Little,	Rourke,
Haggart,	McGillivray,	Sorley.

So the amendments were concurred in.

House Bill No. 122,

A Bill for an act entitled "an act to protect dairy interests of the State of North Dakota, and to prevent fraud in dairy pro-

ducts, and to regulate the traffic in adulterated butter and cheese,"

Was read the third time.

Mr. Valentine moved

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

The roll being called there were ayes 27, nays none, not voting 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Fuller,	Sorley,
Benedict,	Haggart,	Stevens,
Brown,	Hanscom,	Strom,
Burke,	Hillier,	Tufts,
Clark,	Lamb,	Valentine.
Davis,	LaMoure,	Viets,
Day,	McCarten,	White.
Dobie,	Parkin,	Wishek,
Enger,	Plain,	Young.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Gregory,	McGillivray,	Rourke.
Little,		

So the bill passed and the title was agreed to.

The courtesies of the floor of the Senate were extended to Charles Jacobson and Lewis Conville.

House Bill No. 169,

A Bill for an act to provide for the division of civil townships containing two or more congressional townships, by the creation of new townships therein,

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

The roll being called, there were ayes 19, not voting 12.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Enger,	Strom,
Benedict,	Hanscom,	Valentine,
Burke,	Hillier,	Viets,
Clark,	McGillivray,	White,
Davis,	Parkin,	Wishek,
Day,	Plain,	Young.
Dobie,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brown,	Lamb,	Rourke,
Fuller,	LaMoure,	Sorley,
Gregory,	Little,	Stevens,
Haggart,	McCarten,	Tufts.

So the bill passed and the title was agreed to.

House Bill No. 9,

A Bill for an act entitled "an act to provide for the better improvement of public highways,"

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

The roll being called there were ayes 18, nays 7, not voting 6.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hanscom,	Plain,
Clark,	Hillier,	Tufts,
Davis,	LaMoure,	Valentine,
Day,	Little,	Viets,
Fuller,	McCarten,	Wishek,
Haggart,	Parkin,	Young.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Brown,	Enger,	Strom,
Burke,	Rourke,	White.
Dobie,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Benedict,	Lamb,	Sorley,
Gregory,	McGillivray,	Stevens.

So the bill passed and the title was agreed to, but the emergency clause was lost.

House Bill No. 51,

A Bill for an act to amend Section 687, Penal Code of Revised Codes of 1877, being Section 6876 of the Compiled Laws of 1887,
Was read the third time and put upon its final passage.

The roll being called, there were ayes 20, nays none, not voting 11.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Dobie,	Rourke,
Benedict,	Hanscom,	Stevens,
Brown,	Hillier,	Tufts,
Burke,	LaMoure,	Valentine,
Clark,	McCarten,	Viets,
Davis,	Parkin,	Wishek.
Day,	Plain,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Enger,	Lamb,	Strom,
Fuller,	Little,	White,
Gregory,	McGillivray,	Young.
Haggart,	Sorley,	

So the bill passed and the title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 8, 1895. }

MR. PRESIDENT:

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

A Bill for an act to amend Section 121, Chapter 62 of the Session Laws of 1890, entitled "an act to provide for a uniform system of free public schools throughout the State, and to prescribe penalties for violation of the provision thereof."

Also,
Senate Bill No. 87,

A Bill for an act to prevent the spread of contagious, infectious and epidemic diseases among domestic animals; creating the office of Chief State Veterinarian; prescribing the duties thereof, and appropriating money for necessary expenses thereof,

Which the House has passed unchanged.

Also,
Senate Bill No. 145,

A Bill for an act providing for printing and distributing ballots at public expense, and to regulate voting at all general elections, except municipal, town or school elections.

Also,
Senate Bill No. 111.

A Bill for an act entitled "an act indemnifying the owners of sheep in case of damage by dogs, and creating a fund to pay for the same by a tax on dogs, and for the repeal of Chapter 155, Laws of 1890.

Also,
Senate Bill No. 83,

A Bill for an act entitled "an act declaring certain noxious weeds to be a public nuisance; to provide for the destruction of the same; to provide for levying assessments against the land upon which such nuisance shall be abated; for otherwise recovering the cost of the same; to provide for the appointment of commissioners of noxious weeds; to prescribe penalties for the violation of the provisions of this act, and to repeal Chapter 91 of the Session Laws of 1891,"

Which the House has indefinitely postponed.

Yours respectfully,
J. M. DEVINE,
Chief Clerk.

House Bill No. 125,

A Bill for an act to amend Section 675 of Article 13 of Chapter

9 of the Compiled Laws of the State of North Dakota, relating to counties and county officers, and providing for the preservation of coroner's records,

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

The roll being called, there were ayes 24, nays none, not voting 7.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hanscom,	Stevens,
Benedict,	Hillier,	Strom,
Burke,	Little,	Tufts,
Clark,	Rourke,	Valentine,
Davis,	McCarten,	Viets,
Day,	Plain,	White,
Dobie,	Parkin,	Wishek,
Enger,	Sorley,	Young.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brown,	Haggart,	LaMoure,
Fuller,	Lamb,	McGillivray,
Gregory,		

So the bill passed and the title was agreed to.

Mr. Burke moved

That the Senate take a recess until 2 o'clock.

Mr. LaMoure moved as a substitute that the Senate do now adjourn,

Which motion was lost.

House Bill No. 127,

A Bill for an act to reimburse Dr. F. R. Smyth for stamping diphtheria out of the county of Mercer by order of the State Board of Health, and making an appropriation therefor,

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

The roll being called there were ayes 21, nays 5, not voting 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Fuller,	Parkin,
Benedict,	Gregory,	Plain,
Burke,	Haggart,	Stevens,
Clark,	Hillier,	Tufts,
Davis,	LaMoure,	Valentine,
Day,	McCarten,	Wishek,
Dobie,	McGillivray,	Young.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Enger,	Rourke,	Strom.
Hanscom,	Sorley,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brown,	Little,	White.
Lamb,	Viets,	

So the bill passed and the title was agreed to.

Mr. Little asked unanimous consent to introduce the following
CONCURRENT RESOLUTION

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

That the trustees of the State penitentiary be and they are hereby authorized with the advice and consent of the Governor to enter into a contract with the government of the United States for the keeping of prisoners sentenced to the penitentiary by the United States courts, and of persons being held as prisoners awaiting trial in the United States court under such rules and upon such terms as the State's interest shall justify.

Mr. Little moved

That the resolution be adopted,

Which motion prevailed, and

The resolution was adopted.

Mr. Plain asked unanimous consent to have House Bill No. 50 taken up and put upon its final passage.

Objection was made and the regular order demanded.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 8, 1895.

MR. PRESIDENT:

I have the honor to transmit herewith Concurrent Resolution that the Capitol Commission audit bills for fuel for use in the Governor's mansion,

Which the House has concurred in.

Yours respectfully,

J. M. DEVINE,
Chief Clerk.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 8, 1895.

MR. PRESIDENT:

I have the honor to transmit herewith

Senate Bill No. 93,

A Bill for an act for the encouragement of secondary education and appropriating money therefor,

Which the House has passed unchanged.

Also,

Senate Bill No. 137,

A Bill for an act to amend Sections 117, 118 and 120, Chapter 62, Laws of 1890, being an act providing for a uniform system of free public schools.

Also,

Senate Bill No. 133,

A Bill for an act to amend Section 63, Chapter 62, Laws of 1890, being an act entitled "an act to provide for a uniform system of free public schools throughout the State and to prescribe penalties for violation of provisions thereof,"

Which the House has indefinitely postponed.

Yours respectfully,

J. M. DEVINE,

Chief Clerk.

House Bill No. 32,

A Bill for an act to amend Sections 20, 25 and 26 of Chapter 27 of the Session Laws of 1893, relating to the organization and government of State banks,

Was read the third time.

Mr. McCarten moved

That the report of the Committee be adopted,

Which motion prevailed.

The question being upon the final passage of the bill,

The roll being called there were ayes 24, nays none, not voting 7.

Those who voted in the affirmative were:

Messrs—

Arnold,
Benedict,
Brown,
Burke,
Clark,
Davis,
Day,
Dobie,

Messrs—

Enger,
Fuller,
Hillier,
LaMoure,
McCarten,
Parkin,
Plain,
Rourke,

Messrs—

Sorley,
Stevens,
Strom,
Tufts,
Valentine,
Viets,
Wishek,
Young.

Absent and not voting:

Messrs—

Gregory,
Haggart,
Hanscom,

Messrs—

Lamb,
Little,

Messrs—

McGillivray,
White.

So the bill passed and the title was agreed to.

Mr. LaMoure in the chair.

House Bill No. 107,

A Bill for an act to amend Section 3 of Chapter 93 of the Laws of 1890, 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,

Was read the third time.

Mr. Rourke moved

To amend by striking out in line 26 all after and including the word "all" down to and including the word "cure" in line 28,

Which amendment prevailed.

Mr. Stevens moved

To amend to insert in lieu thereof, *Provided, however*, that women of some experience may assist in child birth without said license from said board in the absence of a physician,

Which amendment prevailed.

Mr. Arnold asked a division of the question,

The roll being called there were ayes 19, nays 7, not voting 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	Plain,
Burke,	Hillier,	Sorley,
Clark,	Lamb,	Stevens,
Davis,	LaMoure,	Strom,
Day,	McCarten,	Tufts,
Dobie,	Parkin,	Viets.
Enger,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Benedict,	Rourke,	Wishek,
Brown,	Valentine,	Young.
Hanscom,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fuller,	Little,	White.
Gregory,	McGillivray,	

So the bill passed and the title was agreed to.

Mr. Sorley moved

That the vote by which this bill passed be reconsidered,
Which motion was lost.

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. 129,

A Bill for an act to amend Section 1961a of the Civil Code.

Also,

Senate Bill No. 77,

A Bill for an act to amend Section 25 of Article 15 of Chapter 73 of the Session Laws of 1887.

And find the same correctly engrossed.

E. YOUNG,
Chairman.

The Joint Conference Committee reported as follows:

MR. PRESIDENT:--The Conference Committee appointed to confer upon

Senate Bill No. 150,

A Bill for an act making an appropriation for the purpose of completing and furnishing the executive mansion and defraying the incidental expenses thereof for the years 1895 and 1896,

Have had such conference and respectfully recommend that the House recede from their amendment for the reason that they find that the sum of \$500 is entirely inadequate to make the absolutely necessary repairs, and further recommend that the amount of such appropriation be made \$1,000.

C. B. LITTLE,

D. C. TUFTS,

On the part of the Senate.

J. B. WINEMAN,

EVAN S. TYLER,

On the part of the House.

Which report was adopted.

Mr. Day moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

SIXTIETH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 8, 1895.

The Senate was called to order by the President.

Prayer by the Chaplain.

Roll called.

All members present.

Mr. Haggart asked unanimous consent to introduce a concurrent resolution,

Which consent was granted

Mr. Haggart presented the following Concurrent Resolution:

CONCURRENT RESOLUTION.

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

That the Governor be authorized to make a twenty-five per cent (25 per cent) cut on all appropriation bills coming to his hands this session, including the general and standing appropriations.

Mr. Haggart moved to adopt the resolution,
Which motion was lost.
Mr. White moved
A call of the Senate,
Which motion prevailed.
Mr. Haggart moved
That further proceedings under the call be dispensed with,
Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 8, 1895. }

Mr. PRESIDENT:

I have the honor to transmit herewith

Senate Bill No. 48,

A Bill for an act fixing the maximum rates that railroad companies may charge for the transportation of soft coal within the State of North Dakota.

Also,

Senate Bill No. 151,

A Bill for an act entitled "an act to regulate peddling in this State and to provide a license for persons engaged in peddling."

Also,

Senate Bill No. 66,

A Bill for an act to amend Section 86, Chapter 132, Laws of 1890, being an act entitled "an act prescribing the mode of making assessment and the levy and collection of taxes, and for other purposes relative thereto."

Also,

Senate Bill No. 105,

A Bill for an act fixing the fees of sheriffs and other officers for transporting insane persons to the asylums of the State,

Also,

Senate Bill No. 107,

A Bill for an act to provide for the levy and collection of a road poll tax.

Also,

Senate Bill No. 20,

A Bill for an act to amend Section 3 of Chapter 31 of the Session Laws of 1891, for the purpose of including all lands in its provisions and requiring a judgment to be obtained to make the expense a tax lien on the land,

Which the House has passed without change.

Yours respectfully,

J. M. DEVINE,
Chief Clerk.

The President announced that he was about to sign
Senate Bill No. 129,

A Bill for an act to amend Section 1961a of the Civil Code.

Also,

Senate Bill No. 77,

A Bill for an act to amend Section 25 of Article 15 of Chapter
73 of the Session Laws of 1887.

Also,

House Bill No. 165,

A Bill for an act to establish a Political Code for the State of
North Dakota.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 8, 1895. }

MR. PRESIDENT:

I have the honor to transmit herewith

Senate Bill No. 152,

A Bill for an act authorizing the board of directors of corpora-
tions to hold their meetings at any place within or without the
State of North Dakota.

Also,

Senate Bill No. 174,

A Bill for an act to repeal an act to create a joint school town-
ship in the counties of Griggs and Steele.

Also,

Senate Bill No. 166,

A Bill for an act fixing the maximum compensation that a rail-
road company may charge for a stop over on cars in transit be-
tween intermediate and terminal points, and for the transporta-
tion of freight between such points,

Which the House has passed unchanged.

Respectfully,

J. M. DEVINE,
Chief Clerk.

Mr. White moved

That a Committee be appointed to wait on the Governor and
arrange for the appropriation bills,

Which motion was lost.

The Journal was read and approved.

Mr. Rourke moved

That the vote by which House Bill No. 62 was lost be recon-
sidered,

Which motion prevailed.

House Bill No. 62,

A Bill for an act to amend Section 6916 of the Compiled Laws of Dakota, 1887, being Section 3 of Chapter 57 of the Penal Code entitled "offenses pertaining to sale of intoxicating liquors."

The roll being called, there were ayes 26, nays none, not voting 5.

Those who voted in the affirmative were:

Messrs—

Arnold,
Benedict,
Brown,
Burke,
Clark,
Davis,
Day,
Dobie,
Enger,

Messrs—

Gregory,
Haggart,
Hanscom,
Hillier,
LaMoure,
Little,
McGarten,
McGillivray,
Parkin,

Messrs—

Rourke,
Sorley,
Stevens,
Strom,
Valentine,
Viets,
White,
Wishek.

Absent and not voting:

Messrs—

Fuller,
Lamb,

Messrs—

Plain,
Tufts,

Messrs—

Young.

So the bill passed and the title was agreed to.

Mr. White moved

That the Senate do now concur in the House amendments to Senate Bill No. 48,

A Bill for an act fixing the maximum rates that railroad companies may charge for the transportation of soft coal within the State of North Dakota.

The amendments were read.

Mr. Gregory moved

That the amendments be returned to the House for correction,
Which motion prevailed.

Mr. Gregory moved

That the Senate do now concur in the House amendments to Senate Bill No. 48.

The question being on the adoption of the amendments.

The roll being called there were ayes 27, nays none, not voting 4.

Those who voted in the affirmative were:

Messrs—

Arnold,
Benedict,
Brown,
Burke,
Clark,
Davis,
Day,
Dobie,
Enger,

Messrs—

Fuller,
Gregory,
Hillier,
Lamb,
LaMoure,
Little,
McCarten,
McGillivray,
Parkin,

Messrs—

Plain,
Rourke,
Sorley,
Stevens,
Strom,
Tufts,
Valentine,
White,
Wishek.

Absent and not voting:

Messrs—
Haggart,
Hanscom,

Messrs—
Viets,

Messrs—
Young.

So the bill passed and the title was agreed to.

Mr. Sorley moved

That the vote by which House Bill No. 126 was passed be re-considered.

Mr. Parkin moved

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

MESSAGE FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE CHAMBER,
March 8, 1895. }

To the Senate:

GENTLEMEN:—I have the honor to inform you that I have this day approved

Senate Bill No. 147,

A Bill for an act entitled "an act to create an Historical Commission for the State, prescribing its duties and a place for preserving its records."

Respectfully,
ROGER ALLIN,
Governor.

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. 118,

A Bill for an act providing for the deposit in court of money, property or effects for which there are adverse claimants.

Also,

Senate Bill No. 16,

A Bill for an act providing for the establishment of boards of conciliation and prescribing the mode of procedure in the same, and to repeal Chapter 45, Laws of 1893.

Also,

Substitute for Senate Bill No. 3,

A Bill for an act to amend Section 23, Chapter 56 of the Laws

of 1891, being "an act to amend Sections 3, 4, 7, 8, 22, 24, 32, 37, 40, 55, 66, 67, 68, 74, 75, 79, 81, 83, 86, 87, 101, 110, 121, 122, 135, 136, 137, 140, 143, 144, 148, 167, 169 and 192 of Chapter 62 of the Laws of 1890, entitled "an act to provide for a uniform system of free public schools throughout the State, and to prescribe penalties for violation of the provisions thereof."

Also,

Senate Bill No. 123,

A Bill for an act to amend Chapter 93 of the Laws of 1891, being an act entitled "an act for the prevention of prairie fires, and to provide against damage done by them; also, prescribing duties of county commissioners in relation thereto."

Also,

Senate Bill No. 150,

A Bill for an act making an appropriation for the purpose of completing and furnishing the executive mansion and defraying the incidental expenses thereof for the years 1895 and 1896,

And find the same correctly enrolled.

E. YOUNG,
Chairman.

The Committee on Irrigation made the following report:

MR. PRESIDENT:

Your Committee on Irrigation to whom was referred

House Bill No. 6,

A Bill for an act repealing an act entitled "an act creating the office of State Superintendent of Irrigation and Forestry, and prescribing the duties thereof,"

Have had the same under consideration and recommend that the same be indefinitely postponed.

JAMES DOBIE,
Chairman.

The courtesies of the floor of the Senate were extended to B. W. Shaw.

Mr. Haggart moved

That Senator Judson LaMoure be elected President *pro tempore* for the ensuing two years.

The roll being called, there were ayes 28, nays none, not voting 3.

Those who voted in the affirmative were:

Messrs—

Arnold,
Benedict,
Brown,
Burke,
Clark,
Davis,
Day,

Messrs—

Gregory,
Haggart,
Hanscom,
Hillier,
Lamb,
Little,
McCarten,

Messrs—

Rourke,
Sorley,
Stevens,
Strom,
Tufts,
Valentine,
Viets,

Messrs—
Dobie,
Enger,
Fuller,

Messrs—
McGillivray,
Plain,

Messrs—
White,
Wishek.

Absent and not voting:

Messrs—
LaMoure,

Messrs—
Parkin,

Messrs—
Young.

The President announced that he was about to sign

House Bill No. 140,

A Bill for an act making an appropriation to pay Nellie McDonald for labor as clerk for Commissioners of Railroads.

Also,

House Bill No. 147,

A Bill for an act to amend Section 10, of Chapter 38, Laws of 1887, being Section 545 of the Compiled Laws.

Also,

House Bill No. 151,

A Bill for an act entitled "an act making an appropriation to pay certain expenses incurred by the Fourth Legislative Assembly of the State of North Dakota."

Also,

House Bill No. 70,

A Bill for an act declaring it a misdemeanor to practice fraud on hotel keepers.

Also,

House Bill No. 133,

A Bill for an act to amend Sections 122 and 161 of Chapter 62 of the Laws of 1890.

Also,

House Bill No. 98,

A Bill for an act entitled "an act amending Section 28 of Chapter 24 of the Political Code, being Section 1049 of the Compiled Laws of 1887, relating to the qualification of officers of incorporated towns."

Also,

Senate Bill No. 118,

A Bill for an act providing for the deposit in court of money property or effects for which there are adverse claimants.

Also,

Senate Bill No. 123,

A Bill for an act to amend Chapter 93 of the Laws of 1891 being an act entitled "an act for the prevention of prairie fires and to provide against damage done by them; also prescribing duties of county commissioners in relation thereto."

Also,

Senate Bill No. 16,

A Bill for an act for the establishment of courts of conciliation, and prescribing the mode of procedure of the same, and to repeal Chapter 45 of the Laws of 1893.

Also,

Substitute for Senate Bill No. 3,

A Bill for an act to amend Section 121, Chapter 62, of the Session Laws of 1890, entitled "an act to provide for a uniform system of free public schools throughout the State, and to prescribe penalties for violation of the provisions thereof."

Mr. Little moved

That the chair that has been occupied by the Lieutenant Governor and the gavel be presented to the Lieutenant Governor,

Which motion prevailed.

Mr. Burke moved

That a vote of thanks be extended to the Lieutenant Governor for his fairness and gentlemanly conduct of the proceedings of the Senate.

Mr. Haggart moved

A rising vote,

Which prevailed unanimously.

The courtesies of the Senate were extended to C. H. Renicke and F. H. Becker.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 8, 1895. }

Mr. PRESIDENT:

I have the honor to transmit herewith

Senate Bill No. 96,

A Bill for an act to provide for the erection of necessary additional buildings for the Hospital of the Insane at Jamestown, North Dakota,

Which the Senate has passed unchanged.

Also,

Senate Bill No. 110,

A Bill for an act to amend Sections 13, 62 and 71 of Chapter 118, Laws of 1893, entitled "an act to amend all of Chapters 25, 146, 147 and 148 of the Laws of 1890, and Chapter 65 of the Laws of 1891, and to provide for the management, control and disposal of university, school and all other public lands of the State, and the management of the funds arising therefrom."

Also,

Senate Bill No. 6,

A Bill for an act to provide for the inspection of steam boilers and licensing of steam engineers.

Also,

Senate Bill No. 158,

A Bill for an act to suspend Sections 20, 21, 37, 40 and 60 of Chapter 86, Laws of 1891, being an act to provide a Military Code for the State of North Dakota,

Which have been indefinitely postponed.

Also,

Senate Bill No. 138,

A Bill for an act determining the southern boundary of the State of North Dakota,

Which was lost.

Yours respectfully,

J. M. DEVINE,

Chief Clerk.

Mr. Hillier presented the following Concurrent Resolution:

Resolved by the Senate, the House Concurring:

That the Capitol Commission be and hereby are authorized to audit the bills of the Historical Commission for expense incurred in the matter of postage and transportation on books and collections sent to the Commission under the provisions of the law creating the Historical Commission.

Which resolution was concurred in.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 8, 1895. }

MR. PRESIDENT:

I have the honor to transmit herewith

Senate Bill No. 171,

A Bill for an act entitled "an act to provide that the seven Codes prepared by the Revision Commission and introduced as bills and passed as acts at the Fourth Session of the Legislative Assembly of the State of North Dakota shall not be printed as Session Laws of the Fourth Legislative Assembly.

Also,

Senate Bill No. 167,

A Bill for an act to suspend Chapter 11 of the Laws of 1893, being an act for an appropriation for the erection of the North Dakota Reform School at Mandan, and for incidental and contingent expenses of the same.

Also,
Senate Bill No. 168,

A Bill for an act entitled "an act to cede to the United States jurisdiction of the State of North Dakota over lands acquired by military posts,

Which the House has passed unchanged.

Yours respectfully,

J. M. DEVINE,
Chief Clerk.

THIRD READING OF HOUSE BILLS.

House Bill No. 103,

A Bill for an act to create the seventh judicial district of the State of North Dakota, and defining the boundaries of the first and seventh judicial districts, and providing for the terms of court in the seventh judicial district,

Was read the third time.

Mr. Plain moved

The previous question,
Which motion prevailed.

The question being upon the final passage of the bill,

The roll being called there were ayes 21, nays 8, not voting 2.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gregory,	Sorley,
Brown,	Haggart,	Strom,
Burke,	Hanscom.	Tufts,
Clark,	Lamb,	Valentine,
Day,	LaMoure,	Viets,
Dobie,	Little.	White,
Enger,	McGillivray,	Young.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Benedict,	McCarten,	Stevens,
Fuller,	Parkin,	Wishek.
Hillier,	Plain,	

Absent and not voting, Messrs. Davis and Rourke.

So the bill passed and the title was agreed to.

House Bill No. 175,

A Bill for an act amending Sections 10 and 15 of Chapter 91 of the Laws of 1890, relating to marriage licenses,

Was read the third time.

Mr. Rourke moved

That the further consideration of House Bill No. 175 be indefinitely postponed,

Which motion prevailed, and

Further consideration of the bill was indefinitely postponed.

The President announced that he was about to sign

House Bill No. 159,

A Bill for an act to amend Section 26 of Chapter 75 of the Session Laws of 1892, entitled "an act to promote irrigation."

Also,

House Bill No. 51,

A Bill for an act to amend Section 687, Penal Code of Revised Codes of 1877, being Section 6876 of the Compiled Laws of 1887.

Also,

House Bill No. 126,

A Bill for an act requiring county commissioners to furnish an official bond to his county.

Also,

House Bill No. 85,

A Bill for an act entitled "an act to amend Section 3 of Chapter 38 of the Session Laws of 1890, relating to the construction of county bridges."

Mr. Little in the Chair.

House Bill No. 167,

A Bill for an act to encourage the manufacture of binding twine in the State of North Dakota,

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

The roll being called there were ayes 21, nays 2, not voting 8.

Those who voted in the affirmative were:

Messrs—

Benedict,
Clark,
Davis,
Dobie,
Enger,
Fuller,
Hanscom,

Messrs—

Hillier,
LaMoire,
Little,
McCarten,
Parkin,
Plain,
Sorley,

Messrs—

Stevens,
Strom,
Tufts,
Valentine,
Viets,
White,
Wishek

Messrs. Burke and Day voting in the negative.

Absent and not voting:

Messrs—

Arnold,
Brown,
Gregory,

Messrs—

Haggart,
Lamb,
McGillivray,

Messrs—

Rourke,
Young.

So the bill passed and the title was agreed to.

House Bill No. 110,

A Bill for an act to protect farm laborers and giving them lien upon crops as security for their wages,

Was read the third time.

Mr. Tufts moved

That further consideration of the bill be indefinitely postponed,

Which motion was lost.

Mr. Hillier moved

To amend Section 1, line 2, by striking out the word "farmer," line 4 strike out the words "crops of every kind, etc."

Which amendment was lost.

The roll being called there were ayes 24, nays 4, not voting 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gregory,	Plain.
Benedict,	Hanscom,	Rourke,
Brown,	Hillier,	Sorley,
Burke,	Lamb,	Strom,
Clark,	La Moure,	Valentine,
Davis,	Little,	Viets,
Dobie,	McCarten,	White,
Enger,	Parkin,	Wishek.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Day,	Tufts,	Young.
Stevens,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fuller,	Haggart,	McGillivray.

So the bill passed and the title was agreed to.

House Bill No. 173,

A Bill for an act entitled "an act to change the lines of organized counties and to provide for the annexation of unorganized territory to organized counties,

Was read the third time.

Mr. Hillier demanded the previous question.

Which motion prevailed.

The roll being called there were ayes 9, nays 20, not voting 2.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Burke,	Hanscom,	Plain,
Dobie,	McCarten,	Rourke,
Gregory,	Parkin,	White.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Arnold,	Fuller,	Strom,
Benedict,	Haggart,	Tufts,
Brown,	Hillier,	Valentine,
Clark,	La Moure.	Viets,
Davis,	McGillivray.	Wishek,
Day,	Sorley,	Young.
Enger,	Stevens,	

Absent and not voting, Messrs. Lamb and Little.
So the bill was lost.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 8, 1895. }

MR. PRESIDENT:

I have the honor to transmit herewith

Concurrent Resolution,

That the Capitol Commission are hereby authorized to audit the bills of the Historical Commission for expense incurred on postage and transportation on books and collections sent to the Commission,

Which the House has passed.

Also,

Senate Bill No. 68,

A Bill for an act to amend Article 2 of Chapter 13 of the Code of Civil Procedure, being Sections 5126 to Section 5140 inclusive, of the Compiled Laws,

Which has been indefinitely postponed.

Also,

Senate Bill No. 121,

A Bill for an act fixing the times and place of holding general and special terms of the Supreme Court of the State of North Dakota,

Which the House has amended as follows and passed:

Strike out the words "the seat of government" and insert the words "the City of Fargo" in lieu thereof in line 2 of Section 1.

Respectfully,

J. M. DEVINE,
Chief Clerk.

Mr. Little moved

That the Senate do not concur in the House amendment to Senate Bill No. 121,

A Bill for an act fixing the times and place of holding general and special terms of the Supreme Court of the State of North Dakota.

Mr. Haggart moved as a substitute

That the Senate do concur in the amendments,

Which substitute motion was lost,

And the Senate declined to concur in the House amendments to Senate Bill No. 121.

House Bill No. 97,

A Bill for an act to encourage immigration into the State of

North Dakota, and to enable the Commissioner of Agriculture and Labor to carry out the provisions of Section 8 of Chapter 46 of the Session Laws of 1890, and to make an appropriation therefor,

Was read the third time.

Mr. LaMoure moved

That further consideration of House Bill No. 97 be indefinitely postponed,

Which motion prevailed.

Mr. Little moved

That a committee of two on conference with the House be appointed on Senate Bill No. 121,

Which motion prevailed; and

The President appointed as such Conference Committee, Messrs. Little and Burke.

C. W. Mead, of St. Louis, was extended the courtesies of the Senate.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 8, 1895. }

MR. PRESIDENT:

I have the honor to transmit herewith

A Concurrent Resolution.

That each member and officer of the Fourth Legislative Assembly shall have sent to them, when printed, by the Secretary of State, a copy of the New Compiled Laws, and House and Senate Journals,

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

Respectfully,

J. M. DEVINE,
Chief Clerk.

CONCURRENT RESOLUTION.

Be it Resolved by the House of Representatives of the Fourth Legislative Assembly, the Senate concurring:

That each member and officer of the Fourth Legislative Assembly shall have sent to him, when printed, by the Secretary of State, a copy of the New Compiled Laws, and House and Senate Journals.

Mr. Plain moved

That the Senate do now concur in the resolution.

Mr. LaMoure offered the following amendment:

Amend by making it apply to the following officers: Chief clerk, assistant clerk, stenographer and bill clerk of the House, secretary, assistant secretary, stenographer and bill clerk of the Senate, Lieutenant Governor and the

United States Senators and member of the Lower House from the State of North Dakota.

Which resolution and amendment were adopted.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT:

I have the honor to transmit herewith

Concurrent Resolution,

To amend Section 121 of the Constitution of the State of North Dakota.

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

Yours respectfully,

J. M. DEVINE,
Chief Clerk.

CONCURRENT RESOLUTION.

Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring:

That the following amendment to the Constitution of the State of North Dakota be submitted by this Legislative Assembly of said State to be by said Legislative Assembly submitted to the qualified electors of said State for rejection or adoption.

PROPOSED AMENDMENT.

First—That Section 121 of the Constitution be amended so as to read as follows:

SECTION 121. Every male person of the age of twenty-one years or upwards belonging to either of the following classes—who shall have resided in the State one year and in the county six months, and in the precinct ninety days next preceding any election, shall be deemed a qualified elector at such election.

First—Citizens of the United States.

Second—Civilized persons of Indian descent, who shall have severed their tribal relations two (2) years next preceding such election.

That Section 127 be amended to read as follows:

SECTION 127. No person who is under guardianship, *non compos mentis* or insane, shall be qualified to vote at any election, nor shall any person convicted of treason or felony unless restored to social rights, and the Legislative Assembly shall by law establish an educational test as qualification, and may prescribe penalties for failing, neglecting or refusing to vote at any general election.

Mr. McGillivray moved

That the Senate do now concur in the resolution,

Which motion prevailed, and

The resolution was concurred in.

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. 105,

A Bill for an act fixing the fees of sheriffs and other officers for transporting insane persons to the asylum of the State.

Also,

Senate Bill No. 174,

A Bill for an act to repeal an act to create a joint school township in the counties of Griggs and Steele.

Also,

Senate Bill No. 107,

A Bill for an act to provide for the levy and collection of a road poll tax.

Also,

Senate Bill No. 88,

A Bill for an act to amend Section 1 of Chapter 100, Session Laws of 1891, being an act to amend Chapter 132 of the Laws of 1890, being an act entitled "an act prescribing the mode of making assessments and the levy and collection of taxes, and for other purposes relative thereto."

Also,

Senate Bill 168,

A Bill for an act entitled "an act to cede to the United States jurisdiction of the State of North Dakota over lands acquired by military posts.

Also,

Senate Bill No. 96,

A Bill for an act to provide for the erection of necessary additional buildings for the Hospital of the Insane at Jamestown, North Dakota.

Also,

Senate Bill No. 171,

A Bill for an act entitled "an act to provide that the seven Codes prepared by the Revising Commission and introduced as bills and passed as acts at the Fourth Session of the Legislative Assembly shall not be printed as Session Laws of the Fourth Legislative Assembly.

Also,

Senate Bill No. 48,

A Bill for an act fixing the maximum rates that railroad companies may charge for the transportation of coal within the State of North Dakota.

Also,

Senate Bill No. 93,

A Bill for an act for the encouragement of secondary education.

Also,

Senate Bill No. 166,

A Bill for an act fixing the maximum compensation that a railroad company may charge for a stopover in cars in transit between intermediate and terminal points, and for transportation of freight between such points.

Also,

Senate Bill No. 86,

A Bill for an act to provide for the abolishment of Chapter 38 of the Code of Civil Procedure, entitled "Herd Law," in counties where a majority of the qualified electors so elect to provide for an election upon the question of such abolishment, and to establish a fence law in such counties.

Also,

Senate Bill No. 63,

A Concurrent Resolution to amend Subdivision eight of Section 215 of Article 19 of the Constitution of the State of North Dakota.

Also,

Senate Bill No. 151,

A Bill for an act entitled "an act to regulate peddling in this State and to provide a license fee for persons engaged in peddling."

Also,

Senate Bill No. 167,

A Bill for an act to suspend Chapter 11 of the Laws of 1893, being an act for an appropriation for the erection of the North Dakota Reform School at Mandan, and for incidental and contingent expenses for the same.

Also,

Senate Bill No. 152,

A Bill for an act authorizing the board of directors of corporations to hold their meetings at any place within or without the State of North Dakota.

Also,

Senate Bill No. 66,

A Bill for an act to amend Section 86, Chapter 132 Laws of 1890, being an act prescribing the mode of making assessment and the levy and collection of taxes and for other purposes relative thereto,

And find the same correctly engrossed.

E. YOUNG,
Chairman.

The President announced that he was about to sign
House Bill No. 32,

A Bill for an act to amend Sections 20, 25 and 26 of Chapter 27 of the Session Laws of 1893, relating to the organization and government of State banks.

Also,

House Bill No. 108,

A Bill for an act entitled "an act requiring county treasurers to report to town clerks amounts of township funds on hand and amounts drawn by town treasurers and requiring town clerks to keep accounts of township funds."

Also,

House Bill No. 127,

A Bill for an act to reimburse Dr. F. R. Smyth for stamping diphtheria out of the county of Mercer by order of the State Board of Health, and making an appropriation therefor.

Also,

House Bill No. 155,

A Bill for an act entitled "an act to locate and provide for the government of a State blind asylum at Bathgate, Pembina county, North Dakota."

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 8, 1895.

MR. PRESIDENT:

I have the honor to transmit herewith

Senate Bill No. 80,

A Bill for an act defining usury and the penalty for taking the same,

Which was lost.

Also,

Senate Bill No. 27,

A Bill for an act to amend Section 24 of Chapter 56 of the Session Laws of 1891, entitled "an act to provide for a uniform system of free public schools throughout the State, and prescribe penalties for the violation thereof,"

Which the House has amended as follows:

Add the following:

Provided further. That no certificate or permit to teach in the schools of this State shall be granted to any person who is not a citizen of the United States unless such person has declared his intention to become a citizen, and has resided in the United States for one year last prior to the time of such application for certificate or permit. Any contract made in violation of this section shall be void.

Also,

Senate Bill No. 169,

A Bill for an act entitled "an act constituting the State Superintendent of Irrigation and Forestry the State Fish Commissioner of North Dakota, and providing for the establishment and maintenance of a State fish hatchery or hatcheries and fish breeding ponds, and for the stocking of the same and the other waters with fish, and their protection."

Also,

Senate Bill No. 127,

A Bill for an act to amend Section 1 of Chapter 55 of the Session Laws of 1891, relating to cruelty to animals,

Which the House has passed unchanged.

Also,

Senate Bill No. 175,

A Bill for an act to amend Chapter 63 of the Session Laws of 1885 entitled "an act establishing territorial and county boards of health, and providing for the protection of the health of persons and animals,

Which has been indefinitely postponed.

Yours respectfully,

J. M. DEVINE,
Chief Clerk.

Also,

Senate Bill No. 167,

A Bill for an act to suspend Chapter 11 of the Laws of 1893, being an act for an appropriation for the erection of the North Dakota Reform School at Mandan, and for incidental and contingent expenses for the same.

Also,

Senate Bill No. 86,

A Bill for an act to provide for the abolishment of Chapter 38 of the Code of Civil Procedure, entitled "Herd Law," in counties where a majority of the qualified electors so elect to provide for an election upon the question of such abolishment, and to establish a fence law in such counties.

Also,

Senate Bill No. 88,

A Bill for an act to amend Section 1 of Chapter 100, Session Laws of 1891, being an act to amend Chapter 132 of the Laws of 1890, being an act entitled "an act prescribing the mode of making assessments and the levy and collection of taxes, and for other purposes relative thereto."

Also,

Senate Bill No. 93,

A Bill for an act for the encouragement of higher education and appropriating money therefor.

Also,

Senate Bill No. 96,

A Bill for an act to provide for the erection of necessary additional buildings for the Hospital of the Insane at Jamestown, North Dakota.

Also,

Senate Bill No. 152,

A Bill for an act authorizing the board of directors of corporations to hold their meetings at any place within or without the State of North Dakota.

Also,

Substitute for Senate Bill No. 66,

A Bill for an act to amend Section 86, Chapter 132, Laws of 1890, being an act prescribing the mode of making assessment and the levy and collection of taxes, and for other purposes relative thereto.

Also,

Senate Bill No. 174,

A Bill for an act to repeal an act to create a joint school township in the counties of Griggs and Steele.

Also,

Senate Bill No. 168,

A Bill for an act entitled "an act to cede to the United States jurisdiction of the State of North Dakota over lands acquired by military posts."

Also,

Senate Bill No. 166,

A Bill for an act fixing the maximum compensation that a railroad company may charge for a stopover on cars in transit between intermediate and terminal points, and for transportation of freight between such points.

Also,

Senate Bill No. 48,

A Bill for an act fixing the maximum rates that railroad companies may charge for the transportation of soft coal within the State of North Dakota.

Also,

Senate Bill No. 20,

A Bill for an act to amend Section 3 of Chapter 31 of the Session Laws of 1891, for the purpose of including all lands in its

provisions and requiring a judgment to be obtained to make the expense a tax lien on the land.

Also,

Senate Bill No. 63,

Concurrent Resolution to amend Subdivision 8 of Section 215 of Article 19 of the Constitution of the State of North Dakota,

The courtesies of the floor were extended to Chas. D. Gray.

Mr. Burke moved

That the Senate take a recess until 8 o'clock,

Which motion prevailed.

The Senate reassembled.

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. 121,

A Bill for an act fixing the times and place of holding general and special terms of the Supreme Court of the State of North Dakota.

Also,

Senate Bill No. 127,

A Bill for an act to amend Section 1 of Chapter 55 of the Session Laws of 1891, relating to cruelty to animals,

And find the same correctly enrolled.

E. YOUNG,
Chairman.

House Bill No. 82,

A Bill for an act entitled "an act to amend Subdivision four (4) and five (5) of Section 2144 of Chapter 22 of the Political Code, Compiled Laws of 1887, relating to settlement and support of the poor,"

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

The roll being called there were ayes 22, nays none, not voting 9.

Those who voted in the affirmative were:

Messrs—

Arnold,
Benedict,
Burke,
Clark,
Davis,
Day,
Enger,
Haggart,

Messrs—

Hillier,
Lamb,
LaMoure,
Little,
McCarten,
Plain,
Rourke,

Messrs—

Sorley,
Strom,
Tufts,
Valentine,
White,
Wishek,
Young.

Absent and not voting:

Messrs—

Brown,
Dobie,
Fuller,

Messrs—

Gregory,
Hanscom,
McGillivray,

Messrs—

Parkin,
Stevens,
Viets.

So the bill passed and the title was agreed to.

The President announced that he was about to sign
Senate Bill No. 27,

A Bill for an act to amend Section 24 of Chapter 56 of the Session Laws of 1891, entitled "an act to provide for a uniform system of free public schools throughout the State, and to provide penalties for the violation thereof."

Also,

Senate Bill No. 121,

A Bill for an act fixing the times and place of holding general and special terms of the supreme court of the State of North Dakota.

Also,

Senate Bill No. 87,

A Bill for an act to prevent the spread of contagious, infectious and epidemic diseases among domestic animals, creating the office of chief State veterinarian, prescribing the duties thereof, and appropriating money for the necessary expenses thereof.

Also,

House Bill No. 152,

A Bill for an act to amend Section 33 of Chapter 56, Laws of 1891, being an act to amend Sections 3, 4, 7, 8, 22, 24, 32, 37, 40, 55, 66, 67, 68, 74, 75, 79, 81, 83, 86, 87, 101, 110, 121, 122, 135, 136, 137, 140, 143, 144, 148, 167, 169 and 192, of Chapter 62, Laws of 1890, entitled "an act to provide for a uniform system of free public schools throughout the State and to prescribe penalties for violation of the provisions thereof,"

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

A sealed communication from the Governor was received.

Mr. Little moved

That the Senate now go into executive session to consider the Governor's communication,

Which motion prevailed.

IN OPEN SESSION.

The confirmation of the following appointments were announced:

FOR MEMBERS OF THE STATE BOARD OF AGRICULTURE.

From First Judicial District, John J. Dow, of Grand Forks

county; from Second Judicial District, R. W. Davidson, of Ward county; from Third Judicial District, Charles D. Gray, of Cass county; from Fourth Judicial District, L. B. Chamberlain, of Ransom county; from Fifth Judicial District, C. A. Sanford, of Stutsman county; from Sixth Judicial District, Gus Johnson, of Burleigh county. Each for the term of two years as per Section 1, Chapter 24, Laws of 1890.

FOR SUPERINTENDENT OF PUBLIC HEALTH.

John Montgomery, of Walsh county. For the term of two years, as per Section 192, Compiled Laws of 1887.

FOR DISTRICT VETERINARIANS.

For First District, W. J. Stinson, of Pembina county; for Second District, W. F. Crewe, of Ramsey county; for Third District, Charles Martin, of Cass county; for Fourth District, C. H. Potter, of Dickey county; for Fifth District, J. J. Clary, of LaMoure county; for Sixth District, William Mackin, of Morton county. Each for the term of two years, as per Section 1, Chapter 132, Laws of 1893.

The appointment of W. F. Crewe was rejected.

The Senate took a recess for fifteen minutes.

Senate reassembled.

Mr. Rourke moved

That the Senate do now concur in the House amendment to Senate Bill No. 27.

The roll being called there were ayes 27, nays none, not voting 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gregory,	Rourke,
Benedict,	Haggart,	Sorley,
Brown,	Hanscom,	Strom,
Burke,	Hillier,	Tufts,
Clark,	Lamb,	Valentine,
Davis,	LaMoure,	Viets,
Dobie,	McCarten,	White,
Enger,	Parkin,	Wishek,
Fuller,	Plain,	Young.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Day,	McGillivray,	Stevens.
Little,		

So the amendments were concurred in.

House Bill No. 148,

A Bill for an act to amend Section Seventy-one (71) of Chapter One Hundred and Eighteen (118) of the Laws of 1893, being

an act to provide for the control and management of university and school lands, and making an appropriation therefor,

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

The roll being called, there were ayes 22, not voting 9.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gregory,	Plain,
Brown,	Haggart,	Rourke,
Burke,	Lamb,	Sorley,
Clark,	LaMoire,	Strom,
Day,	Little,	Tufts,
Dobie,	McCarten,	Viets,
Enger,	Parkin,	White.
Fuller,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Benedict,	Hillier,	Valentine,
Davis,	McGillivray,	Wishek,
Hanscom,	Stevens,	Young.

So the bill passed and the title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, {
March 8, 1895.

MR. PRESIDENT:

I have the honor to transmit herewith
Senate Bill No. 162,

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 their compensation and payment.

Also,

Senate Bill No. 121,

A Bill for an act fixing the times and place of holding general and special terms of the Supreme Court of the State of North Dakota,

Which the House has passed unchanged.

Yours respectfully,

J. M. DEVINE,
Chief Clerk.

The President announced that he was about to sign
Senate Bill No. 107,

A Bill for an act to provide for the levy and collection of a road poll tax.

Also,

Senate Bill No. 151,

A Bill for an act entitled "an act to regulate peddling in the

State, and to provide a license fee for persons engaged in peddling.

Also,

Senate Bill No. 105,

A Bill for an act fixing the fees of sheriffs and other officers for transporting insane persons to the asylums of the State.

Also,

Senate Bill No. 171,

A Bill for an act entitled "an act to provide that the seven Codes prepared by the Revising Commission and introduced as bills and passed as acts at the Fourth Session of the Legislative Assembly shall not be printed as Session Laws of the Fourth Legislative Assembly.

The roll being called there were ayes 22, nays none, not voting 9.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Enger,	Rourke,
Benedict,	Hanscom,	Sorley,
Brown,	Hillier,	Strom,
Burke,	Lamb,	Tufts,
Clark,	LaMoure,	Valentine,
Davis,	McCarten,	White,
Day,	Plain,	Wishek.
Dobie,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fuller,	Little,	Stevens,
Gregory,	McGillivray,	Viets,
Haggart,	Parkin,	Young.

So the bill passed and the title was agreed to.

House Bill No. 178,

A Bill for an act to repeal an act approved February 28, 1893, entitled "an act for an appropriation for the erection of the North Dakota Reform School at Mandan and for incidental and contingent expenses for the same,

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

The roll being called there were ayes 19, nays none, not voting 12.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Enger,	Strom,
Benedict,	Hillier,	Tufts,
Burke,	LaMoure,	Valentine,
Clark,	McCarten,	White,
Davis,	Rourke,	Wishek,
Day,	Sorley,	Young.
Dobie,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brown,	Hanscom,	Parkin,
Fuller,	Lamb,	Plain,
Gregory,	Little,	Stevens,
Haggart,	McGillivray,	Viets.

So the bill passed and the title was agreed to.

House Bill No. 101,

A Bill for an act to provide for the licensing of public warehouses,

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

The roll being called there were ayes 20, nays 2, not voting 9.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Enger,	McCarten,
Benedict,	Haggart,	Plain,
Brown,	Hanscom,	Tufts,
Burke,	Hillier,	Valentine,
Clark,	Lamb,	White,
Davis,	LaMoure,	Wishek.
Dobie,	Little,	

Messrs. Rourke and Sorley voting in the negative.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Day,	McGillivray,	Strom,
Fuller,	Parkin,	Viets,
Gregory,	Stevens,	Young.

So the bill passed and the title was agreed to.

A sealed communication was received from the Governor.

Mr. Little moved

That the Senate do now go into executive session to consider the Governor's communication,

Which motion prevailed.

In open session the confirmation of the following nomination was announced:

For District Veterinarian for the Second District, F. W. Tompkins, of Benson county.

Mr. Haggart moved

That the Concurrent Resolution regarding a Constitutional Convention be taken up,

Which motion prevailed.

Mr. Arnold moved

That the Senate do now concur in the resolution.

The roll being called there were ayes 16, nays 12, not voting 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	Sorley,
Benedict,	Hanscom,	Tufts,
Brown;	LaMoure,	Valentine,
Burke,	Plain,	Viets,
Clark,	Rourke,	Wishek.
Gregory,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Davis,	Hillier,	Stevens,
Day,	Lamb,	Strom,
Dobie,	Little,	White,
Enger,	McCarten,	Young.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fuller,	McGillivray,	Parkin.

So the resolution was concurred in.

House Bill No. 123,

A Bill for an act to amend Section 6 of Chapter 110 of the Laws of 1890, and defining what is intoxicating liquor,

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

Mr. White moved.

That further consideration of the bill be indefinitely postponed,
Which motion was lost.

Mr. Rourke moved

To amend by striking out all after the third line and inserting the word "alcohol" at the end of the third line,

Which amendment was lost.

Mr. Valentine moved

To amend in Section 6 by striking out in line 4 "chloride of sodium."

In line 5 strike out "salicylic acid."

In line 6 strike out "boracic acid."

Which amendment prevailed.

The question being upon the final passage of the bill as amended,

The roll being called there were ayes 21, nays 8, not voting 2.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Dobie,	Plain,
Benedict,	Enger,	Sorley,
Brown,	Hillier,	Stevens,
Burke,	Lamb,	Strom,
Clark,	LaMoure,	Tufts,
Davis,	McCarten,	Valentine,
Day,	McGillivray,	Young.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Fuller,	Little,	Viets,
Haggart	Parkin,	Wishek.
Hanscom,	Rourke,	

Absent and not voting, Messrs. Gregory and White.

So the bill passed and the title was agreed to.

House Bill No. 38,

A Bill for an act entitled "an act to appropriate money to compensate the State of South Dakota for caring, providing for and schooling North Dakota's refractory children at the South Dakota Reform School,"

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

The roll being called there were ayes 25, nays none, not voting 6.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gregory,	Plain,
Benedict,	Haggart,	Sorley,
Brown,	Hanscom,	Stevens,
Burke,	Lamb,	Strom,
Clark,	LaMoure,	Tufts,
Day,	Little,	Valentine,
Dobie,	McGillivray,	Viets,
Enger,	Parkin,	Wishek.
Fuller,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Davis,	McCarten,	White,
Hullier,	Rourke,	Young.

So the bill passed and the title was agreed to.

Mr. Little moved

That a committee of two be appointed to wait on the Governor to learn if he has any more communications to send to the Senate, Which motion prevailed.

The President appointed Messrs. Little and Viets as such Committee.

Mr. LaMoure moved

That the Senate take a recess for five minutes, Which motion prevailed.

The Senate reassembled.

MR. PRESIDENT:

Your Committee appointed to wait upon the Governor make the following report:

The Governor wishes to express, through this Committee, his thanks for the courtesy shown him by the Senate throughout the

session, and states that he has no further communications to make.

C. B. LITTLE,
FRANK VIETS,
Committee.

Mr. Burke moved

That the Senate take up House Bill No. 170, and that it be put upon its final passage,

Which motion was lost.

Mr. Little moved

That a Committee of three be appointed to correct the Journal of the sixtieth day.

The President appointed Messrs. Little, White and Parkin as such Committee.

House Bill No. 154.

A Bill for an act to amend an act entitled "an act to protect stockraisers and promote the breeding of improved live stock within the State of North Dakota and provide a lien for the service of sires, being Chapter 117 of the Laws of 1891,"

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

The roll being called there were ayes 13, nays 6, not voting 12.

Those who voted in the affirmative were:

Messrs—

Arnold,
Burke,
Davis,
Enger,
Haggart,

Messrs—

Hillier,
Little,
Parkin,
Rourke,

Messrs—

Stevens,
Tufts,
Wishek,
Young.

Those who voted in the negative were:

Messrs—

Clark,
Day,

Messrs—

Fuller,
Strom,

Messrs—

Valentine,
Viets.

Absent and not voting:

Messrs—

Benedict,
Brown,
Dobie,
Gregory,

Messrs—

Hanscom,
Lamb,
La Moure,
McCarten,

Messrs—

McGillivray,
Plain,
Sorley,
White.

So the bill was lost.

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

MR. PRESIDENT:

Your Committee on Enrolled and Engrossed Bills have examined:

Senate Bill No. 61,

A Bill for an act to repeal Chapter 74, Session Laws of 1893, being an act entitled "an act providing for the compilation, re-

vision and codification of the Laws of North Dakota and the publication and distribution and sale thereof, and to repeal Chapter 82 of the Laws of 1891 in relation thereto.

Also,

Senate Bill No. 127,

A Bill for an act to amend Section 1 of Chapter 55 of the Session Laws of 1891, relating to cruelty to animals,

And find the same correctly enrolled.

E. YOUNG,
Chairman.

House Bill No. 157,

A Bill for an act with reference to driving stock into or through the State of North Dakota,

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

The roll being called there were ayes 27, nays 2, not voting 2.

Those who voted in the affirmative were:

Messrs—

Arnold,
Benedict,
Brown,
Burke,
Clark,
Davis,
Day,
Dobie,
Enger,

Messrs—

Fuller,
Gregory,
Haggart,
Hanscom,
Hillier,
Lamb,
LaMoure,
Little,
McCarten,

Messrs—

McGillivray,
Parkin,
Plain,
Stevens,
Ström,
Tufts,
Valentine,
Viets,
Wishek.

Messrs. Bourke and White voting in the negative.

Absent and not voting, Messrs. Sorley and Young.

So the bill passed and the title was agreed to.

House Bill No. 68,

A Bill for an act to provide for the establishment and government of the North Dakota school of forestry, and making appropriation therefor,

Was read the third time.

Mr. Rourke moved

That further consideration of House Bill No. 68 be indefinitely postponed.

Roll call demanded.

The roll being called there were ayes 20, nays 8, not voting 3.

Those who voted in the affirmative were:

Messrs—

Arnold,
Brown,
Davis,
Day,
Fuller,
Gregory,
Haggart,

Messrs—

Hanscom,
Hillier,
LaMoure,
McGillivray,
Parkin,
Plain,
Rourke,

Messrs—

Sorley,
Tufts,
Valentine,
Viets,
White,
Wishek.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Burke,	Lamb,	Stevens,
Clark,	Little,	Strom.
Dobie,	McCarten,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Benedict,	Enger,	Young.

So the bill was indefinitely postponed.

Mr. LaMoure moved
That further consideration of
House Bill No. 92,

A Bill for an act entitled "an act to encourage the culture of sugar beets in the State of North Dakota and their manufacture into sugar,"

Be indefinitely postponed,
Which motion prevailed.

Mr. Gregory moved
That further consideration of
House Bill No. 102,

A Bill for an act entitled "an act to authorize the Secretary of the State of North Dakota to receive, preserve and turn over to his successor in office the portraits of State officials and Members of Congress,"

Be indefinitely postponed,
Which motion prevailed.

House Bill No. 50,

A Bill for an act entitled "an act to amend Section 2 (a) of Chapter 122 of the General Laws of 1890 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,'"

Was read the third time.

Mr. Haggart moved

That further consideration of House Bill No. 50 be indefinitely postponed.

Roll call demanded.

The roll being called there were ayes 16, nays 12, not voting 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	Tufts,
Benedict,	Hanscom,	Valentine,
Brown,	Little,	Viets,
Day,	Rourke,	White,
Fuller,	Sorley,	Wishek.
Gregory,		

Those who voted in the negative were:

Messrs—

Burke,
Clark,
Davis,
Dobie,

Messrs—

Enger,
Hillier,
Lamb,
LaMoure,

Messrs—

McCarten,
Plain,
Stevens,
Strom.

Absent and not voting:

Messrs—

McGillivray,

Messrs—

Parkin,

Messrs—

Young.

So the bill was indefinitely postponed.

The President announced that he was about to sign

House Bill No. 137,

A Bill for an act to encourage the manufacture and production of the long line spinning fibers, either flax or hemp and spinning tows grown in the State of North Dakota.

Also,

House Bill No. 71,

A Bill for an act to provide for the acquisition of lands for township cemeteries.

Also,

House Bill No. 122,

A Bill for an act entitled "an act to protect dairy interests of the State of North Dakota, and to prevent fraud in dairy products, and to regulate the traffic in adulterated butter and cheese."

Also,

House Bill No. 125,

A Bill for an act to amend Section 675 of Article 13 of Chapter 9 of the Compiled Laws of the State of North Dakota, relating to counties and county officers and providing for the preservation of coroners' records.

Also,

House Bill No. 107,

A Bill for an act to amend Section 3 of Chapter 93 of the Laws of 1890, 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.

Also,

Substitute for House Bill No. 110,

A Bill for an act to protect farm laborers and giving them a lien upon crops as security for their wages.

Also,

House Bill No. 121,

A Bill for an act entitled "an act to amend Sections 20, 22 and 23 of Chapter 86 of the Laws of the year 1891, entitled 'an act to

provide a Military Code for the State of North Dakota, and to provide a board of control for the State encampment grounds.”

Also,

House Bill No. 62,

A Bill for an act to amend Section 6916 of the Compiled Laws of Dakota, 1887, being Section 3 of Chapter 57 of the Penal Code entitled “offenses pertaining to sale of intoxicating liquors.”

Also,

House Bill No. 9,

A Bill for an act to provide for the better improvement of public highways for organized townships, and also providing for the payment of expenses thereof by taxation.

Also,

House Bill No. 169,

A Bill for an act to provide for the division of civil townships containing two or more congressional townships, by the creation of new townships therein.

Also,

House Bill No. 167,

A Bill for an act to encourage the manufacture of binding twine in the State of North Dakota.

Also,

House Bill No. 103,

A Bill for an act to create the seventh judicial district of the State of North Dakota, and defining the boundaries of the first and seventh judicial districts, and providing for terms of court in the seventh judicial district.

Mr. Strom moved

That the Secretary of State be instructed to mail a copy of to-day's Journal to each of the Senators,

Which motion prevailed.

Mr. Haggart moved

A recess for ten minutes,

Which motion prevailed.

Senate reassembled.

Mr. Haggart moved

That further consideration of

House Bill No. 146,

A Bill for an act to prescribe penalties for the unlawful manufacture, sale and keeping for sale of illuminating oils manufactured from petroleum or coal oils, and to repeal Chapter 107 of the Laws of 1890, and Chapter 77 of the Laws of 1893,

Be indefinitely postponed,

Which motion prevailed.

Mr. Rourke moved

That further consideration of
House Bill No. 176,

A Bill for an act entitled "an act establishing the maximum rates of freight of the first, second, third and fourth classes, which common carriers may charge and receive for the transportation thereof between points within the State of North Dakota,"

Be indefinitely postponed,
Which motion prevailed.

Mr. Sorley moved

That further consideration of
House Bill No. 16,

A Bill for an act entitled "an act exempting volunteer firemen from jury duty and from paying poll tax,"

Be indefinitely postponed,
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 Bill No. 172,

A Bill for an act entitled "an act to provide rules for publication of and the construction to be placed upon the different acts passed at the Fourth Session of the Legislative Assembly."

Also,

Senate Bill No. 169,

A Bill for an act entitled "an act constituting the State Superintendent of Irrigation and Forestry the State Fish Commissioner of North Dakota, and providing for the establishment and maintenance of a State fish hatchery or hatcheries and fish breeding ponds and for the stocking of the same and the other waters of this State with fish, and their protection,

And find the same correctly enrolled.

E. YOUNG,
Chairman.

Mr. Haggart moved

That further consideration of House Bill No. 67 be indefinitely postponed,

Which motion prevailed.

Mr. Haggart moved

That a Committee of three be appointed to inform the Governor that the Senate was about to adjourn,

Which motion prevailed.

The President appointed Messrs. Haggart, Clark and Brown.

Mr. Gregory moved

That a committee of three be appointed to notify the House that the Senate was about to adjourn,

Which motion prevailed.

The President appointed Messrs. Gregory, Valentine and Hillier.

The President announced that he was about to sign
Senate Bill No. 169,

A Bill for an act entitled "an act constituting the State Superintendent of Irrigation and Forestry the State Fish Commissioner of North Dakota, and providing for the establishment and maintenance of a State fish hatchery or hatcheries and fish breeding ponds, and for the stocking of the same and the other waters with fish, and their protection."

Also,
Senate Bill 162,

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 their compensation and payment.

Also,
Senate Bill No. 61,

A Bill for an act to repeal Chapter 74, Session Laws of 1893, being an act entitled "an act providing for the compilation, revision and codification of the Laws of North Dakota, and the publication and distribution and sale thereof, and to repeal Chapter 82 of the Laws of 1891 in relation thereto."

Also,
Senate Bill No. 172,

A Bill for an act entitled "an act to provide rules for the publication and construction to be placed upon the different acts passed at the Fourth Session of the Legislative Assembly."

Also,
Senate Bill No. 127,

A Bill for an act to amend Section 1 of Chapter 55 of the Session Laws of 1891, relating to cruelty to animals.

Mr. McCarten moved
That the Senate take up

House Bill No. 170,

• A Bill for an act fixing the maximum rates that railroad companies may charge for the transportation of grain and lumber within the State of North Dakota.

Which motion was lost.

Mr. LaMoure rose to a question of privilege.

The Committee to wait on the Governor report

That the Governor has no communication to send to the Senate only to thank them for their kindness.

JOHN E. HAGGART,
Chairman.

The Committee to wait on the House report
That the House has been notified.

C. E. GREGORY,
Chairman.

Mr. White moved

That the Senate do now concur in the House amendments to Senate Bill No. 61,

Which motion prevailed.

The question being on concurrence to House Bill No. 61,

A Bill for an act entitled "an act directing all fines, penalties and forfeitures to be paid into the general fund of the several counties, and repealing all conflicting laws."

The roll being called, there were ayes 28, nays none, not voting 3.

Those who voted in the affirmative were:

Messrs—

Arnold,
Benedict,
Brown,
Burke,
Clark,
Davis,
Day,
Dobie,
Enger,
Gregory,

Messrs—

Haggart,
Hanscom,
Hillier,
Lamb,
McCarten,
McGillivray,
Parkin,
Plain,
Rourke,

Messrs—

Sorley,
Stevens,
Strom,
Tufts,
Valentine,
Viets,
White,
Wishek,
Young.

Absent and not voting:

Messrs—

Fuller,

Messrs—

LaMoure,

Messrs—

Little.

So the bill passed and the title was agreed to.

The President announced that he was about to sign House Bill No. 178,

A Bill for an act to repeal an act approved February 28, 1893, entitled "an act for an appropriation for the erection of the North Dakota Reform School at Mandan and for incidental and contingent expenses for the same."

Also,

House Bill No. 145,

A Bill for an act entitled "an act to establish a garnishment law for the State of North Dakota."

Also,

House Bill No 148,

A Bill for an act to amend Section (71) seventy-one of Chap-

ter (118) one hundred and eighteen of the Laws of 1893, being an act to provide for the control and management of university and school lands, and making an appropriation therefor.

Mr. Gregory moved

That a committee be appointed to wait on the House and learn what the amendments were to Senate Bill No. 172,

Which motion prevailed.

The President appointed as such Committee, Messrs. Gregory, Davis and Haggart.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 8, 1895.

MR. PRESIDENT:

I have the honor to transmit herewith
Senate Bill No. 61,

A Bill for an act entitled "an act to repeal Chapter 74, Session Laws of 1893, being an act entitled 'an act providing for the compilation, revision and codification of the Laws of North Dakota, and the publication and distribution and sale thereof, and to repeal Chapter 82 of the Laws of 1891 in relation thereto,"

By adding at the end of Section 1 the following words:

"To take effect September 1, 1895."

And by striking out all of Section 2, being the emergency clause.

Also,

Senate Bill No. 172,

A Bill for an act entitled "an act to provide rules for the publication of and the construction to be placed upon the different acts passed at the Fourth Session of the Legislative Assembly,"

By adding to Section 2 of the original bill after the word "statute," the words: "*Provided, however,* That any act or acts passed by the Fourth Legislative Assembly and approved by the Governor, changing provisions of Code or Codes or enacting new laws, said act or acts or new laws so passed shall be considered and construed to be the law, and the provisions of such acts shall prevail as to all matters and questions arising thereunder out of the same subject matter."

Yours respectfully,

J. M. DEVINE,
Chief Clerk.

The President announced his signature to House Concurrent Resolution recommending to the electors of the State to vote on a Constitutional Convention.

Mr. Strom moved

That House Bill No. 170 be given its third reading and put upon its final passage.

Mr. Strom moved

That the Committee on Railroads return to the Senate House Bill No. 170, and other bills,
Which motion prevailed.

Mr. McCarten moved

That the President instruct the Sergeant-at-Arms to inform the Chairman of the Railroad Committee of this vote,
Which motion prevailed.

The President announced that he was about to sign House Bill No. 38,

A Bill entitled "an act to appropriate money to compensate the State of South Dakota for caring, providing for and schooling North Dakota's refractory children at the South Dakota Reform School."

Also,

House Bill No. 123,

A Bill for an act to amend Section 6 of Chapter 110 of the Laws of 1890, and defining what is intoxicating liquors.

Also,

House Bill No. 152,

A Bill for an act to amend Section 53 of Chapter 56, Laws of 1891, being an act to amend Sections 3, 4, 7, 8, 22, 24, 32, 37, 40, 55, 66, 67, 68, 74, 75, 79, 81, 83, 86, 87, 101, 110, 121, 122, 135, 136, 137, 140, 143, 144, 148, 167, 169 and 192 of Chapter 62 of the Laws of 1890, entitled "an act to provide for a uniform system of free public schools throughout the State, and to prescribe penalties for violation of the provisions thereof."

Also,

House Bill No. 101,

A Bill for an act to provide for the licensing of public warehouses.

Also,

House Bill No. 82,

A Bill for an act entitled "an act to amend Subdivisions 4 and 5 of Section 2144 of Chapter 22 of the Political Code, Compiled Laws of 1887, relating to settlement and support of the poor,"

Also,

Senate Bill No. 172,

A Bill for an act entitled "an act to provide rules for the publication of and the construction to be placed upon the different acts passed at the Fourth Session of the Legislative Assembly.

Also,

House Bill No. 156,

A Bill for an act to require railroad companies to erect, main-

tain and keep open suitable buildings for the accommodation of passengers wherever the tracks of one crosses that of the other more than two (2) miles from a passenger depot.

Mr. LaMoure moved

That the request of the House be granted and House Bills Nos. 170 and 176 be returned,
Which motion prevailed.

Mr. Sorley moved

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

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 8, 1895. }

MR. PRESIDENT:

I have the honor to inform you that the House desires the recall of House Bills Nos. 170 and 176.

Yours respectfully,

J. M. DEVINE,
Chief Clerk.

Mr. White moved

That the request of the House be complied with,
Which motion prevailed.

Mr. White asked for the report of the Sergeant-at-Arms as to House Bill No. 170.

The Sergeant-at-Arms reported that he had seen the Chairman of the Railroad Committee, who said that House Bill No. 170 was down town—that he would get it if wanted.

A Committee of the House request that the President with the assistance of the Senate do all due diligence to ascertain the location of House Bill No. 170.

Mr. White moved

That a Committee of the Senate wait on the House and give them the desired information.

Mr. Sorley moved

That the Sergeant-at-Arms inform the House that the bill had not been reported from the Committee and could not be passed this session.

The Chairman of the Railroad Committee reported House Bill No. 170 without recommendation.

Mr. McCarten moved

That House Bill No. 170 be given its third reading and put upon its final passage.

A committee from the House report that the House is ready to adjourn and asked if the Senate had any more business.

Mr. Haggart moved

That the Senate do now adjourn *sine die*,

Which motion prevailed, and

The Senate adjourned *sine die*.

FRED FALLEY,
Secretary.

INDEX.

SENATE BILLS.

Number.	Introduced by	Relating to	Introduced.
1	Mr. Haggart.	Concurrent Resolution—Adjournment.	12
2	Mr. Gregory.	Concurrent Resolution and Joint Committee.	14
3	Mr. McCarten.	Free Public Schools.	19
4	Mr. McCarten.	Free Public Schools.	19
5	Mr. Haggart.	Amending Constitution.	19
6	Mr. Haggart.	Inspecting Steam Boilers.	19
7	Mr. Haggart.	Clerk Hire, State Offices.	20
8	Mr. Little.	Amending Constitution.	22
9	Mr. Enger.	Destruction of Gophers.	22
10	Mr. Valentine.	Sale of Liquor.	22
11	Mr. Wishek.	Amending Compiled Laws of 1887.	23
12	Mr. Wishek.	Exempting Personal Property.	23
13	Mr. Arnold.	Redistricting of Counties.	23
14	Mr. Hanscom.	Salaries of Railroad Commissioners.	25
15	Mr. Brown.	Amend Session Laws of 1891.	25
16	Mr. Strom.	Courts of Conciliation.	25
17	Mr. Plain.	Amend Compiled Laws.	25
18	Mr. Arnold.	Amend Compiled Laws.	30
19	Mr. Strom.	Public Warehouse Sites.	30
20	Mr. Plain.	Amend Session Laws of 1891.	30
21	Mr. Haggart.	Appropriation for Agricultural College.	31
22	Mr. Wishek.	Amend Political Code of 1877.	31
23	Mr. Strom.	State Institutions.	31
24	Mr. McGillivray.	Increasing County Boundaries.	31
25	Mr. Fuller.	Appropriation for Hospital for Insane.	31
26	Mr. White.	Appropriation for Valley City Normal School.	31
27	Mr. Hanscom.	Amend Session Laws of 1891.	37
28	Mr. Haggart.	Labor Day.	37
29	Mr. Little.	Appropriation for Penitentiary.	37
30	Mr. Strom.	Legislative Clerks.	37
31	Mr. Strom.	Compensation of Clerks.	38
32	Mr. Rourke.	Appropriation for Soldiers' Home.	38
33	Mr. Rourke.	Courts of Conciliation.	38
34	Mr. Stevens.	Running Fires.	38
35	Mr. Day.	Appropriation for School for Deaf.	38
36	Mr. Day.	Amend Compiled Laws of 1887.	38
37	Mr. Day.	Amend Laws of 1891.	39
38	Mr. Valentine.	Uniform Text Books.	39
39	Mr. Tufts.	Levy and Collection of Taxes.	41
40	Mr. Day.	Amend Session Laws of 1890.	41
41	Mr. Strom.	Platforms.	41
42	Mr. McCarten.	Amend Laws of 1890.	42
43	Mr. Rourke.	Free Public Schools.	42
44	Mr. Arnold.	Geological Survey.	42
45	Mr. Rourke.	Confer Power on Governor.	55
46	Mr. Day.	Payment of Salaries.	55
47	Mr. Sorley.	Amend Code of Civil Procedure.	55
48	Mr. Lamb.	Rates for Transportation of Coal.	61
49	Mr. Arnold.	Appropriation for State University.	61
50	Mr. Parkin.	Organization of Counties.	61
51	Mr. Enger.	Amend Code of Civil Procedure.	61
53	Mr. Hillier.	Public Custom Mills.	62
54	Mr. Strom.	Appropriation for Mayville Normal School.	62
55	Mr. White.	Management of Normal Schools.	62
56	Mr. Plain.	Protection of Game.	62
57	Mr. Plain.	Amend Laws of 1890.	62
58	Mr. Tufts.	State Depositories.	62
59	Mr. Wishek.	Amend Laws of 1890.	62
60	Mr. Arnold.	Boiler Inspectors.	67
61	Mr. Little.	Repealing Chapter 74, Laws of 1893, etc.	67
62	Mr. Little.	Concurrent Resolution to Amend Constitution.	75
63	Mr. Clark.	Concurrent Resolution to Amend Constitution.	75
64	Mr. Clark.	Concurrent Resolution to Amend Constitution.	75
65	Mr. Strom.	Safe Keeping of Funds.	67

SENATE BILLS.

First Reading.	Second Reading.	Committee.	Reported.	Third Reading.	Amendments.	Passed.	Lost.	Received From House.			Subsequent Action.	Executive Approval.
								Amended.	Lost.	Unchanged.		
28	28	23	35	42	.....	.....	48	.....	.....	.....	.....	.....
14	19	19	228 250	.....	.....	272	.....	.....	.....	522	534	.....
19	19	19	151	.....	.....	272	.....	.....	.....	451	486	.....
19	19	19	159	184	.....	.....	195	.....	.....	.....	.....	.....
19	19	267 214 19	127	320	320	321	.....	.....	.....	.....	.....	.....
20	20	20	84	43	43	44	.....	209	535	232	285	249
22	22	22	85	44	35	44	.....	.....	.....	.....	.....	.....
22	22	22	65	77	.....	.....	78	.....	.....	.....	.....	.....
22	22	22	78	102	102	103	.....	.....	.....	270	308	.....
28	23	23	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
23	23	23	147	.....	.....	.....	.....	.....	.....	.....	.....	.....
23	23	23	58	72	.....	71	.....	.....	.....	159	162	183
23	23	23	14	69	.....	.....	185	.....	.....	.....	.....	.....
25	25	25	94	.....	.....	.....	.....	.....	.....	.....	.....	.....
25	25	25	85	123	85	123	.....	.....	.....	517	534	.....
25	25	25	101	.....	.....	.....	.....	.....	.....	.....	.....	.....
25	25	25	59	71	.....	71	.....	.....	.....	486	489	.....
30	30	30	85 86	.....	.....	.....	.....	.....	.....	.....	.....	.....
30	30	30 101	84	115	358	.....	.....	.....	.....	528	546	.....
30	30	20 30	94	.....	.....	.....	.....	.....	.....	.....	.....	.....
31	31	31	328	337	.....	.....	.....	.....	.....	479	497	.....
31	31	31	100	123	.....	.....	124	.....	.....	.....	.....	.....
31	31	31	.....	70	.....	71	.....	.....	.....	119	128	151
31	31	31	59	70	.....	70	.....	.....	.....	110	123	140
31	31	31	325	339	.....	.....	.....	.....	.....	479	482	.....
31	31	31	326	338	.....	.....	.....	.....	.....	479	483	.....
31	31	31	181	197	198	198	.....	544	.....	544	548	.....
37	37	37	325	339	.....	.....	.....	.....	.....	479	483	.....
37	37	37	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
37	37	37	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
38	38	38	321	340	.....	340	.....	.....	.....	479	483	.....
38	38	38	33	.....	.....	.....	.....	.....	.....	.....	.....	.....
38	38	38	92	168	.....	.....	.....	.....	.....	.....	.....	.....
38	38	38	327	341	480	498 341	.....	479	.....	.....	504	.....
38	38	38	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
39	39	39	156	.....	.....	.....	.....	.....	.....	.....	.....	.....
39	39	39	313	.....	.....	.....	.....	.....	.....	.....	.....	.....
39	39	39	84 189	169	189	214	.....	.....	.....	290	308	356
41	41	41	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
41	41	41	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
41	41	41	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
42	42	42	148	.....	.....	.....	.....	.....	.....	.....	.....	.....
42	42	122 42	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
42	42	42	135	170	.....	171	.....	.....	.....	270	304	310
42	42	42	59	63	.....	63	.....	.....	.....	97	105	45
55	55	55	46 254	298	254	288	.....	.....	.....	455	494	.....
55	55	55	98	124	124	124	.....	.....	.....	530	546	.....
55	55	55	254	283	254	283	.....	530	.....	.....	.....	.....
61	61	61	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
61	61	61	328	341	.....	341	.....	.....	.....	364	497	.....
61	61	61	83 148	168	.....	168	.....	.....	.....	364	.....	.....
61	61	116 61	83 148	.....	.....	.....	.....	.....	.....	.....	.....	.....
62	62	62	92 50	114	.....	.....	151	.....	.....	.....	.....	.....
62	62	62	326	342	.....	.....	342	.....	.....	479	483	.....
62	62	62	312	.....	.....	.....	.....	.....	.....	.....	.....	.....
62	62	62	156	.....	.....	.....	.....	.....	.....	.....	.....	.....
62	62	62	312	380	.....	381	.....	.....	.....	486	497	.....
62	62	62	147	.....	.....	.....	.....	.....	.....	.....	.....	.....
62	62	62	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
62	62	62	184	.....	.....	.....	.....	.....	.....	.....	.....	.....
67	67	67	84	113	113	563 113	.....	562	.....	163	561	91
75	75	75	.....	.....	.....	.....	.....	.....	.....	87	.....	.....
75	75	270	.....	270	.....	271	.....	.....	.....	448	547	.....
75	75	75	229	.....	.....	.....	.....	.....	.....	.....	.....	.....
67	67	67	135	172	172	.....	.....	.....	.....	365	376	401

SENATE BILLS.—Continued.

Number.	Introduced by	Relating to	Introduced.
66	Mr. McCarten	Amend Laws of 1890	67
67	Mr. Parkin	Amend Laws of 1887	68
68	Mr. Rourke	Amend Section 5137, Compiled Laws	68
69	Mr. White	Making Officials Responsible	68
70	Mr. Clark	Concurrent Resolution to Amend Constitution	76
71	Mr. McCarten	Relating to Duties of County Supt. of Schools	76
72	Mr. Hillier	Public Warehouses and Elevators	76
73	Mr. Plain	Repealing Chapter 2, Laws of 1893	76
74	Mr. Gregory	Repealing Chapter 2, Laws of 1893	78
75	Mr. Haggart	Reform School	67
76	Mr. Strom	Duties of Railroad Commissioners	88
77	Mr. Stevens	Amend Chapter 73, Laws of 1887	88
78	Mr. Day	Repeal Chapter 173, Laws of 1893	88
79	Mr. Rourke (By Request)	Practice in County Courts	89
80	Mr. Rourke	Defining Usury	89
81	Mr. Clark	Amend Section 3097, Compiled Laws	96
82	Mr. White	Establishing Emergency Commission	96
83	Mr. White	Noxious Weeds	96
84	Mr. Parkin	Amend Section 7, Chapter 127, Laws of 1883	97
85	Mr. Gregory	Civil Code	97
86	Mr. Gregory	Herd Law	97
87	Mr. Little	Chief State Veterinarian	104
88	Committee on Ways and Means	Amend Section 1, Chap. 100, Session Laws of 1891	104
89	Mr. Lamb	Repeal Chapter 135, Session Laws of 1893	101
90	Mr. Young	Repeal Chapter 107, Laws of 1889	104
91	Mr. Haggart	Convict Labor	104
92	Mr. Enger	Repeal Chapter 87, Laws of 1891	105
93	Mr. Clark	Encouragement of Higher Education	105
94	Mr. Strom	School and Public Lands	111
95	Mr. Sorley	Declaring Contracts Void Under Certain Circumstances	111
96	Mr. Fuller	Appropriation for Hospital for Insane	117
97	Mr. LaMoure	Levy and Collection of Taxes	117
98	Mr. Enger	Destruction of Gophers	122
99	Mr. Strom	Habitual Drunkards	137
100	Mr. Rourke (By Request)	Revenue and Taxation	137
101	Mr. Rourke (By Request)	Chattel Mortgage Sales	137
102	Mr. Enger	Salaries of Clerks of Courts	137
103	Mr. Davis	Holding Court in Wells County	145
104	Mr. Hanscom	Free Public Schools	145
105	Mr. Little	Fees of Sheriffs	157
106	Mr. Sorley (By Request)	Clerk Hire, Office of Registers of Deeds	157
107	Mr. Hillier	Collection of Road and Poll Tax	157
108	Mr. Arnold	Repeal of Chapter 20, Special Laws of 1885	157
109	Mr. Tufts (By Request)	State Encampment Grounds	158
110	Mr. Day	School and Public Lands	168
111	Mr. Strom	Tax on Dogs	168
112	Mr. Arnold	Free Text Books	173
113	Judiciary Committee	Term of Imprisonment	183
114	Joint Compilation Committee	A Justice Code	183
115	Mr. Davis	Fees of Sheriffs	183
116	Mr. Brown	Free Text Books	183
117	Mr. White	Amend Compiled Laws of 1887	192
118	Mr. Rourke	Depositing Money in Court	192
119	Mr. Clark	Bonds for Township Officers	197
120	Judiciary Committee	Voting at Primary Elections	208
121	Mr. Burke	Terms of Supreme Court	208
122	Mr. Strom	Rights of Citizenship	208
123	Mr. Gregory	Amend Chapter 93, Laws of 1891	212
124	Mr. Young	Public Printing	212
125	Joint Committee on Cactus	Extermination of Russian Thistle	212

SENATE BILLS.—Continued.

First Reading.	Second Reading.	Committee.	Reported.	Third Reading.	Amendments.	Passed.	Lost.	Received From House.			Subsequent Action.	Executive Approval.
								Amended.	Lost.	Unchanged.		
67	67	103 67	84 915	427	.....	427	.....	.....	.....	528	546	.....
68	68	68	156	187	.....	187	.....	.....	455	.....	.....	.....
68	68	68	263	241	244 245	244	.....	.....	581	.....	.....	.....
68	64	68	93	116	116	.....	.....	.....	.....	209	230	.....
76	76	76	81	85	.....	85	.....	.....	.....	88	91	.....
76	76	76	181	286	181 287	287	.....	.....	.....	481	497	.....
76	76	76	81 92 72	385	330 385	517 404	.....	502	.....	.....	544	.....
			330	404	.....	.....	.....	.....	.....	.....	.....	.....
76	76	76	86	115	.....	.....	115	.....	.....	.....	.....	.....
76	76	76	86 107	124	.....	124	.....	.....	.....	355	377	401
67	67	67	334	343	.....	344	.....	.....	.....	.....	.....	.....
88	88	88	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
98	88	88	148 165	364	.....	364	.....	517	.....	.....	529	.....
			316	.....	.....	.....	.....	.....	.....	.....	.....	.....
88	88	88	180	.....	.....	.....	.....	.....	.....	.....	.....	.....
89	89	89	101 331	125	.....	125	.....	310	.....	.....	396	422
			.....	.....	.....	.....	.....	300	.....	.....	.....	.....
89	89	89	191	222	191	324	.....	.....	544	.....	.....	.....
96	96	96	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
96	96	96	204	285	204 286	286	.....	.....	501	.....	.....	.....
96	96	96	.....	360	.....	360	.....	.....	522	.....	.....	.....
97	97	97	334	380	.....	380	.....	.....	.....	156	488	.....
97	97	97	122	127	.....	152	.....	.....	.....	185	304	319
97	97	97	121	169	.....	519 169	.....	516	.....	.....	545	.....
104	104	104	229	305	305	315	.....	.....	.....	522	548	.....
104	104	104	.....	209	210	514 210	.....	516	.....	.....	545	.....
104	104	104	238	.....	.....	.....	404	.....	.....	.....	.....	.....
104	104	104	263	404	.....	.....	.....	.....	.....	.....	.....	.....
104	104	104	255	282	.....	282	.....	.....	447	.....	.....	.....
105	105	105	173	.....	.....	.....	.....	.....	.....	.....	.....	.....
115	105	105	148 225	274	.....	305	.....	.....	.....	524	546	.....
111	111	111	148 187	304	304	.....	304	.....	.....	.....	.....	.....
			239	.....	.....	.....	.....	.....	.....	.....	.....	.....
111	111	111	189	.....	.....	.....	.....	.....	.....	.....	.....	.....
122	122	122	326	346	.....	347	.....	.....	.....	534	546	.....
122	122	122	370	.....	.....	.....	404	.....	.....	.....	.....	.....
122	122	122	182	198	.....	477 199	.....	.....	.....	456	498	.....
140	140	140	164	215	164	395 215	.....	394	.....	.....	432	454
140	140	140	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
140	140	140	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
141	141	141	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
158	158	158	164	186	.....	186	.....	.....	.....	355	377	401
158	158	158	181	288	.....	288	.....	.....	447	.....	.....	.....
157	157	157	180	284	180 417	418	.....	.....	.....	528	551	.....
			.....	.....	418	.....	.....	.....	.....	.....	.....	.....
157	157	157	180	274	.....	274	.....	.....	274	.....	.....	.....
157	157	157	358	107	.....	358	.....	.....	.....	528	550	.....
157	157	157	164	186	.....	379	.....	.....	.....	444	483	.....
158	158	158	158	.....	.....	.....	.....	.....	.....	.....	.....	.....
168	168	168	392	461	.....	472	.....	.....	594	.....	.....	.....
168	168	168	359	423	.....	.....	.....	.....	522	.....	.....	.....
178	178	178	812	.....	.....	.....	.....	.....	.....	.....	.....	.....
183	183	183	207	285	.....	.....	285	.....	.....	.....	.....	.....
183	183	183	207	192	.....	.....	.....	.....	.....	.....	.....	.....
183	183	183	191	192	192 195	.....	195	.....	.....	212	308	346
183	183	183	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
183	183	183	313	.....	.....	.....	.....	.....	.....	.....	.....	.....
192	192	192	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
192	192	192	287	289	.....	288	.....	.....	516	.....	583	.....
197	197	197	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
208	208	208	238	275	.....	275	.....	.....	447	.....	.....	.....
208	208	208	357	424	.....	421	.....	.....	.....	539	548	.....
208	208	208	373	.....	.....	.....	374	.....	.....	.....	.....	.....
212	212	212	294	363	.....	363	.....	.....	.....	516	538	.....
212	212	212	255	287	.....	287	.....	.....	447	.....	.....	.....
212	212	212	280	302	.....	302	.....	.....	.....	409	457	.....

SENATE BILLS.—Continued.

Number.	Introduced by	Relating to	Introduced.
126	Joint Committee on Cactus.....	Appropriation for Extermination of Rus Thistle....	212
127	Mr. Arnold.....	Cruelty to Animals.....	212
128	Mr. Burke.....	Concurrent Resolution to Amend Constitution.....	232
129	Mr. Rourke.....	Amend Section 1961a, Civil Code.....	232
130	Mr. Davis.....	Elective Franchise.....	239
131	Mr. Haggart.....	Incorporation of Cities.....	239
132	Com. on Cities and Municipalities.....	Free Text Books.....	240
133	Com. on Cities and Municipalities.....	Free Public Schools.....	240
134	Mr. Haggart.....	Amend Laws of 1887.....	240
135	Mr. Sorley.....	Tables of Mortality Evidence.....	253
136	Mr. Haggart.....	Repeal Section 982, Compiled Laws.....	253
137	Committee on Education.....	Free Public Schools.....	253
138	Mr. Haggart.....	Southern Boundary of State.....	260
139	Mr. Stevens.....	Concurrent Resolution to Amend Constitution.....	261
140	Mr. Brown.....	Electors of Indian Descent.....	261
141	Mr. Viets.....	Adulterated Tobaccos.....	261
142	Mr. Viets.....	Levy and Collection of Taxes.....	261
143	Mr. Wishek.....	Probate Code.....	270
144	Mr. Plain.....	Substitute for Senate Bill No. 57.....	282
145	Judiciary Committee.....	Ballots at Public Expense.....	282
146	Mr. Gregory.....	Sale of Liquor.....	297
147	Mr. LaMoure.....	Historical Commission.....	297
148	Mr. Dobie.....	Protection of Fish.....	298
149	Mr. Little.....	Levy and Collection of Taxes.....	306
150	Mr. Haggart.....	Executive Mansion.....	317
151	Mr. LaMoure.....	Licensing Peddlers.....	317
152	Mr. White.....	Meetings of Corporations.....	317
153	Mr. Dobie.....	School Districts.....	317
154	Mr. Clark.....	Amend Compiled Laws of 1887.....	335
155	Committee on Appropriations.....	Laws of 1898.....	335
156	Committee on Appropriations.....	Forest Tree Culture.....	336
157	Committee on Appropriations.....	Free Public Schools.....	336
158	Committee on Appropriations.....	Military Code.....	336
159	Joint Conference Committee.....	Railroad Rates.....	336
160	Mr. Viets.....	Sale of Liquors.....	336
161	Mr. Lamb.....	Native Coal.....	375
162	Mr. White.....	Legislative Employes.....	376
163	Judiciary Committee.....	Gross Earnings.....	376
164	Mr. Gregory.....	Organizing Counties.....	376
165	Mr. Rourke.....	Code of Criminal Procedure.....	398
166	Mr. Plain.....	Railway Rates.....	398
167	Mr. Gregory.....	Reform School.....	415
168	Mr. Little.....	Ceding Lands to the United States.....	415
169	Mr. Fuller.....	State Fish Commissioner.....	415
170	Mr. Hanscom.....	Concurrent Resolution.....	419
171	Joint Compilation Committee.....	The Seven Codes.....	419
172	Joint Compilation Committee.....	Publication of Codes.....	420
173	Joint Compilation Committee.....	Revised Codes.....	440
174	Mr. Enger.....	Joint School Townships.....	440
175	Mr. Benedict.....	Boards of Health.....	440

HOUSE BILLS.

Number.	Relating to	Received.	First Reading.	Committed.	Reported	Third Reading.	Amended.	Passed.	Lost.	Subsequent Action.
1	State Depositories.....	100	112	289	270	350	351	352	...	406
3	Repeal Chapter 45, Laws of 1898.....	415	429	429	112	181	...	...	...	...
4	Amend Laws of 1891.....	179	240	240	331	474	...	474	...	484
5	Trials Without Jury.....	109	112	112	...	...	...	...	...	...
6	Superintendent of Forestry.....	476	499	499	532	...	...	...	...	...
8	Taxation of Railroads.....	129	112	112	320	399	...	400	...	432
9	Public Highways.....	414	429	429	490	521	...	521	...	559
10	Divorce.....	237	243	243	268	...	...	...	275	...
11	Collection of Taxes.....	99	111	192	253	...	...	...	...	...
13	Manufacture of Potato Starch.....	67	89	89	208	230	...	231	...	268
14	Veterinary Science.....	159	173	173	374	397	...	397	...	424
15	Collection of Taxes.....	109	112	112	369	...	...	...	...	...
16	Volunteer Firemen.....	423	429	429	468	...	...	...	560	...
20	Accounts of State Officers.....	77	89	89	416	416	...	416	...	...
21	Duties of State's Attorneys.....	84	112	112	122	120	136	...	...	...
23	Railway Station Houses.....	109	112	112	190	347	...	347	...	397
24	Free Public Schools.....	142	173	173	259	347	...	347	...	...
26	Laws of 1898.....	237	242	242	369	...	...	...	...	...
28	Labor Day.....	180	242	242	314	...	...	...	...	...
29	Free Text Books.....	159	174	174	312	...	...	...	...	...
30	Incorporation of Cities.....	99	111	111	360	393	...	393	...	406
32	State Banks.....	87	111	111	393	525	...	525	...	544
35	Levy and Collection of Taxes.....	139	174	174	314	370	...	370	...	397
38	Compensating South Dakota.....	109	112	112	333	554	...	554	...	564
39	Sale of Cigarettes.....	99	111	111	129	175	...	175	...	191
41	Military Code.....	139	154	154	164	250	251	251	...	424
46	Sale of Intoxicating Liquors.....	139	154	154	182	249	345	346	...	...
47	Payment of Taxes.....	109	112	112	314	...	...	...	...	...
50	Commissioners of Railroads.....	233	241	241	392	...	...	...	357	...
51	Amend Compiled Laws of 1887.....	139	174	174	238	521	...	521	...	537
53	Public Institutions.....	119	174	174	...	...	...	...	...	...
52	Sale of Intoxicating Liquors.....	263	292	292	357	510	...	530	511	559
64	Manning Trains.....	171	240	240	360	393	394	394	...	425
65	Drains.....	349	362	362	392	398	...	398	...	457
67	Taking of Census.....	156	241	241	359	...	...	...	560	...
68	School of Forestry.....	490	499	499	520	556	...	...	556	...
69	Bounty for Sugar Beets.....	233	242	242	332	...	...	...	...	...
70	Hotels.....	290	312	312	391	508	...	508	...	533
71	Township Cemeteries.....	159	174	174	314	514	...	514	...	558
72	Levy and Collection of Taxes.....	159	174	174	393	...	393	...	...	...
74	Defective Acknowledgments.....	139	174	174	313	360	...	360	...	397
76	Duties of County Auditors.....	131	173	173	372	368	...	420	...	450
77	County Funds.....	119	119	119	130	146	...	147	...	154
82	Support of the Poor.....	234	311	311	460	547	...	547	...	564
85	Construction of County Bridges.....	171	241	241	267	507	267	507	...	537
87	Steam Engines.....	389	405	405	...	...	...	...	...	...
89	Public Lands.....	299	311	311	333	...	...	...	...	...
91	Legislative Employees.....	443	466	466	491	...	...	...	...	...
92	Culture of Sugar Beets.....	191	242	242	267	...	...	...	557	...
95	Amend Laws of 1893.....	293	291	291	313	...	...	...	...	...
97	Commissioner of Agriculture.....	430	499	499	510	540	...	...	540	...
98	Officers of Incorporated Towns.....	160	292	292	316	511	316	511	...	533
99	Supreme Court.....	193	241	241	330	475	...	475	...	484
100	Bulletin Boards at Stations.....	234	312	312	392	...	...	...	...	...
101	Public Warehouses.....	170	173	173	233	552	...	552	...	564
102	Portraits of Officials.....	234	311	311	374	...	...	...	557	...
103	Seventh Judicial District.....	237	240	240	460	536	...	536	...	559
104	State Banks.....	263	291	291	373	392	...	392	...	418
105	Distribution of Ballots.....	172	241	241	...	...	...	...	...	...
107	Practice of Medicine.....	390	404	404	459	523	525	525	...	558
108	Duties of County Treasurers.....	171	241	241	329	513	...	513	...	544
109	Code of Civil Procedure.....	143	150	150	157	190	182	162	365	...

HOUSE BILLS.—Continued.

Number.	Relating to								Subsequent Action.	
		Received.	First Reading.	Committed.	Reported.	Third Reading.	Amended.	Passed.		Lost
112	Obscene Publications.....	287	242	242	268	385	...	385	...	418
114	Taxation of Property.....	389	405	405	468	...	...	...	...	...
116	Amend Compiled Laws of 1887.....	395	405	405	414	...	...	...	...	...
117	Lease of School Lands.....	200	242	242	...	...	...	...	...	...
119	Probate Code.....	185	180	190	207	284	248	244	265	...
120	Commercial Agencies.....	431	405	405	...	...	...	...	...	...
121	Military Code.....	389	405	405	435	477	438	504	...	558
122	Protecting Dairy Interests.....	290	311	311	416	520	...	520	...	558
123	Intoxicating Liquors.....	409	429	429	435	555	558	558	...	564
125	Coroner's Records.....	448	450	450	491	518	...	523	...	558
126	Official Bonds.....	446	450	450	491	518	...	518	...	537
127	Destruction of Buildings.....	288	281	281	333	523	...	528	...	544
128	Relief of Dr. Smyth.....	284	281	281	331	420	391	420	...	452
128	Amend Laws of 1890.....	390	406	406	428	512	...	512	...	533
133	Penal Code.....	200	204	204	225	256	261	261	305	...
135	Fire Companies.....	289	292	292	314	360	...	365	...	396
136	Spinning Fibres.....	355	362	362	450	509	...	509	...	558
137	Deaf School.....	448	450	450	491	...	...	...	...	...
138	Relief of Nellie McDonald.....	269	262	262	333	499	...	500	...	533
140	Salaries of County Officers.....	390	405	405	...	...	...	...	...	...
141	Levy and Collection of Taxes.....	263	290	290	469	...	...	...	...	...
144	Garnishment Law.....	401	405	405	435	500	...	500	...	562
145	Illuminating Oils.....	237	242	242	359	...	...	...	559	...
146	Amend Compiled Laws of 1887.....	283	291	291	314	508	...	508	...	533
147	Public Lands.....	415	429	429	459	549	...	550	...	562
148	Employment of Convict Labor.....	302	311	311	373	381	...	382	...	40
149	Code of Criminal Procedure.....	250	257	260	281	284	...	278	...	36
150	Legislative Expenses.....	302	311	311	359	513	...	514	...	533
151	Free Public Schools.....	269	291	291	459	548	...	542	...	564
152	Promote Stock Raising.....	395	406	406	459	555	...	...	555	...
154	Blind Asylum.....	339	408	408	437	512	...	512	...	544
155	Passenger Stations.....	449	450	450	431	510	...	510	...	564
156	Driving Stock Through the State.....	414	430	430	459	558	...	556	...	...
157	Irrigation.....	423	430	430	461	513	518	519	...	537
159	Amend Laws of 1890.....	456	466	466	500	...	...	...	...	537
160	Publication of Insurance Statements.....	449	450	450	491	...	...	...	...	...
161	Collection of Taxes.....	414	430	430	468	...	...	...	...	...
162	Political Code.....	383	388	388	409	430	410	489	...	529
165	Political Code.....	383	388	388	409	430	410	484	...	...
166	Amend Session Laws of 1890.....	423	430	430	...	...	...	...	...	...
167	Manufacture of Binding Twine.....	454	466	466	492	537	...	537	...	559
69	Division of Civil Townships.....	395	406	406	437	520	...	520	...	559
170	Railroad Rates.....	411	430	430	...	...	...	...	...	...
171	Establishing Boundaries.....	448	451	451	...	...	...	...	555	...
172	Code of Criminal Procedure.....	449	451	451	460	...	...	...	...	...
173	County Boundaries.....	471	473	473	492	...	...	...	533	...
174	Irrigation.....	448	451	451	461	...	...	...	...	...
175	Marriage Licenses.....	454	466	466	492	...	...	...	536	...
176	Railroad Rates.....	449	451	451	460	...	...	...	560	...
178	Reform School.....	455	466	466	492	551	...	551	...	562
179	Herdng of Animals.....	455	466	466	...	...	...	...	...	...

PERSONAL INDEX.

- JUDSON LAMOURE—7 9 9 10 11 12 14 16 18 22 29 43 44 81 101 110 113 115 116 127 128 131
143 144 150 151 153 154 161 168 175 217 231 241 249 252 262 274 275 284 285 302 303 310 311
323 332 335 337 339 341 345 348 349 351 352 368 374 375 376 377 379 384 385 393 399 402 404
412 417 418 420 424 426 429 430 440 446 467 471 472 473 475 484 489 502 504 510 511 512 540
554 557 565.
- JAMES DOBIE—347.
- WILLIAM HILLIER—11 13 32 36 103 150 270 321 350 403 404 425 426 438 517 535 538.
- GEORGE CLARK—9 10 118 270.
- H. F. ARNOLD—9 20 79 102 111 131 133 141 153 163 167 186 245 275 305 341 366 367 370 377 378
394 396 397 406 413 446 438 513 552.
- J. A. SORLEY—46 102 114 115 128 138 139 145 153 154 169 170 231 239 249 252 261 275 306 349 417
426 469 475 503 504 531 560 565.
- H. H. STROM—8 60 80 86 98 145 150 187 209 215 236 274 285 304 321 342 343 362 385 386 418 423
487 489 559 563 564.
- JOHN E. HAGGART—7 15 20 24 26 33 35 46 66 74 82 86 89 99 156 167 175 184 185 209 210 214
231 232 235 253 318 329 338 350 251 369 382 388 418 440 488 508 515 526 532 534 539 552 557
559 560 566.
- D. C. TUFTS—24 81 159 162 214 269 321 322 344 352 354 385 389 446 537.
- E. YOUNG—7 8 102 141 161 192 193 201 257 339 395 420 472 473 489.
- A. V. BENEDICT—6 41 229.
- R. MCCARTEN—29 81 103 133 187 198 297 324 366 374 417 426 427 464 525 561 564 565.
- P. H. ROURKE—118 122 130 133 141 156 195 198 233 243 244 245 264 274 310 312 320 321 323 340
341 346 348 363 365 370 418 441 464 462 529 536 549 553 556 560.
- FRANK WHITE—37 43 63 65 74 95 99 115 116 141 145 154 173 205 213 249 250 251 266 269 286
304 353 361 363 367 376 399 404 407 468 418 419 421 442 454 473 477 480 484 485 503 504 528
529 530 553 562 565.
- F. G. ENGER—43 77 123 264 389 474 487 488.
- J. P. LAMB—47 77 262 283 351 445.
- C. W. PLAIN—43 95 142 168 213 226 321 347 352 353 381 444 445 475 500 536 540.
- JOHN BURKE—25 41 70 81 96 110 116 137 170 184 187 197 245 285 286 304 320 321 363 366 400
413 464 467 477 503 534 555.
- C. G. BROWN—8 35 137 167 199 229 321 322 323 352 363.
- E. P. DAY—31 102 129 160 246 252 341 383 384 498.
- D. T. DAVIS—7 257 320 432.
- BAILEY FULLER—8 270 472.
- C. N. VALENTINE—98 303 346 446 520 553.
- J. W. STEVENS—10 36 165 215 364 526.
- J. H. WISHEK—244
- C. B. LITTLE—7 8 10 12 13 15 16 20 22 25 26 29 33 45 47 55 56 64 72 78 82 96 101 104 105 113
114 123 125 126 153 154 155 158 187 192 198 197 199 206 209 210 215 243 286 305 306 311 319
337 338 339 340 343 349 350 362 366 369 375 377 380 381 382 383 385 395 400 402 403 406 407
432 433 443 443 482 487 489 490 501 514 524 534 539 542 543 552 554 555.
- A. L. HANSCOM—141 487.
- C. E. GREGORY—7 14 25 33 45 55 61 67 68 72 88 99 118 143 145 146 152 165 187 262 264 297 363
403 421 430 445 484 485 487 488 489 501 503 504 519 530 557 561 563.
- H. S. PARKIN—17 46 70 137 141 152 531.
- A. C. MCGILLIVRAY—12 39 40 60 61 69 70 86 95 135 192 234 239 249 250 290 302 309 343 351 353
367 402 433 464 470 475 499 541.