

STATE OF NORTH DAKOTA.

JOURNAL OF THE HOUSE

OF THE

SIXTH SESSION

OF THE

Legislative Assembly

BEGUN AND HELD

AT THE CAPITOL AT BISMARCK,

January 3 to March 3, 1899 Inclusive.

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Journal of the House

SIXTH SESSION.

FIRST DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 3, 1899.

At the hour of 12 o'clock meridian, the 3rd day of January, A. D., 1899, being the day and hour designated by law for the convening of the legislative assembly of the state of North Dakota, the members-elect of the house of representatives of the sixth session of the legislative assembly assembled in the house chamber in the capitol at Bismarck, and were called to order by H. E. Lavayea, chief clerk of the house of representatives of the fifth legislative assembly of the state of North Dakota.

The session opened with prayer by the Rev. Father Clemons, of Bismarck.

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

First District—J. D. Wallace, W. J. Watts.

Second District—J. Thordarson, E. H. Restemayer.

Third District—J. J. Dougherty, D. E. Towle.

Fourth District—W. R. Johnson, Henry Ferris, K. O. Brotnov.

Fifth District—T. E. Tufte, W. W. Glasgow.

- Sixth District—J. D. Bacon, Alex. Stewart.
 Seventh District—M. Erickson, C. J. Ovind.
 Eighth District—O. G. Nelson, O. C. Hauan, P. Herbrandson, S. C. Swenson.
 Ninth District—W. D. Allen, Thos. Baker.
 Tenth District—G. W. Wolbert, P. P. Chacey, N. O. Brakke.
 Eleventh District—E. C. Sargent, R. B. Boyd, W. W. Tousley.
 Twelfth District—M. Lynch, A. W. Thomas, J. S. Johnson.
 Thirteenth District—A. Peterson, T. L. Taylor.
 Fourteenth District—T. J. Dwire, A. H. Laughlin.
 Fifteenth District—G. W. Earl, D. N. Green.
 Sixteenth District—C. Winslow, M. B. Cassell.
 Seventeenth District—S. S. Aas.
 Eighteenth District—H. McLean, S. Berger.
 Nineteenth District—Wm. Clarke.
 Twentieth District—J. Michels, F. T. Gronvold.
 Twenty-first District—Henry Hale, H. L. Ugland.
 Twenty-second District—E. B. Thomson, H. J. Miner.
 Twenty-third District—C. A. Sanford, O. McHarg.
 Twenty-fourth District—C. S. Deisem.
 Twenty-fifth District—John Kennedy, J. S. Peek.
 Twenty-sixth District—T. W. Allshouse, G. O. Gulack.
 Twenty-seventh—R. N. Stevens, Joseph Hare.
 Twenty-eighth—O. Gilbertson.
 Twenty-ninth—P. P. Lee.
 Thirtieth—D. Stevenson, Wm. Engelter.
 Thirty-first—F. Lish.

The oath of office was then administered to the members elect by the Hon. J. M. Bartholomew, judge of the supreme court.

The house proceeded to organization.

Mr. Allen nominated Thos. Baker, jr., of Cass, for speaker.

The roll being called there were 62 votes cast, of which Mr. Thos. Baker, jr., received 61, and Mr. E. C. Sargent 1 vote.

Those who voted for Mr. Baker were:

Messrs. Aas, Allen, Allshouse, Bacon, Berger, Boyd, Brakke, Brotnov, Cassell, Chacey, Clarke, Deisem, Dougherty, Dwire, Earl, Engelter, Erickson, Ferris, Gilbertson, Glasgow, Green, Gronvold,

Gulack, Hale, Hare, Hauan, Herbrandson, Johnson of Richland, Johnson of Walsh, Kennedy, Laughlin, Lee, Lish, Lynch, McHarg, McLean, Michels, Miner, Nelson, Ovind, Peek, Peterson, Restemayer, Sanford, Sargent, Stevens, Stewart, Swenson, Stevenson, Taylor, Thomas, Thomson, Thordarson, Tousley, Towle, Tufte, Uglan, Wallace, Watts, Wolbert, Winslow.

Mr. Baker voted for Mr. Sargent.

Mr. Baker having received a majority of all votes cast was declared the duly elected speaker of the house.

Messrs. Allen and Dougherty were appointed a committee to escort the speaker elect to the chair.

The oath of office was then administered to the speaker by the Hon. J. M. Bartholomew, judge of the supreme court.

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

Mr. Bacon nominated John G. Hamilton, of Grand Forks, for chief clerk.

The roll call being called there were 62 votes cast, of which Mr. Hamilton received 62 votes, and was declared the duly elected chief clerk of the house.

Those who voted for Mr. Hamilton were:

Messrs. Aas, Allen, Allshouse, Bacon, Berger, Boyd, Brakke, Brotnov, Cassell, Chacey, Clarke, Deisem, Dougherty, Dwire, Earl, Engelter, Erickson, Ferris, Gilbertson, Glasgow, Green, Gronvold, Gulack, Hale, Hare, Hauan, Herbrandson, Johnson of Richland, Johnson of Walsh, Kennedy, Laughlin, Lee, Lish, Lynch, McHarg, McLean, Michels, Miner, Nelson, Ovind, Peek, Peterson, Restemayer, Sanford, Sargent, Stevens, Stewart, Swenson, Stevenson, Taylor, Thomas, Thomson, Thordarson, Tousley, Towle, Tufte, Uglan, Wallace, Watts, Wolbert, Winslow, Mr. Speaker.

Mr. Glasgow nominated H. E. Lavayea, of Grand Forks county, for assistant chief clerk.

The roll being called there were 62 votes cast, of which Mr. Lavayea received 62, and was declared the duly elected assistant chief clerk.

Those who voted for Mr. Lavayea were:

Messrs. Aas, Allen, Allshouse, Bacon, Berger, Boyd, Brakke, Brotnov, Cassell, Chacey, Clarke, Deisem, Dougherty, Dwire, Earl, Engelter, Erickson, Ferris, Gilbertson, Glasgow, Green, Gronvold, Gulack, Hale, Hare, Hauan, Herbrandson, Johnson of Richland, Johnson of Walsh, Kennedy, Laughlin, Lee, Lish, Lynch, McHarg,

McLean, Michels, Miner, Nelson, Ovind, Peek, Peterson, Restemayer, Sanford, Sargent, Stevens, Stewart, Swenson, Stevenson, Taylor, Thomas, Thomson, Thordarson, Tousley, Towle, Tufta, Uglund, Wallace, Watts, Wolbert, Winslow, Mr. Speaker.

The oath of office was then administered to J. G. Hamilton and H. E. Lavayea by the Hon. J. M. Bartholemew, judge of the supreme court.

Mr. Thomson nominated D. B. Wellman, of Eddy county, for sergeant-at-arms.

The roll being called there were 62 votes, of which Mr. Wellman received 62 votes, and was declared the duly elected sergeant-at arms.

Those who voted for Mr. Wellman were:

Messrs. Aas, Allen, Allshouse, Bacon, Berger, Boyd, Brakke, Brotnov, Cassell, Chacey, Clarke, Deisem, Dougherty, Dwire, Earl, Engelter, Erickson, Ferris, Gilbertson, Glasgow, Green, Gronvold, Gulack, Hale, Hare, Hauan, Herbrandson, Johnson of Richland, Johnson of Walsh, Kennedy, Laughlin, Lee, Lish, Lynch, McHarg, McLean, Michels, Miner, Nelson, Ovind, Peek, Peterson, Restemayer, Sanford, Sargent, Stevens, Stewart, Swenson, Stevenson, Taylor, Thomas, Thomson, Thordarson, Tousley, Towle, Tufta, Uglund, Wallace, Watts, Wolbert, Winslow, Mr. Speaker.

The oath of office was administered to Mr. Wellman by the Hon. J. M. Bartholomew, judge of the supreme court.

Mr. Laughlin nominated John Sanderson, of Ransom county, for assistant sergeant-at-arms.

The roll being called there were 62 votes cast, of which Mr. Sanderson received 62 votes, and was declared the duly elected assistant sergeant-at-arms.

Those who voted for Mr. Sanderson were:

Messrs. Aas, Allen, Allshouse, Bacon, Berger, Boyd, Brakke, Brotnov, Cassell, Chacey, Clarke, Deisem, Dougherty, Dwire, Earl, Engelter, Erickson, Ferris, Gilbertson, Glasgow, Green, Gronvold, Gulack, Hale, Hare, Hauan, Herbrandson, Johnson of Richland, Johnson of Walsh, Kennedy, Laughlin, Lee, Lish, Lynch, McHarg, McLean, Michels, Miner, Nelson, Ovind, Peek, Peterson, Restemayer, Sanford, Sargent, Stevens, Stewart, Swenson, Stevenson, Taylor, Thomas, Thomson, Thordarson, Tousley, Towle, Tufta, Uglund, Wallace, Watts, Wolbert, Winslow, Mr. Speaker.

Mr. Wallace nominated Saml. C. Heist, of Pembina county, for journal clerk.

The roll being called there were 62 votes cast, of which Mr.

Heist received 62 votes, and was declared the duly elected journal clerk.

Those who voted for Mr. Heist were:

Messrs. Aas, Allen, Allshouse, Bacon, Berger, Boyd, Brakke, Brotnov, Cassell, Chacey, Clarke, Deisem, Dougherty, Dwire, Earl, Engelter, Erickson, Ferris, Gilbertson, Glasgow, Green, Gronvold, Gulack, Hale, Hare, Hauan, Herbrandson, Johnson of Richland, Johnson of Walsh, Kennedy, Laughlin, Lee, Lish, Lynch, McHarg, McLean, Michels, Miner, Nelson, Ovind, Peek, Peterson, Restemayer, Sanford, Sargent, Stevens, Stewart, Swenson, Stevenson, Taylor, Thomas, Thomson, Thordarson, Tousley, Towle, Tufte, Ugland, Wallace, Watts, Wolbert, Winslow, Mr. Speaker.

Mr. Boyd nominated for chief enrolling and engrossing clerk Wellington Irysh, of Cass county.

The roll being called there were 62 votes cast, of which Mr. Irysh received 62 votes, and was declared the duly elected chief enrolling clerk.

Those who voted for Mr. Irysh were:

Messrs. Aas, Allen, Allshouse, Bacon, Berger, Boyd, Brakke, Brotnov, Cassell, Chacey, Clarke, Deisem, Dougherty, Dwire, Earl, Engelter, Erickson, Ferris, Gilbertson, Glasgow, Green, Gronvold, Gulack, Hale, Hare, Hauan, Herbrandson, Johnson of Richland, Johnson of Walsh, Kennedy, Laughlin, Lee, Lish, Lynch, McHarg, McLean, Michels, Miner, Nelson, Ovind, Peek, Peterson, Restemayer, Sanford, Sargent, Stevens, Stewart, Swenson, Stevenson, Taylor, Thomas, Thomson, Thordarson, Tousley, Towle, Tufte, Ugland, Wallace, Watts, Wolbert, Winslow, Mr. Speaker.

Mr. Deisem nominated C. I. Hutchinson, of LaMoure county, for bill clerk.

The roll being called there were 62 votes cast, of which Mr. Hutchinson received 62 votes, and was declared the duly elected bill clerk.

Those who voted for Mr. Hutchinson were:

Messrs. Aas, Allen, Allshouse, Bacon, Berger, Boyd, Brakke, Brotnov, Cassell, Chacey, Clarke, Deisem, Dougherty, Dwire, Earl, Engelter, Erickson, Ferris, Gilbertson, Glasgow, Green, Gronvold, Gulack, Hale, Hare, Hauan, Herbrandson, Johnson of Richland, Johnson of Walsh, Kennedy, Laughlin, Lee, Lish, Lynch, McHarg, McLean, Michels, Miner, Nelson, Ovind, Peek, Peterson, Restemayer, Sanford, Sargent, Stevens, Stewart, Swenson, Stevenson, Taylor, Thomas, Thomson, Thordarson, Tousley, Towle, Tufte, Ugland, Wallace, Watts, Wolbert, Winslow, Mr. Speaker.

Mr. Hare nominated Mary H. Stevens, of Burleigh county, for stenographer.

The roll being called there were 62 votes cast, of which Mary H. Stevens received 62 votes, and was declared the duly elected stenographer.

Those who voted for Mary H. Stevens were:

Messrs. Aas, Allen, Allshouse, Bacon, Berger, Boyd, Brakke, Brotnov, Cassell, Chacey, Clarke, Deisem, Dougherty, Dwire, Earl, Engelter, Erickson, Ferris, Gilbertson, Glasgow, Green, Gronvold, Gulack, Hale, Hare, Hauan, Herbrandson, Johnson of Richland, Johnson of Walsh, Kennedy, Laughlin, Lee, Lish, Lynch, McHarg, McLean, Michels, Miner, Nelson, Ovind, Peek, Peterson, Restemayer, Sanford, Sargent, Stevens, Stewart, Swenson, Stevenson, Taylor, Thomas, Thomson, Thordarson, Tousley, Towle, Tufte, Uglund, Wallace, Watts, Wolbert, Winslow, Mr. Speaker.

A committee from the senate announced that the senate was organized and ready for business.

Mr. Sanford nominated O. A. Boynton, of Stutsman, for messenger.

The roll being called there were 62 votes cast, of which Mr. Boynton received 62 votes, and was declared the duly elected messenger.

Those who voted for Mr. Boynton were:

Messrs. Aas, Allen, Allshouse, Bacon, Berger, Boyd, Brakke, Brotnov, Cassell, Chacey, Clarke, Deisem, Dougherty, Dwire, Earl, Engelter, Erickson, Ferris, Gilbertson, Glasgow, Green, Gronvold, Gulack, Hale, Hare, Hauan, Herbrandson, Johnson of Richland, Johnson of Walsh, Kennedy, Laughlin, Lee, Lish, Lynch, McHarg, McLean, Michels, Miner, Nelson, Ovind, Peek, Peterson, Restemayer, Sanford, Sargent, Stevens, Stewart, Swenson, Stevenson, Taylor, Thomas, Thomson, Thordarson, Tousley, Towle, Tufte, Uglund, Wallace, Watts, Wolbert, Winslow, Mr. Speaker.

Mr. Johnson, of Richland county, nominated Cassius Lisk, of Richland, for postmaster.

The roll being called there were 62 votes cast, of which Mr. Lisk received 62 votes, and was declared the duly elected postmaster.

Those who voted for Mr. Lisk were:

Messrs. Aas, Allen, Allshouse, Bacon, Berger, Boyd, Brakke, Brotnov, Cassell, Chacey, Clarke, Deisem, Dougherty, Dwire, Earl, Engelter, Erickson, Ferris, Gilbertson, Glasgow, Green, Gronvold, Gulack, Hale, Hare, Hauan, Herbrandson, Johnson of Richland,

Johnson of Walsh, Kennedy, Laughlin, Lee, Lish, Lynch, McHarg, McLean, Michels, Miner, Nelson, Ovind, Peek, Peterson, Restemayer, Sanford, Sargent, Stevens, Stewart, Swenson, Stevenson, Taylor, Thomas, Thomson, Thordarson, Tousley, Towle, Tufte, Ugland, Wallace, Watts, Wolbert, Winslow, Mr. Speaker.
Gulack, Hale, Hare, Hauan, Herbrandson, Johnson of Richland,

Mr. Dwire nominated Rev. F. Clemons, of Burleigh, for chaplain.

The roll being called there were 60 votes cast, of which Mr. Clements received 60 votes, and was declared the duly elected chaplain.

Those who voted for Mr. Clemons were:

Messrs. Aas, Allen, Allshouse, Bacon, Berger, Boyd, Brakke, Cassell, Chacey, Clarke, Dougherty, Dwire, Earl, Engelter, Erickson, Ferris, Gilbertson, Glasgow, Green, Gronvold, Gulack, Hale, Hare, Hauan, Herbrandson, Johnson of Richland, Johnson of Walsh, Kennedy, Laughlin, Lee, Lish, Lynch, McHarg, McLean, Michels, Miner, Nelson, Ovind, Peek, Peterson, Restemayer, Sanford, Sargent, Stevens, Stewart, Swenson, Stevenson, Taylor, Thomas, Thomson, Thordarson, Tousley, Towle, Tufte, Ugland, Wallace, Watts, Wolbert, Winslow, Mr. Speaker.

Messrs. Brotnov and Deisem not voting.

Mr. McHarg nominated Morris Anderson, of Burleigh, for janitor.

The roll being called there were 62 votes cast, of which Mr. Anderson received 62 votes, and was declared the duly elected janitor.

Those who voted for Mr. Anderson were:

Messrs. Aas, Allen, Allshouse, Bacon, Berger, Boyd, Brakke, Brotnov, Cassell, Chacey, Clarke, Deisem, Dougherty, Dwire, Earl, Engelter, Erickson, Ferris, Gilbertson, Glasgow, Green, Gronvold, Gulack, Hale, Hare, Hauan, Herbrandson, Johnson of Richland, Johnson of Walsh, Kennedy, Laughlin, Lee, Lish, Lynch, McHarg, McLean, Michels, Miner, Nelson, Ovind, Peek, Peterson, Restemayer, Sanford, Sargent, Stevens, Stewart, Swenson, Stevenson, Taylor, Thomas, Thomson, Thordarson, Tousley, Towle, Tufte, Ugland, Wallace, Watts, Wolbert, Winslow, Mr. Speaker.

Mr. Engelter nominated Thos. Conroy for watchman.

The roll being called there were 62 votes cast, of which Mr. Conroy received 62 votes, and was declared the duly elected watchman.

Those who voted for Mr. Conroy were:

Messrs. Aas, Allen, Allshouse, Bacon, Berger, Boyd, Brakke, Brotnov, Cassell, Chacey, Clarke, Deisem, Dougherty, Dwire, Earl, Engelter, Erickson, Ferris, Gilbertson, Glasgow, Green, Gronvold, Gulack, Hale, Hare, Hauan, Herbrandson, Johnson of Richland, Johnson of Walsh, Kennedy, Laughlin, Lee, Lish, Lynch, McHarg, McLean, Michels, Miner, Nelson, Ovind, Peek, Peterson, Resremayer, Sanford, Sargent, Stevens, Stewart, Swenson, Stevenson, Taylor, Thomas, Thomson, Thordarson, Tousley, Towle, Tufte, Ugland, Wallace, Watts, Wolbert, Winslow, Mr. Speaker.

Mr. McHarg nominated Millard Taylor, of Stutsman county, for page.

The roll being called there were 62 votes, of which Millard Taylor received 62 votes, and was declared a duly elected page.

Those who voted for Master Taylor were:

Messrs. Aas, Allen, Allshouse, Bacon, Berger, Boyd, Brakke, Brotnov, Cassell, Chacey, Clarke, Deisem, Dougherty, Dwire, Earl, Engelter, Erickson, Ferris, Gilbertson, Glasgow, Green, Gronvold, Gulack, Hale, Hare, Hauan, Herbrandson, Johnson of Richland, Johnson of Walsh, Kennedy, Laughlin, Lee, Lish, Lynch, McHarg, McLean, Michels, Miner, Nelson, Ovind, Peek, Peterson, Restemayer, Sanford, Sargent, Stevens, Stewart, Swenson, Stevenson, Taylor, Thomas, Thomson, Thordarson, Tousley, Towle, Tufte, Ugland, Wallace, Watts, Wolbert, Winslow, Mr. Speaker.

Mr. Dwire nominated Leigh Laughlin, of Ransom, for page.

The roll being called there were 62 votes cast, of which Leigh Laughlin received 62 votes, and was duly declared elected a page.

Those who voted for Master Laughlin were:

Messrs. Aas, Allen, Allshouse, Bacon, Berger, Boyd, Brakke, Brotnov, Cassell, Chacey, Clarke, Deisem, Dougherty, Dwire, Earl, Engelter, Erickson, Ferris, Gilbertson, Glasgow, Green, Gronvold, Gulack, Hale, Hare, Hauan, Herbrandson, Johnson of Richland, Johnson of Walsh, Kennedy, Laughlin, Lee, Lish, Lynch, McHarg, McLean, Michels, Miner, Nelson, Ovind, Peek, Peterson, Restemayer, Sanford, Sargent, Stevens, Stewart, Swenson, Stevenson, Taylor, Thomas, Thomson, Thordarson, Tousley, Towle, Tufte, Ugland, Wallace, Watts, Wolbert, Winslow, Mr. Speaker.

Mr. Johnson, of Richland, nominated Eddie Fisher for page.

The roll being called, there were 62 votes cast, of which Master Fisher received 62 votes, and was declared a duly elected page.

Those who voted for Master Fisher were:

Messrs. Aas, Allen, Allshouse, Bacon, Berger, Boyd, Brakke, Brotnov, Cassell, Chacey, Clarke, Deisem, Dougherty, Dwire, Earl, Engelter, Erickson, Ferris, Gilbertson, Glasgow, Green, Gronvold, Gulack, Hale, Hare, Hauan, Herbrandson, Johnson of Richland, Johnson of Walsh, Kennedy, Laughlin, Lee, Lish, Lynch, McHarg, McLean, Michels, Miner, Nelson, Ovind, Peek, Peterson, Restemayer, Sanford, Sargent, Stevens, Stewart, Swenson, Stevenson, Taylor, Thomas, Thomson, Thordarson, Tousley, Towle, Tuft, Ugland, Wallace, Watts, Wolbert, Winslow, Mr. Speaker.

Mr. Deisem nominated David Bannerman, of Burleigh county, for page.

The roll being called, there were 62 votes cast, of which D. Bannerman received 62 votes, and was declared a duly elected page.

Those who voted for Master Bannerman were:

Messrs. Aas, Allen, Allshouse, Bacon, Berger, Boyd, Brakke, Brotnov, Cassell, Chacey, Clarke, Deisem, Dougherty, Dwire, Earl, Engelter, Erickson, Ferris, Gilbertson, Glasgow, Green, Gronvold, Gulack, Hale, Hare, Hauan, Herbrandson, Johnson of Richland, Johnson of Walsh, Kennedy, Laughlin, Lee, Lish, Lynch, McHarg, McLean, Michels, Miner, Nelson, Ovind, Peek, Peterson, Restemayer, Sanford, Sargent, Stevens, Stewart, Swenson, Stevenson, Taylor, Thomas, Thomson, Thordarson, Tousley, Towle, Tuft, Ugland, Wallace, Watts, Wolbert, Winslow, Mr. Speaker.

Mr. Gulack nominated Axel Anderson, of Burleigh, for page.

The roll being called there were 62 votes, of which Axel Anderson received 62 votes, and was declared a duly elected page.

Those who voted for Master Anderson were:

Messrs. Aas, Allen, Allshouse, Bacon, Berger, Boyd, Brakke, Brotnov, Cassell, Chacey, Clarke, Deisem, Dougherty, Dwire, Earl, Engelter, Erickson, Ferris, Gilbertson, Glasgow, Green, Gronvold, Gulack, Hale, Hare, Hauan, Herbrandson, Johnson of Richland, Johnson of Walsh, Kennedy, Laughlin, Lee, Lish, Lynch, McHarg, McLean, Michels, Miner, Nelson, Ovind, Peek, Peterson, Restemayer, Sanford, Sargent, Stevens, Stewart, Swenson, Stevenson, Taylor, Thomas, Thomson, Thordarson, Tousley, Towle, Tuft, Ugland, Wallace, Watts, Wolbert, Winslow, Mr. Speaker.

Mr. Hare nominated Willie McConville, of Burleigh, for page.

The roll being called there were 62 votes cast, of which Willie McConville received 62 votes, and was declared duly elected a page.

Those who voted for Master McConville were:

Messrs. Aas, Allen, Allshouse, Bacon, Berger, Boyd, Brakke,

Brotnov, Cassell, Chacey, Clarke, Deisem, Dougherty, Dwire, Earl, Engelter, Erickson, Ferris, Gilbertson, Glasgow, Green, Gronvold, Gulack, Hale, Hare, Hauan, Herbrandson, Johnson of Richland, Johnson of Walsh, Kennedy, Laughlin, Lee, Lish, Lynch, McHarg, McLean, Michels, Miner, Nelson, Ovind, Peek, Peterson, Restemayer, Sanford, Sargent, Stevens, Stewart, Swenson, Stevenson, Taylor, Thomas, Thomson, Thordarson, Tousley, Towle, Tufte, Uglund, Wallace, Watts, Wolbert, Winslow, Mr. Speaker.

The oath of office was administered to Messrs. Heist, Anderson, Conroy, Boynton, Lisk, Rev. Clemons and Pages Laughlin, Taylor, Fisher, Bannerman, Anderson and McConville by the Hon. J. M. Bartholomew, judge of the supreme court.

Mr. Allen moved

That a committee of three be appointed to inform the governor that the house is organized and ready to receive any message or communication he may desire to transmit.

Which motion prevailed and

The speaker appointed as such committee Messrs. Allen, Lisk, and Herbrandson.

Mr. Lynch offered the following resolution:

Resolved, That the speaker is hereby authorized and empowered to appoint a special committee of five on mileage and per diem.

Mr. McHarg moved

The adoption of the resolution,

Which motion prevailed,

And the resolution was adopted and

The speaker appointed as such committee Messrs. Lynch, Kennedy, Miner, Bacon, Wolbert.

Mr. Hare offered the following resolution:

Resolved, That the chair appoint a committee of three to select and rent needed committee rooms and to recommend for appointment necessary janitors to care for the same.

Mr. Wallace moved

The adoption of the resolution,

Which motion prevailed and

The resolution was adopted and

The speaker appointed as such committee Messrs. Hare, All-house, Stevenson.

The oath of office was administered by the speaker to Wellington Irysh as chief enrolling and engrossing clerk and to Mary H. Stevens as stenographer.

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

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

Which motion prevailed and

The resolution was adopted, and

The speaker appointed as such committee Messrs. Tousley, Miner, Chacey.

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

Resolved, That the speaker be and he is hereby authorized to appoint one assistant journal clerk, one assistant to the assistant chief clerk, one janitor for the cloak rooms and such janitors and clerks for the enrolling and engrossing force as from time to time the business of the house may require.

Which motion prevailed and

The resolution was adopted.

Mr. McHarg offered the following resolution:

Resolved, That there be printed and furnished to each member of the house five extra copies of the journal and bills of the respective houses for the use of the press and that all correspondents of the press be supplied with files of bills and journals.

Mr. Wallace moved

The adoption of the resolution,

Which motion prevailed, and

The resolution was adopted.

The house took an informal recess.

The house reassembled and

Mr. Stevens moved

That the house do now proceed to the selection by lot of permanent seats for the session, giving preference to Messrs. Chacey, Brakke, Thomson, Earl, Stewart, Green and Aas by reason of deafness and that they be first permitted to select their seats near the speaker's desk.

Which motion prevailed and
 The members proceeded to select their seats accordingly.
 Mr. Stevens moved
 That the house do now adjourn until 2 o'clock p. m. tomorrow.
 Which motion prevailed and
 The house adjourned.

J. G. HAMILTON,
 Chief Clerk.

SECOND DAY.

HOUSE OF REPRESENTATIVES,
 BISMARCK, NORTH DAKOTA,
 January 4, 1899.

The house assembled at 2 o'clock p. m., pursuant to adjournment.
 The speaker presiding.
 Prayer by the chaplain.
 Roll called.
 All members present.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER, }
 January 4, 1899. }

Mr. Speaker.

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

President pro tem, A. C. McGillivray.

Secretary, J. O. Smith.
Assistant Secretary, L. R. Estabrook.
Second Assistant Secretary, M. G. Cushing.
Chief Engrossing and Enrolling Clerk, I. G. Anderson.
Bill Clerk, Vivian Morgan.
Stenographer, R. M. Tuttle.
Sergeant-at-Arms, Allan Pinkerton.
Sergeant-at-arms, Allan Pinkerton.
Doorkeeper, Robt. Thompson.
Messenger, Robt. Fallon.
Postmaster, A. B. Monke.
Watchman, Ole Hanson.
Journal Clerk, Mrs. A. P. Winchester.
Assistant Journal Clerk, Miss Grace Montague.
Clerk of the Judiciary Committee, D. J. Laxdal.
Chaplain, Rev. Anderson.
Pages, Shed Lambert, Ole Oleson, Eddie Morris and Clarence McLain.

Very respectfully,
J. O. SMITH,
Secretary.

The speaker appointed
Messrs. A. L. Parsons, A. E. Wood, J. E. Horgan and J. A. Burgum as assistant enrolling and engrossing clerks.

Mr. A. L. Parsons was assigned to duty as clerk of the committee on per diem and mileage.

The speaker appointed
E. I. Norton, S. A. Hobson and David Graham as janitors.

David Graham assigned to the care of the gallery door.

E. I. Norton and S. A. Hobson were assigned to the charge of the cloak rooms.

The speaker administered the oath of office to A. L. Parsons, A. E. Wood, J. E. Horgan, J. A. Burgum.

The speaker appointed

Charles Erickson, C. E. Forrest, Miss Nellie B. Wallace and Mrs. Ida G. Fox as assistant enrolling and engrossing clerks.

The speaker appointed George Rose and M. Skarison as janitors.

The speaker administered the oath of office to Charles Erickson, C. E. Forrest, Miss Nellie B. Wallace, Mrs. Ida G. Fox, George Rose and M. Skarison.

Mr. Sargent moved

That the speaker appoint a committee of three to wait on the senate and inform that honorable body that the house is now in session and ready to meet them in joint session,

Which motion prevailed, and

The speaker appointed as such committee Messrs. Sargent, Clarke and Aas.

Mr. Deisem moved

The adoption of the same house rules used at the preceding session of the legislature until new rules are adopted.

Which motion prevailed, and

The house rules for the preceding session were adopted.

Mr. Cassell moved

That the speaker appoint a committee of six to escort the members of the senate to seats for the joint session,

Which motion prevailed and

The speaker appointed as such committee Messrs. Cassell, Wolbert, Gronvold, Hare, Restemayer and Lynch.

The sergeant-at-arms announced the members of the senate.

JOINT SESSION.

The senate and house met in joint session,

The speaker of the house presiding.

The roll of senators called.

All senators present.

The roll of the house members called.

All members present.

Mr. Allen moved

That a committee of three from the house and two from the senate be appointed to inform the incoming and outgoing governors that

the house and senate are now in joint session, and to escort them to the house,

Which motion prevailed and

The speaker appointed as such committee for the senate Senators Little and McCanna, for the house Messrs. Allen, Herbrandson and Lish.

The sergeant-at-arms announced the arrival of the committee escorting the governors.

The governors were received and Ex-Governor Devine was introduced to the members of the joint session by Senator McCanna.

Governor Devine then delivered his message.

GOVERNOR DEVINE'S MESSAGE.

Gentlemen of the Sixth Legislative Assembly:

In complying with the constitutional mandate I must first speak of the expectation in the public mind; that the work of this assembly will be marked by such wise, prudent and just legislation that the public interests will be faithfully conserved and private rights be vigorously defended and maintained in a spirit of equal and exact justice to all.

While we recognize at all times the rights of persons, the development of character, independence and intelligence of our citizens, and their protection, to be the highest function of civil government, we are nevertheless mindful of the just and equitable claims of the rights of capital and property, and to faithfully protect and preserve the rights of each, in their proper sphere, should be our aim and object.

The people, by whom you have been delegated to an important trust, will claim your faithful service.

It is not the volume but the merit of the laws enacted that will measure the wisdom of your proceedings. Acts of indifferent merit that meet no public demand; introduce no reform, will work an unintentional injury. Such acts, without preserving sufficient demerit to provoke an early repeal, lower the character of our statutes and add confusion to the perplexities of our laws.

In order, therefore, that you may solve aright the problems that confront you, it becomes my duty to apprise you of the status of affairs and make such suggestions as may be deemed expedient, to correct any errors that may exist, or inaugurate such legislation as may be thought advisable.

FINANCES.

The condition of the state treasury is one easily comprehended. We have awakened to the realization of the simple fact that disbursements are in excess of receipts. It is easy to find the cause.

We, as a state, have been somewhat reckless and careless in our appropriations of the public funds. The tendencies incident to the time in which we live, pertaining to the originating and supporting educational, charitable, reformatory and other institutions and supposed needs, have led us too far away from our resources.

The most important problem you will have before you during this session, and one requiring the exercise of the most careful study, will be the ways and means employed to meet the needs of this rapidly growing state of ours and at the same time keep solvent the state treasury.

The outstanding indebtedness and prospective receipts should suggest the limitations within which appropriations are to be made for the fiscal term of 1898-9.

The public funds are taken from the people and every dollar should be jealously guarded and economically disbursed.

In making the appropriations for current and other expenses of the institutions it is hoped the legislature will not be less mindful of the conditions that render appropriations necessary than of the strain that every additional dollar puts on the resources of the taxpayer.

It is not within the range of human foresight to estimate accurately the revenues and disbursements for the fiscal term succeeding the legislative session because of the variance between the restraining ideas of auditing officers, who are naturally on the side of economy, and the lavish impulses of the legislature, which is influenced by conditions of local interest and inclines to an excess of confidence in public resources.

The financial history of North Dakota since January 1, 1893, is an interesting and instructive one, and a careful study of the subject shows that the appropriations of the Third, Fourth and Fifth Legislative Assemblies were largely in excess of the revenues. The report of the state auditor for the years 1893 and 1894 shows that the appropriations of the Third Legislative Assembly were as follows:

| | |
|---|---------------|
| Direct appropriations | \$ 564,890.00 |
| Standing but limited appropriations | 255,300.00 |
| Standing but unlimited appropriations | 159,400.00 |
| | <hr/> |
| Total | \$ 979,590.00 |

While the total revenues for January 1, 1893, to January 1, 1895, were but \$733,619.00. It is true that there was over \$100,000.00 cash in the general fund of the treasury at the beginning of this period that was available and was applied on these appropriations.

Twenty-five thousand dollars of the above appropriations were not used, but the auditor shows that on January 1, 1895, the administration had an empty treasury, and a tremendous volume of unpaid bills to bequeath to its successor.

It must be noted here that we are dealing only with the general fund, and that these figures have reference solely to the appropriations which must be paid from that fund.

The appropriations made by the Fourth Legislative Assembly were as follows:

| | |
|---|---------------|
| Direct appropriations | \$ 425,098.00 |
| Standing but limited appropriations | 273,407.00 |
| Standing but unlimited appropriations | 189,289.00 |
| | \$ 887,794.00 |
| Total | |

Of this amount items from the direct appropriations in the aggregate sum of \$122,640.00 were vetoed by the governor, leaving the net appropriations for this period \$765,154.00 to which must be added the unpaid bills which were on the auditor's desk January 1, 1895. Notwithstanding the fact that the revenues of this period were largely increased over that of the former period and that there were no unpaid bills on January 1, 1897, still there was an excess of expenditures over receipts which was represented by transfers from other funds to the General fund.

The conditions prevailing during the meeting of the Fifth Legislative Assembly are of too recent date to need recalling to this body. You will remember that the appropriations as passed were considered by the executive as so far in excess of anticipated revenues, that he vetoed them all. The bills were passed over the executive veto, and the administration for the past two years has had to meet these conditions.

That you may thoroughly understand the financial condition of the state at this time I have had prepared, by the public examiner, an official statement of the receipts and expenditures of the General fund from January 1, 1897 to January 1, 1899; and also an estimate of the resources for the ensuing two years, which I herewith present to you.

STATEMENT.

| | | |
|---|----|------------|
| To balance Jan. 1, 1897..... | \$ | 56 48 |
| To cash from taxes from Jan. 1, '97, to Dec. 16, '98..... | | 712,970 81 |
| To cash from insurance company taxes from Jan. 1, '87, to Dec. 16, '98..... | | 41,787 27 |
| To cash from interest on public funds to Dec. | | |

| | | |
|---|-----------------|-----------------|
| 16, '98..... | \$ 11,194 12 | |
| To cash from corporation taxes to Dec. 16, '98. | 4,580 00 | |
| " " fees clerk of supreme court to Dec. 16, '98..... | 1,573 55 | |
| To cash from fees commissioner of insurance to Dec. 16, '98..... | 16,371 09 | |
| To cash from fees secretary of state to Dec. 16, '98..... | 7,369 04 | |
| To cash from fees state examiner to Dec. 16, '98 | 1,705 00 | |
| " " fees examination boards and veterinarians to Dec. 16, '98..... | 932 60 | |
| To cash from elevator licenses to Dec. 16, '98.. | \$ 3,694 00 | |
| " " miscellaneous sources to Dec. 16, '98..... | 18,457 66 | |
| To cash from refunding bonds to Dec. 16, '98.. | 112,000 00 | |
| " " funding warrants to Dec. 16, '98. | 230,000 00 | |
| " " transfer from cactus fund to Dec. 16, '98..... | 1,580 99 | |
| To cash from U. S. aid for soldiers' home to Dec. 16, '98..... | 3,630 84 | |
| To cash from transfer from interest and in- come to Dec. 16, '98..... | 5,339 48 | |
| To cash from sale of industrial school bonds to Dec. 16, '98..... | 9,800 70 | |
| To cash from error in draft to Dec. 16, '98..... | 800 00 | |
| By salaries..... | | \$ 145,255 27 |
| By deputies and clerks..... | | 44,924 31 |
| By mileage and per diem members legislature | | 32,316 80 |
| By officers and clerks legislative assembly.... | | 23,252 00 |
| By miscellaneous expenses..... | | 2,552 49 |
| By limited appropriation expenditures..... | | 148,327 68 |
| By unlimited..... | | 94,665 03 |
| By state institutions..... | | 295,429 96 |
| By refunded to McIntosh county..... | | 300 00 |
| By bonds refunded..... | | 113,841 30 |
| By transfer to state tuition fund..... | | 43,297 77 |
| " " Russian cactus fund..... | | 21,194 95 |
| By funding warrants paid..... | | 200,000 00 |
| By soldiers' home (U. S. aid)..... | | 3,630 84 |
| By interest on normal school bonds..... | | 2,400 00 |
| By balance in general fund..... | | 11,662 68 |
| | | |
| | \$ 1,183,051 08 | \$ 1,183,051 08 |

Statement showing claims on hand, not paid and available funds to pay same, also estimate for the balance of this month.

| | | |
|--|---------------|---------------|
| Institution expense lists..... | \$ 55,860 01 | |
| Vouchers on file..... | 21,459 04 | |
| Warrants issued and not paid..... | 3,555 09 | |
| Estimate of additional vouchers for December. | 24,000 00 | |
| Funding warrants outstanding..... | 30,000 00 | |
| By balance in general fund..... | | \$ 11,662 68 |
| By Nov. collections reported by counties not charged..... | | 4,466 23 |
| By counties not reported for Nov. (estimated).. | | 8,000 00 |
| Deficiency January 1, 1899..... | | 110,745 23 |
| | | |
| | \$ 134,874 14 | \$ 134,874 14 |

It is safe to estimate the collections during the present month at about \$80,000, which will not be paid into the State Treasury by the several counties until next month.

RECAPITULATION

Of expenditures from general fund for two years ending Dec. 31, 1896.

| | |
|---|---------------|
| Salaries of officers, deputies and clerks..... | \$ 190,179 58 |
| Legislative expenses..... | 58,121 29 |
| Limited and unlimited appropriations..... | 242,992 71 |
| State institutions..... | 295,429 96 |
| Interest on normal school funds..... | 2,400 00 |
| Institution expense list not paid..... | 55,860 01 |
| Vouchers on file..... | 21,459 04 |
| Warrants issued..... | 3,555 09 |
| Expense lists and claims for present month (estimated)..... | 24,000 00 |
| | \$ 893,997 68 |

STATEMENT.

Showing an estimate of the resources of the state for the two years ending Dec. 31, 1900.

| | |
|--|---------------|
| Receipts from taxes of 1898 and 1899..... | \$ 675,000 00 |
| “ “ “ “ former years..... | 75,000 00 |
| “ “ insurance taxes and fees, (insurance dept.)..... | 60,000 00 |
| “ “ corporation taxes and fees, (secretary of state).. | 11,000 00 |
| “ “ fees, (clerk of supreme court)..... | 1,600 00 |
| “ “ fees, (state examiner)..... | 2,300 00 |
| “ “ interest on public funds..... | 12,000 00 |
| “ “ elevator license..... | 3,700 00 |
| “ “ all other sources..... | 20,000 00 |
| | \$ 860,600 00 |

With the estimates as here given there need be no mistake made as regards the adjustment of appropriations within the limit of the revenues for the next biennial period. The sole object in making this full and accurate statement is to, as far as possible, lessen the labors of this body, in the effort to make appropriations to the largest possible extent, and yet at the same time keep within the estimated revenues for the biennial period.

If the appropriations again exceed the revenues of the state, as in the past, and the administration is compelled to issue funding warrants as heretofore, then in the light of the facts here presented, the responsibility for such condition of affairs will rest with this body and not with the executive of the state.

APPROPRIATIONS.

In reviewing the wants and necessary improvements of all state institutions I refer you to the detailed statements of the complete

reports accompanying this message. The institutions have been as a rule economically managed and have lived within the appropriations made by the last legislature. I congratulate the state upon the good management of all state institutions and cannot commend too highly those who have had under control those institutions.

Each institution desires especial appropriations to carry on the enlarged work which each year brings in this rapidly growing state of ours, but under the existing conditions I cannot recommend that all of these appropriations be made, but I do not mean to say that such appropriations are not needed. To come up to the full measure would involve large expenditures, and while these institutions need such enlargements, still an increase in taxation would necessarily follow, and I do not think it proper now to increase the burden of taxation on the real estate of North Dakota, at least to the full measure of the requests made by our different state institutions.

It is recommended that early in the session you compel the consideration of appropriations essential to the conduct of public business and the maintenance of public institutions, so that the legal and necessary expenditures of the forthcoming biennial period may not be hurriedly enacted in the closing hours, as the result of heedless compromises between sectional or official claimants for public funds. These bills should be in the hands of the executive at least twenty days before the date of final adjournment.

Such are the complications and evils proceeding from hasty, ill-advised, ill-considered legislation that every precaution should be taken at the outset to guard against it.

COUNTY TREASURERS.

I desire to call attention to the fact that remittance of the state appropriation tax collections, as at present provided for, are dilatory. Funds which should be applied promptly, on receipt from tax payers to the redemption of warrants and the cancellation of interest debt are withheld too often by county treasurers to suit their own convenience. This abuse should be corrected by stringent regulations.

STATE AUDITOR'S AND TREASURER'S REPORT.

I invite your attention to the comprehensive reports of the State Auditor and Treasurer. These reports disclose to whom the money which has been raised by taxation has been paid, and they will help you in making estimates of the State's revenues and disbursements for this biennial period and the extent of the appropriations that can safely be made.

THE ASYLUM.

The biennial report of the Asylum for the Insane will afford you valuable information of the conditions and most excellent work of this institution under the present efficient management. The rapidly growing demands of this institution, and its present crowded condition, suggest the necessity of additional buildings. These unfortunate wards of the State appeal to our sympathy and they should have as liberal an appropriation as the estimated revenues for this biennial period will permit.

SCHOOL FOR THE DEAF AND DUMB.

This institution, under the excellent management of Supt. D. F. Bangs, continues to be admirably conducted, and with less to do it on than, perhaps, any institution in the State. There is a crying need for a generous appropriation at this institution, and I recommend the needs of this school to your especial consideration and care.

SOLDIERS' HOME.

This institution is being conducted in a very efficient manner by the Board of Regents and under the immediate supervision of Col. and Mrs. W. W. McIlvain. It is a pleasing thought to realize that the men who marched to the music of the Union from '61 to '65 are being kindly and well cared for in their declining years at this most excellent institution.

The Soldiers' Home was founded in a sentiment of philanthropy and patriotism, and its proper maintenance is a solemn duty. From the veterans of the war for the preservation of the Republic we cannot withhold our gratitude and willing service.

The report of the board of managers will afford you information as to the number of inmates and the present condition of the Home. There is a most urgent need at this institution for a hospital building, and I trust some provision will be made for the erection of a suitable building of this nature.

TRANS-MISSISSIPPI INTERNATIONAL EXPOSITION.

Our display at the Trans-Mississippi International Exposition was a creditable and effective showing. It is to be regretted that the state failed to take advantage of this excellent opportunity to present a more complete display of our products.

Minnesota had a display costing \$30,000, and South Dakota \$15,000; but notwithstanding the difficulties our exhibit was creditable in every way.

The report, as handed in by Col. C. A. Lounsberry, president of the commission, gives but a very slight idea of the work accomplished. It is doubtful if the exhibits at New Orleans and Chicago, at a cost of \$50,000, accomplished as much for the State as did this exceedingly practical display gotten up to show our grain, grasses and soil. In many ways it was the most efficient advertisement the State has ever had.

Too much cannot be said of the individual efforts of Col. C. A. Lounsberry and W. W. Barrett, as without their earnest, painstaking efforts and sound, practical judgment, we would have had no exhibit of any kind; but as it was we had an exhibit that brought hundreds of letters of inquiry to the State, and always attracted the attention of visitors at the Exposition.

In this connection I also desire to make especial mention of the services of Miss H. E. Ford, of Arvilla, for excellence of service rendered—whose salary of \$20 per month was poor compensation for the work performed, and I would recommend that she be paid an additional \$100.

The commission gathered the exhibit, put it in place, gave our State creditable representation and secured thirteen medals with the very small expenditure of \$2,012.80. \$1,759.25 was received from the private subscription of individuals and from two counties, Cass and Ransom, and given with the understanding that the State would refund at the earliest opportunity. I would, therefore, recommend that a special appropriation be made to meet the expense incurred and that the several amounts be refunded to the parties and counties making the same, including an additional sum of \$100 to Miss H. E. Ford.

PENITENTIARY.

The disposition of convicts is one of those ever recurring problems of our social system that has never yet received a satisfactory solution. Every state is delving in the question, and views are advanced going from the theory of little mercy to the criminal, on one extreme, to their sumptuous support at the expense of the tax-payers on the other. To my mind enforced idleness is not only the most cruel punishment, but it undermines the constitution and entirely unfits the convict for self-support at the expiration of his sentence. Labor is a necessity to the health of the convict, and self-sustaining labor the only means of preventing him from being an unreasonable burden upon the tax-payers of the State. His labor should be so divided so as to minimize competition with free labor, but labor he must.

The question of the extent and exact kind of such labor involves problems of no little magnitude, and unless the legislature can find some well defined system that will secure certain improvement from present conditions without too great expense, it would be better to select a commission to take the whole question into consideration and report to the next legislature.

In his very full and carefully prepared report Warden Boucher has this to say on the question of "How best to utilize the unemployed labor of the inmates of the institution:" "My conclusion is, considering particularly the best interests of the State from a financial point of view and the inmates from all points of view, that a plant for the manufacture of binding twine and cordage be started on the 'State's account' plan, should be established; this would furnish the relief needed without interfering in the least degree with free labor, and, carefully managed on sound business principles, would inside of five years place the institution on a self-supporting basis."

I cannot urge too strongly the necessity for the introduction of some industry of this nature. . Minnesota has introduced this method into her state's prison at Stillwater, and with most excellent results, both as a reformatory and economical measure. In order to determine the advisability of such a step I would recommend that a committee be appointed to visit the Minnesota state's prison and report to this body the result after a personal inspection of its workings.

THE PAROLE SYSTEM.

The introduction of a system of parole in my judgement is both wise and humane. We have had but one test of this method of dealing with the convicts, but that one was attended with the most gratifying results. Its utility as a disciplinary measure has been fully demonstrated in the experiences of other states, in that it has greatly lessened the number of severe punishments necessary to maintain a high standard of discipline and at the same time afford a humane and effective means of reaching and bringing out the best elements of our present population.

TRANSPORTATION OF CONVICTS AND INSANE PATIENTS.

I desire to call the attention of this body to the large expense incurred in sending to other states for escaped criminals, together with that incurred in the transportation of patients to the asylum, and of convicts to the penitentiary. During the past biennial

period there was paid out from the general fund to meet these expenses as follows:

| | |
|-------------------------------------|-------------|
| Arrest and return of fugitives..... | \$ 4,155.34 |
| Transportation of convicts..... | 7,781.32 |
| Transportation of insane..... | 14,901.43 |
| Total..... | \$26,838.09 |

It is my opinion that these expenses should be paid by the respective counties, and would recommend that they be required to do so. Such change would save to the state not less than \$5,000 per year. It promotes official economy and official efficiency for the officers of the law to look to their constituency, to whom they are immediately responsible for compensation for service rendered.

OUR PUBLIC SCHOOLS.

The character of its public schools is the standard by which every commonwealth is best judged. "The maximum of education brings the minimum of government and the maximum of liberty." The proportion of well taught children to the population is the best measure of our civilization. Character and not wealth or numbers should be our state's social ideal.

Our common schools are the universities of the poor—the great heritage of the masses, and upon them, to a large extent, the future of North Dakota depends. Their welfare should never be neglected and any legislation extending their influence and usefulness will receive the hearty approval of all good citizens.

The school system of North Dakota may well bring pride and satisfaction to her citizens. Nowhere in the Union can there be found a more earnest, painstaking, patriotic and able body of workers than those who are today devoting their lives to the work of teaching in the State.

The report of the State Superintendent is very complete, from which I secure the following interesting statistics. Total number of school houses, 2,304, a gain of 272 or 13 per cent.; total number of pupils of school age, 76,651, a gain of 10,579, or 16 per cent.; total number of teachers employed, 3,637; total amount of warrants issued for all school purposes has increased from \$1,125,892.81 in 1895, to \$1,385,934.17 in 1898, an increase of 23 per cent. The total valuation of school property in the state has increased from \$1,926,420.27 in 1895, to \$2,132,738.91 in 1898.

The people of this state are to be congratulated upon the loyal support they have accorded the public schools. Rapid improvement has marked the growth of our public school system from year to year, and the biennial period of 1897-8 is no exception to the rule.

THE UNIVERSITY.

To advance the educational interests of the state is by far the greatest work within the reach of the State government; the proper support of state educational institutions is essential to the progress, development and dignity of our State, and to the intellectual greatness of our people.

The power and prestige of this people in molding the thought and formulating the policy which guides and controls this nation depends upon the course pursued in developing the brain of our people. The crown of our excellent educational system is the University. This institution should be placed on a high plane and put in a position to compete with like institutions in adjacent States as fast as the conditions will permit. There is nothing that contributes more to the glory of an American commonwealth than a splendid, well equipped and famous university. The reputation which a great university gives to a state is of that enlightened character that elevates and strengthens in the esteem of mankind. I have only words of praise for every one of our excellent institutions of learning. Our young men and women are wise to take advantage of these institutions; but when they look beyond them for wider fields they should turn to our own North Dakota University. In so doing they begin on the threshold of manhood to serve and develop the State, whose affairs educational, political and commercial will soon be committed to their hands.

A great university cannot be created in a day—it takes years of patient toil and self-sacrifice to reach this result; but I have great faith that it will yet be accomplished in our state, since I have as great faith in the men who make up the faculty of this institution as I have in the educational future of the State.

We cannot look to philanthropists; we cannot look to great men for the sustenance of our educational institutions, because colossal fortunes, from which such aid sometimes comes, do not exist in our state. We must look to the State and young men and women within it to properly sustain our institutions.

The disadvantages, therefore, under which we labor cannot be remedied in a day or a year. They are too numerous to be remedied at a single stroke, but each succeeding session of the legislature should perform its part and meet, as far as possible, the needs of this institution, and I, therefore, venture to urge the most liberal appropriations warranted by the condition of the public treasury.

AGRICULTURE.

Agriculture, the fundamental industry of the State, continues to maintain an important position on account of the magnitude of

the property invested and the general intelligence and good character of the citizens whom it employs and rewards.

We need, however, in North Dakota a broader and deeper growth of agricultural citizenship. In this state the relation of the farm and farmer to local and state affairs constitutes the greatest unit of interest within our border. The whole future of this state and all within it rests upon the measure of success that shall reward those who engage in the work of the farm. This being true the measure of that success will depend very largely upon his capacity to understand to the highest possible extent, the nature of his work and the best means to employ in securing the largest possible results.

Governor Hoard has this to say upon this subject: "Today the farmer is met at all points with the most thoroughly trained intellectual forces of the day, all seeking, naturally enough, their own advantage and advancement. For his own success in his business he must be better educated as a farmer; for his own protection as a citizen he must study harder and look deeper into his relations with his fellow men. He needs so much and the country needs so much more from him, a higher intellectual comprehension of what it means to be an American farmer and an American citizen." In view of the great advantages to be derived I would suggest that the state lend some aid towards furthering farmers' institutes to be held in various parts of the state, such as have been already held under the direction of the members of the faculty of the Agricultural College, and at which papers, upon all important farm subjects, be read, and instructions be given upon the best methods of soil culture and all other matters relating to the farm.

AGRICULTURAL COLLEGE.

The management of the College of Agriculture report this institution in a splendid condition, with a large increase of students in attendance. Every North Dakotan should be proud of this institution, and do all in their power to increase its usefulness. The largest part of the cost of maintenance of this college is provided by the United States government and not from taxation, either direct or indirect. It is a noble benefaction from the general government given upon the condition that the state, accepting its benefits, should supply whatever buildings were needed; as well as other facilities to give efficiency to their work; therefore it is necessary that the state should supplement the appropriation with a sufficiency to maintain the present and growing needs of this college.

NORMAL SCHOOLS.

The state has established two Normal schools, one located at Valley City and the other at Mayville. In a general way the scope of their work contemplates special instruction in the branches taught in the common schools, and thorough training in pedagogics, or the science of teaching. In my opinion these schools are performing a most excellent work. Year after year they send forth many trained and well equipped young men and women, whose influence, in the localities to which they go, becomes a potent factor in the general uplifting of the whole mass. The work of each year is many times rewarded in the increased usefulness of teachers who have enjoyed the benefit of such education. These schools are under an efficient management and the result of the past two years has been highly satisfactory.

With reference to the needs and financial support of these institutions, and for that matter of all the other institutions, I shall refer your honorable bodies to the excellent, interesting and able reports of the respective boards and chief officers for their estimates. As a rule I believe that the various recommendations, which these officials make, deserve your careful and, as far as the finances of the state will permit favorable consideration.

INDUSTRIAL SCHOOL AND SCHOOL OF FORESTRY.

Both of these institutions sent in reports. The Industrial school, located at Ellendale, has sold bonds to the extent of \$14,700, the proceeds of which they propose to use to begin the erection of a building. They have already completed the foundation, and they ask for an appropriation of \$10,000.

The School of Forestry, located at Bottineau, has as yet taken no definite steps towards putting that institution in a condition of operation, although the board forwarded report of various meetings held during the biennial period.

NATIONAL GUARD.

The United States will conquer the world by ideas, not by arms; it will extend its dominion, not by colonies, but by commerce, its arts, its inventions, and its example of a free and prosperous people.

Dismissing, therefore, the idea of our adopting a world conquering and imperial policy, which would necessitate a large military establishment, I assume that as a State we need, but to a greater extent than in the past, a well equipped and well officered National

Guard. It is the least expensive standing army that can be maintained, and its generous support is, I believe, a wise provision.

No state in the union sent out, in response to our country's call, a more magnificent, intelligent and patriotic body of young men than did North Dakota, and no State in the Union has greater reasons to be proud of the record they have made.

It is a cause for regret that the call for this state would not permit the sending of our full volunteer regimental organization. The mobilization of the North Dakota volunteers at Fargo last May was the first practical experience the state has ever had in this branch. It gave to the military authorities many ideas by which the State and its military organization may profit in the future, especially as to the practical workings of the laws governing the organization, conduct and equipment of military forces.

The State is to be congratulated upon the fact that the mobilization of our troops was effected with as little confusion, at a smaller expense and with as much dispatch and satisfaction as any volunteer regiment serving in the field. In most of the States the State military organization exceeded in strength the call for volunteers, which enabled the States to use the equipment of those regiments remaining at home to hastily and thoroughly equip, at a very small expense, those troops that were called into active service. This was not the case in this State from the fact that the allotment exceeded the strength of our national guard. The appropriation from the National Government to maintain the equipment of our National Guard is and has been entirely insufficient to place the military forces of our State in proper condition to take the field for active service in case of an emergency. The Executive, upon advice from the War Department, made requisition for a complete equipment for our two battalions, which would include clothing, underwear, shoes, blankets, etc., but on account of the short notice for mobilization these articles did not reach Fargo during the term of the camp, which lasted from May 2d to May 26th, and from this fact it was necessary for those in charge to take immediate steps to relieve the situation in order that the best interests of the men might be served. It was also very unfortunate that our volunteer forces were compelled to use the obsolete Springfield rifles, and it is to be hoped that a National Government will see to it that our volunteer forces are put on the same level with the regular troops in armament, and that the latest pattern guns be furnished them.

From an economical standpoint the State of North Dakota can challenge comparison with any state of our union for placing in the field a like number of men. I quote from the official report of

Capt. T. H. Poole, who had charge of the mobilization at Fargo, on this subject: "The commissary department was under the State supervision, including the whole command, from May 1d to May 29th, and the officers' mess only from May 9th to May 29th. The general maintenance and expense of camp was under the supervision of the State from May 2d to May 20th. Five thousand eight hundred and twenty-eight men were fed during the time given at a cost of \$3,296.52 or 58½ cents per day per man. The camp was subsisted, equipped for service and per diem paid at a total cost of but \$10,021.18, or an average of \$14.22 per man for the term of the camp."

The amount of \$10,021.18 was advanced by the State on the advice of the General Government. The bills were all properly O. K'd and forwarded to the War Department for adjustment. It is expected this amount will be returned to the State treasury within a short time, thus relieving the State from any expense whatever in placing the troops from this State at the disposal of the General Government.

At the time our present military code was adopted it was considered complete and satisfactory. This was also the case with the United States army and organization and regulations, but for many years and up to the present hostilities with Spain opportunity had not presented itself to test the workings of military experts on organization, equipment and armament of armed forces and rules and regulations of war. Our military code has become antiquated, inconsistent and incomplete. I would, therefore, respectfully recommend a complete revision of our military code and that you give this matter your earnest consideration and adopt such laws as will be consistent, as far as the circumstances and conditions will permit, with those governing the United States Army, and which will best advance the efficiency and permanency of our National Guard.

DEPARTMENT OF INSURANCE.

It is a matter of congratulation that during the past four years there has been no failure of any insurance company authorized by this department to transact business in this State. Each succeeding year has marked an increase in the revenue of this office, the result, largely, of the excellent business management which has been given to it. The receipts of this office for the biennial period of 1894-5 aggregated \$47,599.00; the receipts for the present biennial period of 1896-7 will exceed \$58,000.00, an increase of over \$10,000.00, all of which, going to the General Fund, has

been of material assistance in meeting the expenses and obligations of the State.

COMMISSIONER OF AGRICULTURE.

The statistics of this office, gathered with great care and labor, show in a most interesting way the growth of our state, the condition and prosperity of her citizens and our resources and capabilities and should be made an important factor in enticing an influx of capital and desirable immigration. The report as a whole is a most interesting and valuable one. I commend it to your careful consideration as, in my judgment, it is the most complete compilation of interesting information issued since statehood.

LAND DEPARTMENT.

It is with much satisfaction that I call your attention to the report of Hugh J. Watt, Land Commissioner.

The work of the department shows very encouraging results. The reduction of the amount of delinquent payments, of principal and interest on school land contracts is especially noticeable.

I commend to your favorable consideration the recommendations made by the Commissioner upon the proposed Constitutional Amendment, the sale of lands and appropriation for carrying on that work, and the article headed "Noxious Weeds." The leasing of lands, both Common School and Institution lands, has become a source of considerable revenue and has resulted in a revenue to the several institutions which will increase with coming years.

The importance and extent of this department will be readily shown by the statement that there are 2,580,480 acres of Common School lands in the State, being Sections 16 and 36 in each Township, and not including the 500,000 acres granted by the United States government to the state for the benefit of educational, penal, charitable and other public institutions.

Of the above common school lands there have been sold 32,420 acres, for which the first payment was \$463,480.00 and the second payment \$305,000.00. In addition to this the interest received on deferred payments is \$174,365.00. Total revenue, \$942,845.00.

STATE EXAMINER.

The state examiner's report is a very interesting and full statement of the financial conditions of our banks. I desire to say in connection that the natural increase in the work in the offices of the auditor and treasurer and the increasing demands from county commissioners for examinations of other county officers make it

almost imperative that an additional examiner be provided for this office in order to meet the constant growth of this department.

In this connection permit me to call your attention to the number of examinations required by law to be made by this office:

| | |
|---|-----|
| The 100 banks now organized under our law must each be examined at least once during the year, making | 100 |
| The auditor and treasurer of each of the 39 counties | 39 |
| State offices as follows: Auditor, treasurer, secretary of state, insurance commissioner and clerk of the supreme court | 5 |
| Two examinations of each of the nine state institutions | 18 |
| Each building and loan association | 6 |
| <hr/> | |
| Making a total of | 163 |

To say nothing of special examinations frequently found necessary, those made at the call of the county commissioners, nor of the future increase in the number of state banks.

As each examination requires three days' time, including that spent in travel, you will readily see that it will take the full time of two men to properly perform the duties of this office, merely so far as the examinations are concerned, and there is ample work for one man in the office, as each bank report, made in response to a call from the office, must be carefully examined, and any violation of the law corrected, this necessitates considerable correspondence. The making of the calls on the banks for a report of their condition at a past date, as well as the work of preparing the summary of each call, is in itself quite a task, and this is necessary with each of the five calls made annually. The work of reconciling the balances shown by the books of the banks with those reported by their correspondents on blanks sent from the office requires considerable time.

The examination of the statements furnished this office by the county auditors and treasurers calls for careful work, and requires considerable time.

With this statement I think you will agree with me that examinations to be of value must not be hurried; that great care and careful consideration must in each case be given.

FARM LOANS.

In Section 153 of the Constitution of the State, occurs the following language: "All proceeds of the public lands that have hitherto been or may hereafter be granted by the United States, for the support of the Common Schools in this State, shall

be and remain a perpetual fund, for the maintenance of the Public Schools of the State. It shall be deemed a trust fund, the principal of which shall forever remain inviolate, and may be increased but never diminished. The State shall make good all losses thereof."

The investment and care of this fund is the most sacred obligation conferred on the officials of the State, and should be so safeguarded that the danger of loss will be reduced to the minimum, and that the taxpayer of the State should not be called on to make good any losses thereof. The Fifth Legislative Assembly passed a law permitting this fund to be invested in first mortgage and real estate loans, and \$115,255.00 have been so invested within the past two years. The law under which these loans are made is crude and unsatisfactory. The Board of University and School Lands is authorized to make the loans; but the responsibility for titles, and in fact for all the detail of this important business, is laid on no particular office or officer. Chaos is sure to result from this condition and serious loss to school funds (which must be made good by direct taxation) will follow as a necessary consequence.

In the light of the experience of other States in the investment of public funds in farm loans, the wisdom of this law is very questionable. The State of Wisconsin has had an experience with her School Fund that should sound a note of warning to the newer states. I quote to you the language of her present State Auditor on this matter:

"Our State for a number of years, prior to 1881, had a statute permitting loans from the School Funds to private individuals upon real estate security, but the system proved very unsatisfactory. The Legislature, in 1881, repealed this provision as unwise and since then no loans of this character have been made. It was found by statements made by those experienced in the investment of State Trust Funds, that these loans were unsafe, difficult of collection and in no wise satisfactory, but that on the contrary, that part of the School Fund so invested was continually in jeopardy. There are still in existence in the records of the Land Office of this state, quite a number of mortgages given to the state while this law was in operation."

I also quote to you from the state auditor of Minnesota:

"Our State has never loaned its funds on real estate or first mortgage securities. Our very large school fund is invested in Government bonds, first-class State bonds and bonds issued by counties, cities, villages and school districts of our State, who have borrowed from our School Fund. This latter system of loaning

the funds to public corporations within our State has proven very satisfactory, and at the present time we have about fifteen hundred loans of this kind, aggregating \$15,000,000.00. This system has been in operation for over eleven years and has proven a safe and satisfactory arrangement."

The experience of Wisconsin has been the experience of all other States where public funds have been invested directly in real estate mortgages and is supported by the experience of large monied corporations and of individuals who have engaged in the same line of investment. If the State of Wisconsin has not been able to collect and close up her defaulted mortgages in eighteen years, after she has ceased to invest in real estate securities, what different experience can North Dakota expect from the unsatisfactory and inadequate law now on the statute books

In view of the disastrous experience of other States I believe \$115,000.00 is enough of this inviolable trust fund to risk on this experiment, therefore I urge upon this Legislative Assembly that they repeal Chapter 128 of the Session Laws of 1897 and submit to the people an amendment to Section 162 of the Constitution of the State, providing for the investment of the School Funds in first-class County and Municipal bonds, in addition to Government bonds and North Dakota State and School bonds as now provided for.

WOLF BOUNTY.

I desire to call your especial attention to the results of the present bounty law enacted during the closing days of the last Legislature. Since that law went into effect, up to the 15th day of December, 1896, bounty claims have been filed for the killing of wolves amounting, in the aggregate, to the sum of \$47,123.00, and warrants have been issued in the sum of \$6,816.00. There is now on file claims for bounty for killing above named animals for which no warrants have been issued, amounting to \$40,307.00. The revenues available under the law are not sufficient to meet more than one-fourth of the claims filed annually for bounty. The result is that payment is deferred so long that the bounty claims and certificates are discounted to such a large extent that they are almost worthless in the hands of the holders and for this reason those who engage in killing these animals secure only a small per cent of the amount allowed by the state for each animal thus killed.

I am reliably informed that the principal damage to stock from wild animals is caused by the grey wolf, and would therefore recommend that all bounty laws be repealed except the bounty on grey wolves and the law be framed so as to prevent, as far as pos-

sible, frauds or the imposition upon the public officials of the hides or scalps of coyotes for those of the grey wolves. By confining the bounty to these animals alone the revenue will, in a measure, meet the demands and the hunters will receive cash for their claims and the incentive to hunt and kill these destructive pests will be multiplied by the increased cash value of their certificates.

PRIMARY ELECTIONS.

If we would inaugurate reforms in our State government we must begin where the governing power originates, in party organizations and conventions. The true theory of party organization is that the best men representing and believing in the principles of the party should be chosen for election to office. This theory cannot be fully carried out under the present system. Under a representative form of government the people should have free choice of their representatives. Any obstacle to such freedom of choice should be removed. The direct vote of the man who holds the ballot in his hand for party candidates is the best and simplest means of expressing preference for those whom he desires to hold places of public trust. If the people make mistakes they alone are to be held responsible. The cause of error in this case is easily ascertained and the specific remedy is easily applied. The direct vote and the Australian ballot system is of less cost to the people than that of the convention system and more certain to express the untrammelled will of the majority. I therefore recommend the passage of a Primary Election law.

RAILROADS.

The State has no wish to make war upon railroads nor to show them any favors. Under the law, for purposes of taxation, the railroads are simply properties owned by American citizens, and in every consideration of right and justice the law demands that they be treated exactly as other property is treated. If they are assessed too low in comparison with other property the valuation should be increased; and for like reasons, if they are assessed relatively too high, the valuation should be lowered. No property should be either increased or decreased arbitrarily or without good reasons. The courts would not, and ought not to, permit such a thing to be done, even if attempted, particularly if it should result in a gross and manifest inequality of assessment. The only proper thing for the courts and everybody else to do is to do right and to treat all interests with the utmost fairness. We should never lose sight of the fact that the interests of the people, on the one hand, and of the railroads on the other, are mutual and inter-de-

pendent; one is as necessary to the upbuilding of the state as the other. If inequalities exist they should be remedied and at the earliest possible moment. All questions of dispute should be approached in a spirit of the utmost candor and fairness. During the last four years the valuation of the various lines operated within the state have been materially increased.

| | |
|-----------|--------------|
| 1894..... | \$ 6,654,940 |
| 1895..... | 6,727,525 |
| 1896..... | 7,898,130 |
| 1897..... | 8,619,450 |
| 1898..... | 12,869,356 |

These increases were made as the outgrowth of a patient and careful inquiry, with at least two principal objects in view, namely, to equalize the assessments of railroad property as between the roads themselves; and, also, to equalize the valuation of railroad property with that of other properties. The work necessary to accomplish these results involves the consideration of a vast amount of intricate details and its intelligent prosecution requires the most thoughtful attention and the greatest possible care. Personally I do not believe that the railroads are assessed at their full value; but neither is the personal property of the citizen, the storehouse of the trader or the goods of the merchant assessed at their full value; but before that can be safely done there should be some material alterations and amendments to the revenue laws.

The value of statistics to the state, relating to corporations is incalculable; but they are valueless if they do not extend far enough to afford the Legislature absolutely safe material from which to gather the correct deductions upon which the regulations of corporations are based. The people of the state are entitled to all the facts in relation to the creations of their representatives. If it is the duty of the state to educate children it is likewise the duty of the state to inform the people. To hide successfully is to swindle successfully, whether the hiding be done by the corporation or by the individual citizen. We must somehow, someway enlarge the scope of our revenues before any new measure involving a large appropriation of public money is seriously approached. Our state is a growing one, and each year adds to the necessity of more institutions, already crowded beyond their capacity, to accommodate those who seek admission. We have not forgotten the incident of four years since, when the governor of a former administration, in order to meet the exigencies of the case, cut deep into the appropriations of educational institutions, appropriations absolutely necessary and justifiable, and in obedience to the man-

date of the people who, struggling with the burden of taxation imposed, sacrificed the institutions they believed in to keep alive and properly sustain the homes they love.

In order, therefore, that the institutions of this state be properly equipped and successfully maintained; in order that the incoming administration may escape from the unpleasant sensation and embarrassing situation of running a state whose revenues are far short of the necessary appropriations made, I urge that the question of taxation be taken up with the object in view to treat all persons and all corporations alike before the law.

The last legislature enacted a law to regulate the business of common carriers in the state. The companies made strenuous efforts to defeat the enforcement of the law, and for almost two years the fight was continued in the Federal courts and but recently the decision of Judge Amidon was given. The rates, as fixed by the Commissioners, were in a large measure reasonable, and while they were not as low as the lowest, still they were not as high as the highest, but were as near as could be ascertained a fair and just average of the rates upon which the volume of business has been done, and upon which a safe and reasonable profit could be secured. The Commissioners had but one object in view, namely, the general prosperity of the whole State, out of which the railroads should receive compensation commensurate with the vast interests involved and capital employed. Experience has everywhere taught that the lower the rate the greater the volume of business transacted and the more remunerative to both shipper and carrier. In other words minimum charges add impetus to freedom of exchange in commodities and result in such an increase in the volume of trade that the sum of the small profits exceeds the net income secured from higher rates. The state has approached the question of transportation in a spirit of moderation and with the fixed purpose to do exact justice as between the corporation and the people, nor will they be accused of any direct hostility or prejudice to the organized capital represented in the transportation companies of the State.

It is to be **regretted that in the passage of the Railroad Bill**, no appropriation was made to meet the expense—the outgrowth of the litigation in the attempt to enforce its provisions. Governor Briggs, however, met the emergency and, from private funds, paid the expense of the suit and those who seemed to be necessary to its successful prosecution. I took up the case where he had left it, and in the same way continued to meet promptly every demand. So far as I know no voucher was, or has been, presented that has not been paid and as promptly as the conditions, under which the

funds were secured, would permit. If there has been delay, if it has dragged—slowly dragged, snail-like, through the courts of justice,—then you must look beyond the door of the Executive for the cause.

However, while discussing the matter of freight rates, I will say that during the time this case has been pending the railroads of the State recognized the justice of the State's requirements by reducing grain rates from points in this state to the eastern terminals of Duluth, Superior, St. Paul and Minneapolis, to the extent of 15 to 20 per cent, thus lessening, to that extent, the burden imposed on the producers and causing a much better feeling between shippers and transportation interests than existed two years ago. I am also reliably informed that railway companies in the state have made every effort to accommodate the shipping interests of the State and to give as far as possible, value received for tariffs imposed.

In connection with the railroad laws it is further recommended that the law be so amended as to specifically provide and appropriate funds for expenses of litigation when necessary, under proper restrictions and safeguards.

The present law, Section 3, Chapter 115, Session Laws of 1897, should be amended so as to require reports of railroad companies to be filed not later than September 30th of each year instead of July 15th, as now required, for the reason that it is impossible for the railroad companies to complete their reports for July 15th.

In the light of recent decisions of the Federal court, in event of the interests of the State requiring a reduction of rates on products shipped into the State or from points within the State to points out of the State, generally known as inter-state rates, the Commissioners of Railroads should be empowered and required by law to act in the interests of the State, by appeal or action through the Inter-state Commerce Commission of Washington, D. C.

With the recommendations above carried out the Commissioners of Railroads will be amply provided for the proper execution of the constitutional requirements of the office.

In concluding this part of my Message I desire to say that corporations have been called into being by the people, to promote the common welfare, and the State can tolerate neither usurpation of power nor conspiracy on the part of its creatures. We are building for the future and the importance of keeping intact those principles which lie at the foundation of every government of, and by the people, cannot be overestimated. The railroad business is still in its infancy as is, also, our State. Taking into consider-

ation the wonderful possibilities of this State with a population rapidly increasing in wealth, together with the growing importance and value of railroad interests, we can see and appreciate the necessity of timely, just and wise legislation.

PROHIBITION.

Not unlike other States of the Union we are confronted with questions growing out of the liquor traffic. Upon entering the Union from the various systems—license, dispensary and prohibitory—the people of the State chose the latter and fixed the same in the Constitution and Statutes of the State.

At every recurring biennial session of the Legislature attempts have been made, not only to resubmit the constitutional question to the people, but also to modify existing statutory provisions upon the line of reducing penalties and striking out what are known as the remedies for the enforcement through the courts. All such efforts have signally failed. The existing law, and the means provided for its enforcement, is sufficient to suppress the unlawful sale of liquors wherever public sentiment lends adequate support to the officers of the law in the discharge of their duties under its provisions. The law may not have accomplished all that its friends hoped, but that it has been a powerful instrument for the prevention of intemperance but few will deny. Rainy days have not the lessons for our farmers as before; merchants and business men engaged in lawful pursuits enjoy the advantages of cash sales which formerly were secured by the saloon. Our cities instead of being filled with vacant buildings are building more, to keep pace with the demands of trade and consequent increase in growth, and general prosperity seems everywhere to abound. But, best of all, the children of the State are growing up to understand that the saloon is an outlaw, and that the sale of intoxicants as a beverage, is offensive to the good order of the state.

It is contended that we abolish the saloon and that we should, therefore, make it respectable, and minimize the evils attendant upon it by high license. I am not prepared to believe that such a policy will receive the sanction of the voters of North Dakota. High license may diminish the number of saloons, but it does not diminish the amount of liquor sold. It is easy for the theoretical mind to formulate an ideal, high-license law, and for the lively imagination to conceive its strict enforcement; but experience has proven that the difficulties attending the enforcement of such a law are no less than those attending the enforcement of prohibition.

If, for a moment, we drop out of consideration the moral ques-

tions involved, and view the matter from an economical standpoint, we are led to affirm that that system of dealing with the traffic is the best, which reduces to the minimum the unlawful sale of intoxicating beverages. Measured by this test the law has certainly met with a very high measure of success.

The oft repeated charge, that parties can, under the prohibitory law, ship in from an outside state liquor for private consumption, falls of its own weight; because that same objection could be urged as against any other system, it being a matter wholly governed by Congress, by virtue of its control over inter-state traffic.

The Republican party, at its convention in July last, gave this pledge to the people: "We believe in the strict observance of all laws and especially that no backward step should be taken in the maintenance and enforcement of the prohibition law."

I believe the pledges of the Republican party should be kept and the law of the State should be upheld. In view of these facts I most earnestly recommend that no steps backward be taken upon this question. Indeed, should any change in the existing law be necessary I suggest it be made along such lines as will render more complete the universal enforcement of the law.

DIVORCE.

In 1860, writing about the easy divorce laws in Indiana, Horace Greeley said: "The matter of divorce has passed beyond reasonable scope of experiment. Every possible modification and shade of relation between man and woman have been tried over and over,—from indissoluble, monogamic marriage down through polygamy, concubinage and easy divorce to absolute free love. If these repeated experiments have not established the superiority of the union of one man to one woman for life, then history is a deluding mist, and man has hitherto lived in vain."

Judge Cooley, of Ann Arbor, says that "the easier a divorce is to be obtained the more likely young people are to form matrimonial connections without due caution and circumspection," and, further, that "the evils of divorce fall, to a large extent, upon the children of the divorced pair, and, in a great proportion of cases, far outweigh any possible benefits to the party on whose prayer the divorce is decreed. It is a narrow and misleading view of divorce laws which fails to embrace the mischief to children which are, in many cases, irreparable."

We not only have a collection of laws making divorce exceedingly easy, but we have taken special pains to invite the martially discontented of the whole world into our borders, promising them freedom from their galling yoke after a domicile of only ninety

days. The serious objections to this law are: First, the ninety days clause is, in practice at least, a bid for the divorce business of the world. Second, we thereby encourage litigation between human beings, to the end that some few may fatten on the misery of their other and less fortunate fellow beings. Third, we draw to our State a very large, and ever increasing, number of persons of both sexes whose presence is not desirable in any community and whose influence on the young and inexperienced minds cannot but be pernicious. Fourth, most of those who come here do so because they have no valid cause for separation. In their own homes, where the circumstance of the case are known or can be easily ascertained, no judge, no jury would give them a verdict. Fifth, it is wise jurisprudence to force each State to look after its own criminals. Sixth, while some of these undesirable people bring to individual citizens certain sums of money, the citizens at large, far from profiting by their presence, are taxed to free them from the marriage tie, in other words, the expensive machinery of our District Courts is maintained by the taxpayers of this state, much of which is taken up for the purposes of granting divorces to residents living elsewhere than in the State. Last year, from January 1st to December 31st, in Cass County alone, one hundred and thirty-nine (139) divorces were granted, nearly all aliens, and over thirty-five (35) cases still pending. It is probably not far from the truth to say that nearly, if not quite, one-half of the time of part of our District Courts is taken up with divorce business, not five (5) per cent of which is brought before the court by bona fide residents in the state. Seventh, that perjury is encouraged by our ninety-day law is self-evident. Eighth, that the good name of our state suffers abroad as every observant and candid traveler knows. Ninth, it requires a residence of one year to qualify a voter, why should not the State demand at least the same term of residence for one coming here to apply for a divorce? Tenth, believing that the ease with which divorces are procured is discreditable to our institutions and a menace to society, and that the ninety days law is contrary to the wishes of the vast majority of our citizens I urge the repeal of the law or that it be amended to read "one year," in lieu of "ninety days," as is now the case.

GOVERNOR BRIGGS.

In transmitting this Message to this body, my regard for the best type of citizenship and appreciation of eminent service to the state constrains an allusion to the work and high character of my predecessor in office, Governor Frank A. Briggs. I deem it the simple truth that in the death of Governor Frank A. Briggs the

State lost a safe, sound, strong man, zealous in every good word and work, a patriotic, public spirited citizen, a dignified and honest official, loyal to his State and people. I suggest that a special day be set apart during this session when due honor may be done his memory.

The past year has been an eventful one in the history of our country. A war, of but short duration but with far reaching results to the nation, has marked the pages of this year's volume of events. Abundant crops have blessed the tillers of our soil. We have had no great disasters of flood or fire, no decimating epidemics, no overwhelming calamity, no great misfortune,—all this gives reason for congratulation. If peace and plenty could make a happy and contented people North Dakota would have no reason to complain. Every condition to a prosperous community exists in this Commonwealth. The work you have come to do is interesting and important. Possibly some new legislation along lines not hitherto attempted in this State can be entered upon with profit, but I question whether our code cannot be most improved and the public interests best advanced by careful amendments designed to cure defects in the laws already upon our statute books; but whatever you do I hope will be done with discreet judgment and thoughtful care, and with the single object of promoting the public good. Our personal and party rivalries should be lifted to a high plane; they can find their best expression in the efforts we make to excel each other in devoted service to the state. Those who bring a high and unselfish patriotism to the discharge of public duty will render the most faithful service to their constituencies and contribute most to the honor and glory of the state.

In your delegated powers you represent the whole people of North Dakota. Love of justice, devotion to the public welfare, indifference to the insidious pleadings of class interests, resistance to the appeals of sectional sentiment should enclose the exalted ground upon which your deliberative acts will be performed. Here the rancor of politics should be merely instructive reminiscence teaching the reason and merit of higher aspirations of life. Here faction should have no voice; intolerance no advocates; partisanship no countenance. Here the hopes of a common destiny should unite all in singleness of effort and disarm every prejudice, to the end that a volume of laws favorable to all and favoring none shall constitute the achievement of this Sixth Legislative Assembly.

At the conclusion of his message Ex-Governor Devine introduced Governor-elect Fancher, who delivered his inaugural address.

GOVERNOR FANCHER'S INAUGURAL ADDRESS.

Gentlemen of the Senate and House of Representatives:

While the first feeling of one elected to the high office of Governor of the state of North Dakota must be one of elation, on account of the great honor conferred upon him, sober second thought leaves uppermost in the mind, the feeling of responsibility, on account of the duties that must be discharged.

The duties and responsibilities are of equal magnitude and weight with the office, and he who should attempt to appropriate the honor of the latter, and slight in any way the former, would be unworthy of the high distinction conferred upon him.

A growing state like ours has growing needs. New conditions must be met. The legislation of a community just entering upon statehood may not be sufficient for a fully fledged state. In common with others I voted as a member of the Constitutional Convention for the present debt limit of the state. Experience has shown it was much too low.

The message of my honored predecessor, Governor Devine, is so complete, comprehensive and elaborate in its discussion and recommendation in regard to state affairs that extended comment on my part would be superfluous. I heartily concur in the suggestions and recommendations contained therein.

The death of Governor Frank A. Briggs in August last, by that dread disease consumption, cast a pall of gloom over the state. While in the active discharge of the duties of his high position, in the very prime of life; simple, clear and bold, honored by his colleagues in office; standing high in the estimation of his fellow citizens of the state; surrounded by all that makes life pleasant and desirable—the dread summons came, and with a courage and a heroism rarely seen, he yielded only to exhausted nature, and went out to meet the future with a spirit as brave and dauntless as the summer day is long.

Among the things I have the honor of submitting for your consideration, I would call attention to the fact that one of the first duties devolving upon you will be the election of a United States senator to represent our state in the supreme council of the Federal Government, the highest legislative body in the world. We have many eligible candidates for this high honor; in fact in this respect we have an embarrassment of riches. This may lead to some delay in naming the man who shall bear off the senatorial honors; but let me urge you to proceed with all due dispatch to his selection, that other matters awaiting your consideration may not suffer from lack

of time. Bearing in mind the requirements of this high office, may the man possessing these requirements be speedily named by you.

HOSPITAL FOR THE INSANE.

The crowded condition of the Hospital for the Insane at Jamestown, the largest and most important charitable institution of the Commonwealth, renders it impossible for the officers in charge to secure the best results in the treatment of this most unfortunate class of our fellow citizens.

The necessity for additional ward buildings at this hospital is known to every citizen of the state. Every available space has been utilized, including the dormitories, in the present buildings, many beds are occupied by two insane persons, a necessity at once detrimental to the recovery of the patients and highly dangerous. The officers in charge have been compelled to discharge many patients not fully recovered in order to give place to others of a more aggravated and dangerous character constantly pressing for admittance. I trust every member of the legislature will carefully read the report of the trustees of the hospital for the last bi-ennial period, and give serious consideration to the recommendations therein contained.

FINANCIAL CONDITION OF THE STATE.

When I first became a member of the state administration, January 7, 1895, the general fund of the state treasury was overdrawn in the sum of \$23,461.71, and there were unpaid bills on the desk of State Auditor Briggs amounting to \$110,195.07, making a total deficiency of \$133,656.78. In addition to this the legislature was convening in session, and there was not a dollar in the treasury to pay their mileage or any of the expenses of the session, amounting to over \$58,000. The bonding debt limit of the State had been reached, and in this somewhat desperate condition of our financial affairs a joint resolution was passed authorizing Governor Allin, Treasurer Nichols and Auditor Briggs to issue funding warrants for \$210,000 in anticipation of the future revenue of the State. The auditor and treasurer borrowed money on these warrants, paid the expenses of the Legislature, paid the other floating indebtedness, and we commenced business again on a cash basis, but with this large amount of warrants outstanding. Since that time the current expenses of the State have all been promptly met until the last few months, and all outstanding warrants have been paid in full, with interest. In order to take up and pay the last of these warrants, the retiring state auditor and treasurer have been compelled to delay the payment of certain current expenses of the State for several

months. The amount required to meet this indebtedness will be reported to you by the auditor and treasurer, and it should be given first consideration by your committees on appropriations in apportioning the revenue of the State for the coming bi-ennial period. It has been the practice of recent Legislatures to appropriate sums in excess of the estimated revenues of the State—this practice should be discontinued, and at once. A very correct and accurate estimate of the revenue for the coming two years can be procured from the proper officers, and I respectfully, but earnestly, urge you to procure such estimate, and then instruct your committees on appropriations to provide for the present indebtedness, and then to confine their appropriations to an amount strictly within the limits of such estimate. January 5, 1893, there was a surplus in the State Treasury of \$159,000. January 7, 1895, there was a deficiency of \$133,000. During the past four years this deficiency has been reduced. The executive will co-operate heartily with your honorable body in wiping it out entirely in the next two years.

In Governor Briggs' inaugural address two years ago I find the following recommendation.

“CONTINGENT FUND.

A small fund should be placed at the disposal of the Governor, out of which he could authorize the payment of small expenditures that can not be foreseen by any legislative assembly or determined by any committee on appropriations. There have been numerous times when public interests have not been properly cared for on account of there being no appropriation out of which expenses could be paid that did not properly come under the head of some of the various departments, or belong to some of the purposes included in appropriation bills. At times sums of money have been advanced, or payment guaranteed by the Governor and other State officers.

A fund of this character would largely obviate the necessity of special appropriation bills by each legislative assembly. It would also be of much benefit to the executive department, for there are many times when, in order to do justice to public interests, expenses are to be incurred that are not in the nature of expenses chargeable to the executive office.”

This appropriation was not made by the last legislature. It should have been. Governor Briggs, during his term of office as Governor, advanced \$1,850 in order that the rate case brought by the Board of Railway Commissioners against the railroads might be prosecuted.

Since his death Governor Devine and other state officers have advanced \$500 more. I trust the Legislature will promptly pass a

bill reimbursing the family of Governor Briggs, and also the state officers for this expenditure. It was expended in the public interests. I also wish to renew the recommendation that \$2,000 be placed at the disposal of the Governor to meet future contingencies of this nature that may arise from time to time.

North Dakota early in its history adopted the essential reforms contained in the election and ballot system known as the Australian ballot law, and no State in the Union enjoys the reputation of fairer or more honestly conducted elections. Experience has, however, demonstrated the necessity of slight changes in the laws from time to time, and the people at the last election endorsed the educational test as a requisite to the right of franchise. The conducting of party caucuses and conventions in such a manner as to truly record the wishes and desires of the voters in the matter of nominations for office and declarations of principles is still a problem commanding the attention of the most earnest students of political economy in nearly all of the States. While the fact is recognized that lack of interest in primary party caucuses is largely responsible for the unsatisfactory results frequently complained of in county and state conventions, it must be admitted that many of the present evils can be done away with by the adoption of a primary election law that will bring party primary meetings under State supervision and control. Such a law need not be burdensome or expensive in its operation, and I respectfully urge that a primary election law be made the subject of most careful and favorable consideration.

MILITIA.

The treaty of peace with Spain having been signed and as the country begins to assume its normal condition, we, as citizens of North Dakota, naturally turn our attention to the Phillipine Islands, where our two battalions of infantry (once our National Guard) are now stationed. We have reason to point with pride to the record they have made for themselves and for the State. The good news of so small a per cent of casualties and sickness in our regiment is cause for thankfulness, and we congratulate ourselves that we have been so extremely fortunate, and trust that the future may bring even better conditions. When our regiment returns home we will miss from the original rolls the names of the following brave and patriotic men: John Buckley, Company C; Frank Harden and John Morgan, Company H, and Ole Lakken, Company K, who have answered the last roll call and command, and in response to taps the lamp of life has been extinguished. We extend

our sympathy and condole with the bereaved relatives, comrades and friends.

It has been demonstrated that our military laws as now constituted are a mere matter of experiment, and in order to obtain the best results a complete revision would be found necessary.

As the future will see the National Guard of the different States the volunteer army of the Nation, I would respectfully recommend that our laws governing the militia be revised or so amended as to comply as fully as is possible with those to be adopted by Congress governing the United States Regular and Volunteer Army, especially as to organization and equipment.

Second, That all arms, uniforms and equipment be furnished by the State, and that no yearly cash allowance be made companies for that purpose.

Third, That a system of medical examination be adopted for the purpose of placing our militia in a more efficient condition for the field in time of emergency.

Fourth, That the appropriation made for the purpose of carrying out the provisions of the military code be wise and conservative, but ample.

And I would further recommend as a matter of appreciation and fairness that a bill be passed allowing those companies now in the service of the government the annual armory rent for the year ending June 30, 1899, the same as those companies remaining in the State as many of the companies own their own armories, but still owe a small debt on them.

In this connection I am reminded that we have recently been made to realize that we are not an isolated State, but an active member of this great sisterhood of states, and an integral part of this victorious nation. I rejoice with you that the brave and stalwart sons of this State have helped to break the fetters which bound millions of souls. Their cry for help, their hands outstretched in supplication, were not passed unheeded, but our people gave of their substance, yes, many gave their life for the oppressed. And now with the return of peace, while we rejoice that the late war was so free from great losses to our forces, especially upon the seas and in the far East, what shall be our attitude toward the wider opportunities that have opened up before our country? In other words, shall we lend our influence for or against expansion? I, for one, am for expansion. It ill becomes a citizen of this State, and, indeed, of the whole Northwest, to say anything against expansion, for this State, together with every one of our neighboring States, is a fruit of that same policy, expansion. Perhaps some of its opponents are not aware that less than one hundred years ago most of the vast

domain west of the Mississippi river belonged to France, and was known by the one name of Louisiana—a vast tract extending northward from the mouth of the Mississippi river to the Dominion of Canada, and westward to the Pacific ocean; a tract now divided into seventeen states and territories, comprising in the neighborhood of 1,200,000 square miles—more than one-third of the total area of the United States, and this was bought in 1803 for a song—\$11,250,000—less than ten dollars a square mile—because Napoleon Bonaparte, then first consul of France, happened to be in need. Had it not been for expansion, North Dakota would now be French territory, and its broad acres would not know the civilization which now adorns them. To be sure the Louisiana purchase was opposed by the anti-expansionists at the beginning of this century, and no one rejoices more than we that they failed.

Did you ever realize that by far the greater part of the territory of the United States was obtained through the policy of expansion? After the purchase of Louisiana in 1803 came that of Florida in 1821, a territory extending from the Atlantic ocean to the Mississippi river—none of the original thirteen colonies having had an outlet to the Gulf of Mexico. Then from 1846 to 1848 Texas, New Mexico, Arizona, Nevada, Utah and California were acquired, and in 1867 Alaska.

I have dwelt somewhat at length on this question of expansion, first to show that it has been an active issue in the past, and in that its triumph has ever been fruitful of good results; and, second, because it is going to be a living question of the future, and we must do our part in solving the problems that confront the Federal Government. Judging from all our glorious past, you will doubtless agree with me that the policy of expansion is the correct one for our national government to follow. The soil of these various islands of the sea has been baptized with heroic blood in the cause of liberty, and thereby made sacred in our eyes, and we can not lightly abandon it. Our flag has been flung to the breeze, and we cannot withhold the promise of freedom that it gave. Where our loved and honored brave now sleep, thither our thoughts shall ever fondly turn.

Besides, through destiny, as I believe, the welfare of about 10,000,000 of people has been placed in our keeping. Our duty to them does not end with striking off their chains and driving their oppressors out, but we must see that they become erect and free, with all the qualities of mind and soul that men and women in this age ought to possess. Fetters of darkness must still be stricken from the mind; ignorance and superstition must, with oppression, their creator, be put to flight. As freedom and commerce will follow the

flag, the flag must be planted even farther forward in the domain of darkness and oppression, and be there maintained until the many blessings which it symbolizes are enjoyed.

There are in the world today twenty-four republics. Nineteen of them are in this western hemisphere; three of them are in Africa, and two of them in Europe. Only one of them, Switzerland, antedates the United States. Doubtless the other twenty-two drew their inspiration from our Republic. The torch of liberty for these many lands was lighted at our altar fire, and while other peoples that heretofore have sat in darkness crave the same boon, we can not deny them.

To be sure, the party to carry our country successfully through all the perplexities that shall arise must be the party that is truest to our national ideals—the party of a free, enlightened and universal ballot; the party of an honest dollar; the party that does not beget distrust, but which loyally upholds all our beneficent institutions and is willing to meet all our obligations.

I congratulate you, gentlemen, and through you I congratulate the entire State, on the prosperity which during the past several years has blessed our broad domain and rewarded the patience, industry and enterprise of our people. The suffering of the pioneer has been turned to joy; the struggle with untamed nature has at last borne fruitage. May a bountiful Providence continue the blessings which we now enjoy.

It is your province, gentlemen to enact the laws, and mine to perform the duties of the Executive in putting them into execution. I am but the hand to carry out your will, and the will of the legislatures that were before you. It shall be my chief study and delight to co-operate with you in all possible ways in establishing law and order, justice and the right, education and enlightenment throughout our beloved State.

Mr. Stevens moved
That the joint session do now dissolve,
Which motion prevailed and
The joint session dissolved.

House reassembled.

Mr. Earl moved
That the house do now adjourn,
Which motion prevailed and
The house adjourned.

J. G. HAMILTON,
Chief Clerk.

THIRD DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 5, 1899.

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

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present.

The speaker appointed the following assistant enrolling and engrossing clerks:

J. J. Moe, George H. Soule, Fred Black, Edward E. Drake, Edyth Skeels, Matt Johnson, and Robert Rainy.

The speaker announced the following standing committees:

Committee on correction and revision of the journal: John Kennedy, G. W. Wolbert, W. Clark, F. Lish, Wm. Engelter, F. T. Gronvold, C. Winslow.

Committee on rules: R. N. Stevens, O. McHarg, J. J. Dougherty, W. W. Glasgow, W. D. Allen, H. McLean, E. B. Thompson, J. T. Peake, P. P. Chacey.

The speaker administered the oath of office to C. I. Hutchinson, bill clerk; Thomas Sanderson, assistant sergeant-at-arms; M. Skarison, A. S. Hobson, janitors, and C. E. Forrest, assistant enrolling and engrossing clerk.

REPORT OF SPECIAL COMMITTEE.

The special committee on revision of the journal made the following reports:

Mr. Speaker:

Your special committee on correction of the journal beg leave to report the following corrections in the journal of the first day:

On page 1, line 4, strike out the words "senate chamber" and insert "house of representatives."

On page 1, line 11, strike out the words "of the house of representatives."

On page 1, line 13, after the word clerk insert the words "of the house of representatives."

On page 1, line 15, change the name "Clements" to Clemons."

On page 1, line 18, change the name "Watt" to "Watts."

On page 2, line 10, and wherever the same occurs, change the name "Dwier" to "Dwire."

On page 2, line 32, change the number "61" to "62."

On page 2, lines 33 and 34, strike out the words "was declared the duly elected speaker of the house," and insert the words "Mr. E. C. Sargent 1 vote.

On page 3, line 1, and wherever the same occurs, change the name "Hauen" to read "Hauan."

Change line 7, of page 3, by striking out the words "not voting" and inserting in lieu thereof the words "voted for Mr. Sargent."

After line 7, page 3, insert the words "Mr. Baker, having received a majority of all the votes cast, was declared the duly elected speaker of the house."

On page 3, line 21, change the name "Chasey" so as to read "Chacey."

On page 3, line 22, and wherever the same occurs, change the name "Gronvald" so as to read "Gronvold."

On page 7, lines 3 and 8, and wherever the same occurs, change the name "Clements" so as to read "Clemons."

And when so amended recommend that the journal of the first day be approved.

W. W. TOUSLEY,
Chairman.

Mr. Tousley moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

Mr. Speaker:

Your special committee on correction of the journal beg leave to report the following corrections in the journal of the second day:

After the line "sixth session" on page 1, insert the line "second day."

In the line "senate chamber" on page 1, correct the word "senate" by substituting the letter "e" for the letter "f."

In line 16, page 1, after the word "house" strike out the words "to inform the house."

In lines 2 and 6, on page 3, change the name "Miss Ida G. Fox" so as to read "Mrs. Ida G. Fox."

In lines 20 and 24, on page 3, change the spelling of the name "Cassel" to "Cassell."

In line 5, page 4, change the name "Lisk" to "Lish."

And when so amended recommend that the journal of the second day be approved.

W. W. TOUSLEY,
Chairman.

Mr. Tousley moved

That the reports of the committee on revision and correction of the journal be adopted.

Which motion prevailed, and

The reports were adopted.

MOTIONS AND RESOLUTIONS.

Mr. Johnson, of Richland, offered the following resolution, and moved its adoption:

Be it resolved by the house That the secretary of state be requested to furnish each member of the house a copy of the revised codes, of the session laws of 1897, and of the blue book, and that there be furnished for the chief clerk's desk one code, one session law, and one copy of the journal of the house and senate of the session of 1897, and that he also furnish one copy of the code and session laws for the newspaper representatives' tables.

Which motion prevailed, and

The resolution was adopted.

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

Resolved, that a vote of thanks of the house of representatives be extended to the city of Bismarck for furnishing free transportation to and from the capitol to the members of this session,

Which motion prevailed, and

The resolution was adopted.

Mr. Lynch requested that the privileges of the floor be extended to Hon. P. J. McCumber, Hon. R. H. Hankinson, Hon. Don. R. Davidson, J. F. Shea and B. L. Bogart, of Richland county.

Mr. Laughlin requested that the privileges of the floor be extended to Hon. H. S. Oliver, Ed. Pierce, Hon. Andrew Sandanger, Jesse Rose and Herman Shirley, of Ransom county.

Mr. Kennedy requested the privileges of the floor be extended to C. Gorder and M. P. Axtel, of Dickey county.

Mr. Stevens requested the privileges of the floor be extended to Hon. E. G. Patterson and Jacob Field, of Burleigh county.

Mr. Allen requested the privileges of the floor be extended to W. L. Wilder, of Grand Forks.

Mr. Cassell requested the privileges of the floor be extended Hon. J. J. Wamberg, of Steele county.

Mr. Tufte requested the privileges of the floor be extended Ole G. Hanson, of Northwood.

Mr. Johnson, of Richland, requested the privileges of the floor be extended Hon. W. S. Lauder and Hon. R. N. Ink, of Richland county.

There being no objection the privileges of the floor were so extended.

The speaker appointed the following assistant enrolling and engrossing clerks:

W. C. Heron, Birdie Lambert, Ed. Tisdal and Emma Thompson.

Mr. Sargent moved

That the codes placed upon the desks of members be annotated by inserting the laws and amendments of the 1897 session, and that the annotations be made by the enrollment and engrossing committee,

Which motion prevailed.

The speaker appointed the following assistant enrolling and engrossing clerks:

F. O. Southard, Viola Michaels, Louis H. Ugland, Emma Thordarson and Russell Purinton.

The speaker appointed George Chapman as janitor.

INTRODUCTION OF BILLS.

Mr. Chacey introduced

House bill No. 1,

A bill to amend chapter 115 of the session laws of North Dakota, 1897, defining the duties of the railroad commissioners.

Which was read the first time.

Mr. Allen introduced

House bill No. 2,

A bill for an act to amend section 2767, of the Revised Codes, relating to the rights and capacity of husband and wife.

Mr. Earl introduced

House bill No. 3,

A bill for an act to establish a board of inspectors for steam ves-

sels and steam boilers, and to provide for licensing engineers of steam boilers and engines.

Mr. Deisem introduced

House bill No. 4,

A bill for an act to amend section 2070 of the Revised Codes of 1895, relating to determining population in fixing the salary of county judge.

Mr. Brotnov introduced

House bill No. 5,

A bill for an act to amend section 5848, chapter 29, of the code of civil procedure of the Revised Codes of 1895, relating to foreclosure by advertisement of real estate mortgages.

Mr. Allen introduced

House bill No. 6,

A bill for an act to amend sections 3205 and 3209 of the Revised Codes relating to building and loan associations..

The speaker administered the oath of office to J. J. Moe, Edythe Skeels and Matt Johnson, assistant enrolling and engrossing clerks, and to George Chapman, janitor.

Mr. Stevens moved

That the house do now adjourn,

Which motion prevailed,

And the house adjourned.

J. G. HAMILTON,
Chief Clerk.

FOURTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 6, 1899.

The house assembled at 2 p. m. pursuant to adjournment.

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present.

REPORTS OF SELECT COMMITTEES.

The committee to select committee rooms made the following report:

Mr Speaker:

Your committee begs leave to report that they have secured for the committees on judiciary and railroads furnished, heated and lighted rooms in the McKenzie block on Main street.

For the committee on appropriations, a room in the Eppinger building on Main street.

For the committee on taxation and tax laws, a room in the Taylor building on Main street.

For the committee on education and temperance, the Grand Army hall.

For the committee on ways and means, room in the Taylor building.

Committee on agriculture, room in the McKenzie block on Main street.

Committee on banking, room in the Eppinger building.

Your committee recommend the appointment of the following persons to act as janitors of the committee rooms and messengers to the committees, viz.: James Ormiston, Frank D. Smith, Thomas Fortune, Joseph Fox, M. H. Weeks, S. M. Howard, Lewis E. Johnson and Joseph Wood.

Your committee asks leave to report further when all the committees shall have been appointed and they more thoroughly in possession of the needs of the house.

Respectfully submitted,

JOSEPH HARE,
DON STEVENSON,
T. W. ALLSHOUSE,
Committee.

Mr. Hare moved

That the report of the committee be adopted,

Which motion prevailed and

The report was adopted.

The speaker appointed the following assistant enrolling and engrossing clerks: H. C. Young, Frank McKenzie, J. W. Morrow, Henry Law, Helen Veeder, J. C. Adamson, Norma Fowler, Ralph E. Knowlton, A. E. Thacker.

Mr. Bacon moved

That the courtesies of the floor be extended to H. P. Reiton, Hon. E. H. Kent, M. A. Walsh and C. P. Campbell of Grand Forks county.

There being no objections, the courtesies of the floor were so extended.

Mr. McHarg moved

That the privilege of the floor be extended to C. L. Mitchell and R. W. Knowlton of Stutsman county.

There being no objections, the courtesies of the floor were so extended.

Mr. Stevens moved

That the courtesies of the floor be extended to all citizens of North Dakota until Jan. 16,

Which motion prevailed and

The courtesies of the floor were so extended.

MOTIONS AND RESOLUTIONS.

Mr. McHarg offered the following resolution:

Resolved, That the opinion of the attorney general be asked for, and that the same be filed in writing with this house covering the point of the duty of this legislature to enact laws contemplated by the two proposed amendments submitted to and voted on by the people of this state at the last election and carried, as shown by the official vote. The attention of the attorney general being respectfully called to the combination of two questions as shown by the official ballot, said questions being covered and

contemplated in sections 121 and 127 of the constitution and submitted to the electors in joint form on said ballot, and state in said opinion if in his opinion the said two amendments were submitted in such manner that the electors could have voted for or against each amendment separately, as provided they might do if they so desired under section 202 of the constitution.

Mr. McHarg moved
The adoption of the resolution,
Which motion prevailed and
The resolution was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
Jan. 6, 1899.

Mr. Speaker:

I have the honor to transmit herewith a concurrent resolution which the senate has passed and your favorable consideration thereof is respectfully requested.

Very respectfully,
J. O. SMITH.

Concurrent resolution introduced by Mr. Baker.

Resolved by the senate, the house concurring,

That, Whereas, The profession of arms have in all ages been regarded with favor and men of valor held in high esteem; and,

Whereas, We as American people realize that we owe our existence to military strength and achievement not from choice but of necessity, and while we might boast that we have never taken up the sword but in the defense of humanity and right, and having left no shackles upon our citizens at home we may feel proud and justly so of having been chosen as an instrument in the hands of an overruling power in striking the fetters that for ages have bound an alien people.

Therefore, we, the representative people of the State of North Dakota in legislative assembly convened, do declare it to be the sense of this body and its constituency that those of our citizens who went forth in the recent war manifested a high and grand patriotism in so nobly giving their services in a cause so just and righteous, and for which they are held in the highest regard and esteem by their fellow citizens, not only of this state, but by the whole civilized world.

Mr. Stevens moved
The adoption of the concurrent resolution,

Which motion prevailed and
The concurrent resolution was adopted.

The speaker appointed Captain Gleeson and E. R. Kennedy as janitors.

The speaker administered the oath of office to Emma Thompson, E. E. Drake, B. R. Lambert, Fred Black, W. C. Heron, Helen Veeder, H. C. Young, Ralph Knowlton, A. E. Thacker, P. W. Kennedy, Captain Gleeson and J. C. Adamson.

INTRODUCTION OF BILLS.

Mr. Stevens introduced

House bill No. 7,

A bill for an act to amend section 2737 of the Revised Codes.

Mr. Michels introduced

House bill No. 8,

A bill for an act to repeal chapter 53 of session laws of 1897, and sections 4816, 4817, 4818 and 4819 of the Revised Codes of North Dakota relating to liens for sires.

Mr. Lynch introduced

House bill No. 9,

A bill for an act requiring mortgagees of personal property to prepare and furnish and read to mortgagors copies of the mortgage instruments and making the said mortgage instruments void unless so furnished and read.

Mr. Hale introduced

House bill No. 10,

A bill entitled a bill for an act to provide for the maintenance of the deaf and dumb asylum of North Dakota, located at Devils Lake, and for necessary improvement and repairs, and making an appropriation therefor.

Mr. Winslow introduced

House bill No. 11,

A bill for an act entitled "An Act Fixing Date When the Term of Office of County Treasurer Shall Commence."

Mr. Bacon moved

That the speaker appoint a committee of three to investigate the cause of the coldness in the room and to devise means for making the room comfortable,

Which motion prevailed, and

The speaker appointed as such committee Messrs. Bacon, Casse and Stevenson.

Mr. Johnson of Richland moved

That a committee of three be appointed to rearrange the seats of the members,

Which motion prevailed, and

The speaker appointed as such committee Messrs. Lynch, Peek, Miner and Thomas.

SECOND READING OF HOUSE BILLS.

House bill No. 1,

A bill to amend chapter 115 of the session laws of North Dakota, 1897, defining the duties of the railroad commissioners.

Which was read the second time and

Referred to the Committee on Railroads, when appointed.

House bill No. 2,

A bill for an act to amend section 2767 of the Revised Codes of North Dakota relating to rights and capacity of husband and wife.

Which was read the second time and

Referred to the Committee on Judiciary, when appointed.

House bill No. 3,

A bill for an act to establish a board of inspectors for steam vessels and steam boilers, and to provide for licensing engineers of steam boilers and engines.

Which was read the second time and

Referred to the Committee on State Affairs, when appointed.

House bill No. 4,

A bill for an act to amend section 2070 of the Revised Codes of North Dakota, for 1895, relating to determine population in fixing the salary of county judge.

Which was read the second time and

Referred to the Committee on Judiciary, when appointed.

House bill No. 5,

A bill for an act to amend section 5848, chapter 29, of the code of civil procedure of the Revised Codes of the state of North Dakota, relating to foreclosure by advertisement of real estate mortgages.

Which was read the second time and

Referred to the Committee on Judiciary, when appointed.

House bill No. 6,

A bill for an act to amend sections 3205 and 3209 of the Revised Codes relating to building and loan associations.

Which was read the second time and

Referred to the Committee on Banks and Banking, when appointed.

House bill No. 7.

A bill for an act to amend section 2737 of the Revised Codes.

Which was read the second time and

Referred to the Committee on Judiciary, when appointed.

House bill No. 8.

A bill for an act to repeal chapter 53 of session laws of 1897, and sections 4816, 4817, 4818 and 4819 of the Revised Codes of North Dakota relating to liens for sires.

Which was read the second time and

Referred to the Committee on Agriculture, when appointed.

House bill No. 9,

A bill for an act requiring mortgagees of personal property to prepare and furnish and read to mortgagors copies of the mortgage instruments and making the said mortgage instruments void unless so furnished and read.

Which was read the second time and

Referred to the Committee on Judiciary, when appointed.

House bill No. 10,

A bill entitled a bill for an act to provide for the maintenance of the deaf and dumb asylum of North Dakota, located at Devils Lake, and for necessary improvement and repairs, and making an appropriation therefor.

Which was read the second time and

Referred to the Committee on Appropriations, when appointed.

House bill No. 11,

A bill for an act entitled "An Act Fixing Date When the Term of Office of County Treasurer Shall Commence."

Which was read the second time and

Referred to the Committee on State Affairs, when appointed.

REFERENCE OF THE JOURNAL.

Report of committee on revision of the journal.

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

Mr. Speaker:

The committee on correction of the journal beg leave to report the following corrections in the journal of the third day:

On page 4, line 10, change the name "Garder" so as to read "Gorder."

On page 4, line 41, correct the spelling of the word "session."

On page 5, line 13, space the words "to amend."

On page 5, line 6, substitute the name "Earl" instead of "Allen."

On page 4, line 36, change the name "Purington" so as to read "Purinton,"

And when so amended recommend that the journal of the third day be approved.

JOHN KENNEDY,
Chairman.

Mr. Kennedy moved

That the report of the committee on revision of the journal be adopted,

Which motion prevailed and

The report was adopted.

Mr. Stevens moved

That the house do now adjourn until 2 o'clock p. m. Monday.

Which motion prevailed, and

The house adjourned.

J. G. HAMILTON,
Chief Clerk.

SEVENTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, N. D.,
January 9, 1899.

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

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present excepting Messrs. Brotnov, Deisem, Ferris and Glasgow, who were excused.

The following message was received from the senate:

MESSAGE FROM THE SENATE.

SENATE CHAMBER,
January 9, 1899. }

Mr. Speaker:

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

A bill for an act to amend section 2755 of the Revised Codes of
North Dakota, relating to dissolution of marriage.

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

Very respectfully yours,

J. O. SMITH,
Secretary.

REVISION OF THE JOURNAL.

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

January 9, 1899.

Mr. Speaker:

The committee on revision and correction of the Journal beg
leave to make the following corrections in the Journal of the
Fourth day :

- On page 1, line 18, change the word "room" to "rooms."
- On page 2, line 9, change the word "room" to "rooms."
- On page 2, line 10, change the word "committee" to "committees."
- On page 2, line 28, change the name "M. Thacker" so as to read "A.
E. Thacker."
- On page 3, line 16, correct the spelling of the word "have."
- On page 4, line 20, change the name "M. Thacker" so as to read "A.
E. Thacker."
- On page 4, line 26, insert the name "Michels" instead of "Mitchell."
- On page 4, line 28, correct the spelling of the word "session."
- On page 5, line 1, insert the name "Winslow" instead of "Winstrom."
- On page 5, line 10, insert the name "Cassel." instead of "Cashel"
- On page 6, line 19, correct the spelling of the word "session."
- On page 7, line 12, space the words "On page."
- On page 7, line 19, insert the name "Kennedy" instead of "Peck."

And when so amended recommend that the Journal of the
Fourth day be approved.

JOHN KENNEDY,
Chairman.

Mr. Kennedy moved

That the report of the committee on revision of the Journal be
adopted,

Which motion prevailed, and

The report of the committee on the revision of the Journal was adopted.

The speaker appointed as assistant enrolling and engrossing clerks: J. M. Patterson, Kittie Davidson, B. H. Mallough, C. A. Patterson, Emma Coleman and G. R. Gullickson.

The speaker administered the oath of office to Kittie Davidson, B. H. Mallough, G. R. Gullickson, Norma Fowler and Louis H. Uglund

FIRST READING OF SENATE BILLS.

Senate bill No. 1,

A bill for an act to amend section 2755 of the Revised Codes of North Dakota, relating to dissolution of marriage.

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

Mr. Earl moved

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

J. G. HAMILTON,
Chief Clerk.

EIGHTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 10, 1899.

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

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present excepting Messrs. Brotnov, Deisem, Dougherty, Ferris, Glasgow and Winslow, who were excused.

The following message was received from the senate:

MESSAGE FROM THE SENATE.

SENATE CHAMBER,
January 10, 1899.

Mr. Speaker:

I have the honor to inform the house that

The president of the senate has appointed as the senate Joint Committee on Rules, Senators LaMoure, Little, Twichell, McCarten, Arnold, Cashel and Noble, and are ready to meet the members of the Joint Committee on Rules on the part of the house.

Very respectfully yours,

J. O. SMITH,
Secretary.

The speaker appointed George Strong as janitor.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

The committee on revision and correction of the Journal beg leave to make the following corrections in the Journal of the seventh day:

On page 2, line 25, insert the name "Cassell" instead of "Cashel."

On page 2, line 41, change the name of "May Goodall" to "Emma Coleman."

On page 2, line 42, correct the spelling of the word "office."

And when so amended recommend that the Journal of the seventh day be approved.

JOHN KENNEDY,
Chairman.

Mr. Speaker:

The committee on corrections and revision of the Journal beg leave to make the following corrections in the corrected Journal of the fourth day:

On page 5, line 10, insert the name "Cassell" instead of "Cashel."

JOHN KENNEDY,
Chairman.

Mr. Kennedy moved

That the report of the committee on revision and correction of the Journal be adopted.

Which motion prevailed and

The report was adopted.

REPORT OF SPECIAL COMMITTEE.

The special committee on mileage and per diem made the following report :

Mr. Speaker:

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

| | Miles. | |
|---------------------------|--------|----------|
| Aas..... | 480 | \$ 48 00 |
| Allen..... | 386 | 38 60 |
| Allshouse..... | 86 | 8 60 |
| Bacon..... | 542 | 54 20 |
| Berger..... | 624 | 62 40 |
| Boyd..... | 368 | 36 80 |
| Brakke..... | 424 | \$ 42 40 |
| Brotnov..... | 636 | 63 60 |
| Cassell..... | 428 | 42 80 |
| Chacey..... | 414 | 41 40 |
| Clarke..... | 750 | 75 00 |
| Deisem..... | 302 | 30 20 |
| Dougherty..... | 568 | 56 80 |
| Dwire..... | 530 | 53 00 |
| Earl..... | 308 | 30 80 |
| Engelter..... | 70 | 7 00 |
| Erickson..... | 524 | 52 40 |
| Ferris..... | 594 | 59 40 |
| Gilbertson..... | 678 | 67 80 |
| Glasgow..... | 524 | 52 40 |
| Green..... | 288 | 28 80 |
| Gronvold..... | 768 | 76 80 |
| Gulack..... | 500 | 50 00 |
| Hale..... | 620 | 62 00 |
| Hare..... | 2 | 20 |
| Hauan..... | 464 | 46 40 |
| Herbrandson..... | 490 | 49 00 |
| Johnson, of Richland..... | 434 | 43 40 |
| Johnston, of Walsh..... | 618 | 61 80 |
| Kennedy..... | 340 | 34 00 |
| Laughlin..... | 504 | 50 40 |
| Lee..... | 634 | 63 40 |
| Lish..... | 230 | 23 00 |
| Lynch..... | 460 | 46 00 |
| McHarg..... | 202 | 20 20 |
| McLean..... | 698 | 69 80 |
| Michels..... | 412 | 41 20 |
| Miner..... | 314 | 31 40 |
| Nelson..... | 490 | 49 00 |
| Ovind..... | 582 | 58 20 |
| Peek..... | 412 | 41 20 |
| Peterson..... | 518 | 51 80 |
| Restemayer..... | 688 | 68 80 |
| Sanford..... | 340 | 34 00 |

| | Miles. | |
|-------------------|--------|----------|
| Sargent | 368 | \$ 36 80 |
| Stevens | 2 | 20 |
| Stewart | 568 | 56 82 |
| Swenson | 458 | 45 80 |
| Stevenson | 94 | 9 40 |
| Taylor | 488 | 48 80 |
| Thomas | 460 | 46 00 |
| Thomson | 356 | 35 60 |
| Thordarson | 670 | 67 00 |
| Tousley | 302 | 30 20 |
| Towle | 568 | 56 80 |
| Tufte | 478 | 47 80 |
| Ugland | 600 | 60 00 |
| Wallace | 660 | 66 00 |
| Watts | 726 | 72 60 |
| Wolbert | 346 | 34 60 |
| Winslow | 478 | 47 80 |
| Mr. Speaker | 386 | 38 60 |

Respectfully submitted,

M. LYNCH,

Chairman.

Mr. Tousley moved

That the report be adopted,

Which motion prevailed, and

The report was adopted.

The speaker administered the oath of office to E. R. Purinton, Emma Coleman, Emma Thordarson, Viola Michels, C. A. Erickson, H. E. Herman, E. Tisdell and George Strong.

Mr. Tousley moved

That the courtesies of the floor be extended to Mr. A. N. Bliss, of Madison, Wis.,

Which motion prevailed, and

The courtesies of the floor were granted.

The speaker appointed Ed. Rowling as assistant enrolling and engrossing clerk.

Mr. Sargent offered

The following concurrent resolution

And moved its adoption.

Which motion prevailed and

The resolution was adopted.

CONCURRENT RESOLUTION.

Whereas, It appears from the report of the warden of the state penitentiary that there is lack of employment for the inmates of that institution, resulting in a financial disadvantage to the state and tending to produce unfavorable mental and physical conditions among the inmates;

And, Whereas, It also appears that in the year 1891, a "Twine and Cordage Plant" was built and in the following year started in operation at the Minnesota state penitentiary located at Stillwater in that state;

that the said plant has been operated since that time with such success that the institution is now self-supporting, and during the last year the earnings of the inmates exceeded the expense (per capita) of keeping each of them, by the sum of \$114.62, while in the year 1891, the year before the "Twine Plant" was put in operation, the excess of the expense over the earnings was \$145.63 per capita; therefore,

Resolved by the House of Representatives, the Senate concurring, That a committee, consisting of three members from the House of Representatives, to be appointed by the speaker, and two members of the Senate, to be appointed by the president of the Senate, be appointed to investigate the matters above referred to; to visit the said Minnesota state penitentiary for that purpose, if it shall seem advisable to them to do so, and report with all convenient speed to this legislature such recommendations on the subject as to them may seem wise.

INTRODUCTION OF BILLS AND MEMORIALS.

The following memorial was introduced by Mr. Towle :

MEMORIAL AND CONCURRENT RESOLUTION

Of the House of Representatives and Senate of the State of North Dakota to the Congress of the United States, Praying for the Establishment of a National Lazarretto for the Care and Maintenance of Citizens of the United States Afflicted with Leprosy.

To the Honorable the Congress of the United States :

Whereas, There are now residing in this state a few citizens of the United States afflicted with that most loathsome disease, leprosy; and

Whereas, Owing to the contagious and incurable nature of the disease which baffles the skill of medical science, and endangers the safety of the public; and

Whereas, The care, cure and maintenance of these unfortunate people by the local authorities of the state, is impracticable and dangerous; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That your honorable body be requested and urged to take prompt action in establishing and maintaining a national Lazarretto for the cure and treatment of citizens of the United States afflicted with leprosy;

Resolved, further, That engrossed copies of the memorial, duly signed by the speaker of the House and president of the Senate and countersigned by the chief clerk of the House and secretary of the Senate, be sent to each of our representatives in Congress, the Honorables Henry C. Hansbrough and William N. Roach, members of the United States Senate, and Martin N. Johnson, member of the House of Representatives.

Mr. Towle moved

The adoption of the resolution as read,

Which motion prevailed, and

The resolution was adopted.

Mr. Aas introduced

House bill No. 12,

A bill for an act to amend section 4064 of the Revised Codes of North Dakota relating to usury.

Mr. Gulack introduced

House bill No. 13,

A bill for an act to provide for printing on the official county

ballot, in language other than English, the names of persons duly nominated for county offices.

Mr. Thomas introduced

House bill No. 14,

A bill for an act to amend sections numbered 2980, 2981 and 2982 of chapter numbered 12 of the Revised Codes of 1895, relating to railroad corporations.

Mr. Sanford introduced

House bill No. 15,

A bill for an act to amend section 690 of the Revised Codes of the state of North Dakota, of the revision of 1895, relating to the salary of school treasurer.

Mr. Tufte introduced

House bill No. 16,

A bill for an act to amend section 2889 of the Revised Codes of the state of North Dakota, relative to the "Number and Power of Directors" of corporations, and to repeal chapters 57 and 58 of the session laws of 1897.

FIRST AND SECOND READING OF HOUSE BILLS.

House bill No. 12,

A bill for an act to amend section 4064 of the Revised Codes of North Dakota relating to usury.

Was read the first and second times, and

Referred to the Committee on Banks and Banking, when appointed.

House bill No. 13,

A bill for an act to provide for printing on the official county ballot, in language other than English, the names of persons duly nominated for county offices.

Was read the first and second times, and

Referred to the Committee on Elections, when appointed.

House bill No. 14,

A bill for an act to amend sections numbered 2980, 2981 and 2982 of chapter numbered 12 of the Revised Codes of 1895, relating to railroad corporations.

Was read the first and second times, and

Referred to the Committee on Railroads, when appointed

House bill No. 15,

A bill for an act to amend section 690 of the Revised Codes of the state of North Dakota, of the revision of 1895, relating to the salary of school treasurer.

Was read the first and second times, and
Referred to the Committee on Education, when appointed.

House bill No. 16,

A bill for an act to amend section 2889 of the Revised Codes of the state of North Dakota, relative to the "Number and Power of Directors" of corporations, and to repeal chapters 57 and 58 of the session laws of 1897.

Was read the first and second times, and
Referred to the committee on judiciary, when appointed.

The speaker appointed as the house members of the committee on joint rules, Messrs. Stevens, McHarg, Dougherty, Glasgow, Allen, McLean, Thomson, Peek and Chacey.

Mr. Stevens moved
That the house do now adjourn,
Which motion prevailed, and
The house adjourned.

J. G. HAMILTON,
Chief Clerk.

NINTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 11, 1899.

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

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present excepting Messrs. Brotnov, Deisem and Ferris, who were excused.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
January 10, 1899.

Mr. Speaker:

I have the honor to transmit herewith
A concurrent resolution,
• Which the senate has passed and your favorable consideration thereof is respectfully requested.

Very respectfully yours,
J. O. SMITH,
Secretary.

Mr. Speaker:

I have the honor to transmit herewith
A concurrent resolution and memorial to congress,
To prevent the overflow, and improve the navigation of the
Red river,
Which the senate has passed and your favorable consideration thereof is respectfully requested.

Very respectfully yours,
J. O. SMITH,
Secretary.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

Your committee on the revision and correction of the Journal respectfully report that they have carefully examined the Journal of the eighth day, and recommend it be corrected as follows :

- On page 2, line 6, correct the spelling of the word "committee."
- On page 4, line 5, change the name "Purington" so as to read "Purinton."
- On page 4, line 6, change the name "E. R. Coleman" so as to read "Emma Coleman."
- On page 4, line 27, correct the spelling of the word "Minnesota."
- After line 44, on page 2, of the Journal for the seventh day, after the word "Ugland" insert "L. W. Schruth."
- After line 28, on page 2, of the Journal for the fourth day insert "The speaker appointed
"L. W. Schruth as assistant to the assistant chief clerk."

JOHN KENNEDY,
Chairman.

Mr. Kennedy moved

That the report of the committee on revision and correction of the Journal be adopted.

Which motion prevailed, and

The report of the committee was adopted.

MOTIONS AND RESOLUTIONS.

Mr. Sargent moved

That the vote by which the concurrent resolution relating to the investigation of the twine plant in the Minnesota state penitentiary passed, be reconsidered,

Which motion prevailed, and

The vote was reconsidered.

Mr. Sargent moved

That the concurrent resolution relating to the twine plant at the Minnesota state penitentiary be amended so as to read :

“That the committee consist of two members of the senate, to be appointed by the president of the senate, and three members of the house of representatives, to be appointed by the speaker, be appointed to investigate the matters above referred to,”

Which motion prevailed, and

The amendment was adopted.

The question then recurred on the motion to adopt the concurrent resolution as amended,

Which motion prevailed, and

The concurrent resolution as amended was adopted.

Mr. Cassell offered the following resolution :

Resolved, That the speaker be empowered to appoint a stenographer to assist the members of the house of representatives.

Mr. Stevens offered the following substitute motion :

That one of the enrolling and engrossing clerks shall be assigned to act as stenographer and typewriter for the use of the members of the house.

The question being on the substitute motion,

The substitute motion prevailed.

Mr. Brakke offered the following :

CONCURRENT RESOLUTION.

Be it Resolved by the Senate, the House of Representatives concurring ;

That the following proposition to amend the constitution of the state of North Dakota is hereby submitted to the seventh 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 by adding thereto the following :

"The legislative assembly shall provide by law for the establishment of a bureau of hail insurance, for the purpose of insuring growing grain against loss or damage by hail, and may provide that the premium for such insurance shall be assessed as a tax against the land upon which the insured grain is grown."

Mr. Brakke moved

That the resolution be adopted.

Mr. Stevens offered as a substitute motion,

That the resolution be printed and furnished to the members as a bill, and then be referred to the appropriate committee before being acted upon.

The question being on the substitute motion,

The substitute motion prevailed.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the governor:

EXECUTIVE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 11, 1899.

To the House of Representatives:

Gentlemen: I have the honor to inform you that the annual jail reports of the respective counties of the state are on file in this office and are subject to consideration by your honorable body, as per section 8604 of the Revised Codes.

Very respectfully yours,

F. B. FANCHER,
Governor.

INTRODUCTION OF BILLS.

Mr. Allen introduced

House bill No. 17,

A bill for an act providing for the collection of vital statistics.

Mr. Bacon introduced

House bill No. 18,

A bill for an act entitled an act to amend section 8531 of the Revised Codes of 1895 and to repeal section 8538 of said Codes.

Mr. Stevens introduced

House bill No. 19,

A bill for an act to amend sections 1783, 1784, 1785, 1786, 1787, 1788, 1789, 1790, 1791, 1792, 1793, 1794 and 1795 of the Revised Codes of North Dakota.

Mr. Uglund introduced

House bill No. 20,

A bill for an act to amend section 1495 of the Revised Codes of the state of North Dakota, relating to the time of holding an election for the purchase of an asylum for the poor, and providing for the appointment of a superintendent for such asylum.

Mr. Stevens introduced

House bill No. 21,

A bill for an act relating to negotiable instruments and providing for their interpretation, utterance, collection and construction.

Mr. Hale introduced

House bill No. 22,

A bill for an act to amend section 3209 of the Revised Codes of 1895 relating to Building and Loan Associations.

Mr. McLean introduced

House bill No. 23,

A bill for an act to amend section 7677 of the Revised Codes of North Dakota relating to game and fish.

FIRST AND SECOND READING OF HOUSE BILLS.

House bill No. 17,

A bill for an act providing for the collection of vital statistics.

Was read the first and second times, and

Referred to the committee on state affairs, when appointed.

House bill No. 18,

A bill for an act entitled an act to amend section 8531 of the Revised Codes of 1895 and to repeal section 8538 of said Codes.

Was read the first and second times, and

Referred to the committee on penal institutions, when appointed.

House bill No. 19,

A bill for an act to amend sections 1783, 1784, 1785, 1786, 1787, 1788, 1789, 1790, 1791, 1792, 1793, 1794 and 1795 of the Revised Codes of North Dakota.

Was read the first and second times, and

Referred to the committee on warehouses and grain grading, when appointed.

House bill No. 20,

A bill for an act to amend section 1495 of the Revised Codes of the state of North Dakota, relating to the time of holding an election for the purchase of an asylum for the poor, and providing for the appointment of a superintendent for such asylum.

Was read the first and second times, and

Referred to the committee on municipal corporations, when appointed.

House bill No. 21,

A bill for an act relating to negotiable instruments and providing for their interpretation, utterance, collection and construction.

Was read the first and second times, and

Referred to the committee on judiciary, when appointed.

House bill No. 22,

A bill for an act to amend section 3209 of the Revised Codes of 1895 relating to Building and Loan Associations.

Was read the first and second times, and

Referred to the committee on banks and banking, when appointed.

House bill No. 23,

A bill for an act to amend section 7677 of the Revised Codes of North Dakota relating to game and fish.

Was read the first and second times, and

Referred to the committee on state affairs, when appointed.

CONSIDERATION OF MESSAGES FROM THE SENATE.

CONCURRENT RESOLUTION.

Whereas, From recent decisions of the supreme court the present interstate commerce law is defective in that the Inter-State Commerce Commission is not given sufficient power to carry out the provisions of said law; and,

Whereas, there is now pending in congress a bill embracing the amendments recommended by the Inter-State Commerce Commission, and having the endorsement of various boards of trade, shippers and producers throughout the country; therefore,

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

That our senators and representatives in congress be urged to do all in their power to secure the passage of Senate Bill No. 3354.

Resolved further, that a copy of these resolutions, properly attested, be sent to each of our representatives in the congress of the United States.

Mr. Laughlin moved

The adoption of the concurrent resolution,

Which motion prevailed, and

The concurrent resolution was adopted.

MEMORIAL AND CONCURRENT RESOLUTION.

To the Honorable, the Congress of the United States of America; Resolved by the Senate, the House of Representatives concurring:

Whereas, The government of the United States has sold to settlers that portion of the public domain lying along the Red River of the North and

the Red Lake River, at the same price and terms as were obtained for adjacent lands of greater altitude, and not subject to overflow; and,

Whereas, under favorable conditions, these lands are as fertile and productive, as any lands on the continent; and,

Whereas, the course of the Red River of the North is nearly due north for a lineal distance of about 350 miles from Lake Traverse, its source to Lake Winnipeg, its outlet; the variance in temperature causing the floods at its source before it commences to thaw at its outlet, and thus causing the overflow of the lands mentioned, and consequent destruction of property; and,

Whereas, since the said lands have been settled, mostly during the past 20 years, the settlers thereon have suffered severely in life and property by floods occurring in the years, 1881, 1882, 1883, 1887, 1892, and 1897; and,

Whereas, Owing to the settlement of the country through which the Red River of the North and its tributaries run, and the cutting of the forests and the cultivation of the soil, floods threatened to become of increasing frequency and greater destructiveness unless means are employed to regulate the volume of water emptying into the Red River in the spring time until the channel of the river is cleared of ice at its outlet; and,

Whereas, The flood of 1897 was of several days duration, and great loss of property was entailed thereby, including the destruction of permanent improvements, the destroying of live stock, and the depositing on the soil of foul seeds greatly reducing the yield of the said lands, increasing the labor of cultivation, and causing a depreciation in the value of these and adjacent lands; and,

Whereas, In the flood of 1897, over 1,000,000 acres of tilled land was inundated and property in excess of \$5,000,000 in value was destroyed; and,

Whereas, The Red River of the North and the Red Lake rivers are meandering streams entirely under the control and jurisdiction of the general government, it is believed to be the duty of the general government to take prompt and decisive action to protect the settlers from the recurrence of such heavy losses; and,

Whereas, The state of Minnesota suffers greater loss from the same cause; and,

Whereas, In the event of the recurrence of these overflows with the same frequency and destructiveness as in the past, many of the settlers will be compelled to abandon their homes; and,

Whereas, It is important for the interests of the people in both North Dakota and Minnesota that the Red River of the North should be kept in a navigable condition during the entire open season owing to the lack of proper railway facilities; and,

Whereas, It is practicable, at small cost, to prevent the overflowing of the Red River of the North and the Red Lake rivers, and at the same time render the Red River navigable, as conclusively shown by the following reports of government engineers:

Report of Lieut. Col. W. A. Jones, Corps of Engineers.

United States Engineer Office, St. Paul, Minn., Feb. 6, 1897.

General: I have the honor to make report of the preliminary examination of the Otter Tail Lake and Otter Tail River, Minnesota, with a view to the construction of a dam at the outlet of said lake for the purpose of improving the navigation on the Red River of the North, as provided in section 8 of the river and harbor act of June 3, 1896.

Otter Tail Lake is the lower and principal of a large group of lakes which lie near the head waters of the Otter Tail river, one of the principal sources of the Red River of the North.

The total area tributary water shed is 943 square miles. Of this the wet area comprises 152 square miles and the dry area 791 square miles.

We may assume from local observations and experience in the Mississippi reservoir system, an average rainfall of 23 inches and an average run-off of 17 per cent from both wet and dry areas.

The object will be to control the run-off not only during an average year, but in a maximum year, excepting of course, the extraordinary. By preventing the waste of this water during flood seasons and putting it into the river at a time when the supply is wholly deficient for the purpose of navigation, we may expect to create effects in the way of improvement that are permanent. Stored water is clear water, it will not fill up channels with sediment as is the case with the flood waters. Being applied at low water stages, its scouring effect is at a maximum. A river improved by means of reservoirs is permanently improved, and involves a less cost for maintenance of improvements than by any other system. The total quantity of water which may be collected on this watershed in an average year is 8,544,032,640 cubic feet. To hold this in Otter Tail Lake would require a vertical manipulation over about 12 feet. It will probably be better to use another lake as holding ground in conjunction. The above quantity of water could be liberated as follows: Four hundred cubic feet per second during the open-navigation season of 214 days, 100 feet per second during the closed season of 152 days.

The effects would be substantially as follows:

(1) Make the Red River of the North navigable for a draft of over 2 feet between Breckenridge and Fargo, and over 3 feet from thence to Grand Forks.

(2) Protect the valley of this river over the same reach from destructive floods.

For this reason I recommend this locality as worthy of improvement.

Very respectfully, your obedient servant,

W. H. JONES,

Lieut. Col. Corps. of Engineers.

Brig. Gen. JOHN M. WILSON,

Chief of Engineers, U. S. A.

United States Engineer Office, St. Paul, Minn., Feb. 5, 1897.

General: I have the honor to make the following report of preliminary examination of Red Lake and Red Lake river, Minnesota, with a view to the construction of a dam with locks at the outlets of said Lake, for the purpose of improving the navigation of the Red River, made by me in accordance with the provision of section 8 of the river and harbor act of June 3, 1896.

Red River has an area of 486 square miles. It lies near the head waters of Red Lake river a tributary of Red River of the North, in northern Minnesota. Its watershed area is 1,930 square miles. The lake lies in the midst of an extensive pine forest, except that from its shores on the north and northwest, a great swamp stretches across the Canadian boundary.

The lake is in two great bodies connected by a narrow strait, the greatest length is 50 miles. The width and length of both bodies are nearly alike being about 12 and 25 miles respectively. The main body is very shallow on south side.

On account of the marsh conditions on north side the lake can not be raised to advantage more than 2 feet, on the other hand it can be lowered about 2 feet by excavation at the outlet, this will enable a storage capacity which may be roughly estimated as sufficient to carry the maximum rainfall of two years. The region being wholly unsettled, there are no rainfall measurements at hand as a basis for discussion, but we have the observations of the reservoirs in the Mississippi basis for comparisons. From these we may assume an average annual rainfall of 23 inches and an average runoff from wet and dry areas of 17 per cent. This would indicate an average annual runoff for storage of 17,500,000,000 cubic feet, this would

admit supplying the river approximately thus: Eight hundred cubic feet per second for 214 days of open navigation; 200 cubic feet per second for 152 days closed to navigation.

The effect of the regulation of the water supply may be summed as follows:

(1) The creation of a water line of transportation extending from Thief River Falls to the head of the Red Lake, a distance of 846 miles on the river, and 50 miles on the lake. From the east end of the Red Lake a canal can be very cheaply cut through to Rainy River; a marsh covers the whole distance, thus opening a great stretch of country, bordering on a navigable river, including the Lake of the Woods.

(2) The permanent improvement of the Red River of the North from Grand Forks to the international boundary giving a navigable depth of over 4 feet.

(3) The complete protection of the valley of lower Red Lake rivers from floods, and the same also to a considerable degree for the valley of the Red River of the North below Grand Forks.

For the foregoing reasons and the fact that reservoirs can be created by constructing a short, low dam at the outlet of Red Lake at a very small expense, I recommend this locality as worthy of improvement. A survey can be made at a cost of \$5,000.

Very respectfully, your obedient servant,

W. A. JONES,
Lieut. Col. Corps of Engineers.

Brig. Gen. JOHN M. WILSON,
Chief of Engineers, U. S. A.

Therefore, Be it resolved, that the congress of the United States be earnestly and urgently requested to make the necessary appropriations in its river and harbor bill, to have made a complete and proper survey necessary to the formulating of plans and specifications, and determining the approximate expense of constructing such dams as are mentioned in the foregoing reports, and that the proper department be instructed to proceed with the work at as early a date as possible, and report to congress; and,

Resolved, That the legislative assembly of the state of Minnesota be invited to co-operate with this state in this matter; and,

Resolved, That the secretary of state is hereby instructed to forthwith transmit this memorial to congress and to send copies hereof to the secretary of war, the secretary of the interior, the senators and representatives of the state of Minnesota and of North Dakota, and to the Governor and senate and house of representatives of the state of Minnesota.

Mr. Towle moved

That the concurrent resolution from the senate be adopted.

Which motion prevailed, and

The concurrent resolution was adopted.

Mr. Earl moved

That Henry Freede be elected page for the house.

The roll being called there were ayes 22, nays 32, absent and not voting 8.

The members voting for Henry Freede were: Aas, Allshouse, Bacon, Earl, Engelter, Glasgow, Green, Gulack, Hale, Hare, Kennedy, Laughlin, Lish, Peterson, Sanford, Stevens, Stevenson, Taylor, Thordarson, Uglan, Wolbert and Mr. Speaker.

The members voting nay were: Allen, Boyd, Brakke, Cassell,

Chacey, Dougherty, Erickson, Gilbertson, Gronvold, Hauan, Herbrandson, Lee, Lynch, McHarg, McLean, Michels, Miner, Nelson, Ovind, Peek, Restemayer, Sargent, Stewart, Swenson, Thomas, Thomson, Tousley, Towle, Tufte, Wallace, Watts, Winslow.

The members absent and not voting were: Berger, Clarke, Dwire, Johnson of Richland, Johnston of Walsh, and Brotnov, Deisem and Ferris, who were excused.

So the motion was lost.

The speaker appointed John O'Grady as assistant enrolling and engrossing clerk.

The speaker administered the oath to Edward Rawlings and J. W. Morrow.

Mr. Kennedy moved
That the house do now adjourn,
Which motion prevailed, and
The house adjourned.

J. G. HAMILTON,
Chief Clerk.

TENTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 12, 1899.

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

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present excepting Mr. Ferris, who was excused.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

Your committee on the revision and correction of the Journal respectfully report that they have carefully examined the Journal of the ninth day, and recommend it be corrected as follows :

- On page 4, line 4, correct spelling of the word "Dakota."
- On page 6, line 17, change the word "representatives" so as to read "representative."
- On page 8, line 45, correct the spelling of the word "miles."
- On page 9, line 27, change the name "Earle" to "Earl."
- On page 9, line 32, change the name "Earle" to "Earl."
- On page 9, line 42, change the name "Johnston" to "Johnson."

And when so amended recommend that the Journal of the ninth day be approved.

JOHN KENNEDY,
Chairman.

Mr. Kennedy moved

That the report of the committee on revision and correction of the Journal be adopted,

Which motion prevailed and

The report was adopted.

The speaker announced the appointment of the following house members for the joint committee to visit Stillwater, Minnesota, to investigate the twine plant in operation at the penitentiary, and make report to this legislative assembly: Messrs. Sargent, Bacon and Hare.

MOTIONS AND RESOLUTIONS.

Mr. Aas moved

That inasmuch that

House bill No. 12.

A bill for an act to amend section 4064 of the Revised Codes of North Dakota relating to usury.

Was incorrectly printed,

That same be reprinted,

Which motion prevailed.

Mr. Wallace offered the following resolution :

Resolved, That the speaker be and is hereby respectfully requested to appoint as stenographer for the house Miss E. Thordarson, who is now on the engrossing force.

Which motion prevailed and

The resolution was adopted.

Mr. Boyd offered the following resolution :

Resolved, That a committee of three from the house be appointed by the speaker of the house to act in conjunction with a like committee from the senate and visit the several public institutions of the state to ascertain their requirements and report to the legislative assembly at the earliest possible date.

Mr. Boyd moved

That the resolution be adopted,

Which motion prevailed and

The resolution was adopted.

REPORT OF STANDING COMMITTEES.

The committee on joint rules made the following report:

Mr. Speaker

Your committee on joint rules beg leave to submit the following as their report:

Your committee have prepared and herewith submit joint rules and joint convention rules for the government of the house and senate, and ask that the same be adopted, and when so adopted that they be published in connection with the rules of the house and senate.

Respectfully submitted,
JUDSON LAMOURE,
 Chairman of the Senate Committee.
R. N. STEVENS,
 Chairman of the House Committee.

JOINT RULES.

1. Each house shall transmit to the other all papers on which any bill or resolution shall be founded.
2. When a bill or resolution shall have passed in one house rejected in the other, notice thereof shall be given to the house in which the same may have passed.
3. Messages from one house to the other shall be communicated by the secretary of the senate and clerk of the house of representatives, unless the house transmitting the message shall especially direct otherwise.
4. It shall be in the power of either house to amend any amendment made by the other to any bill or resolution.
5. In every case of a difference between the two houses upon any subject of legislation, if either house shall request a conference and appoint a committee for that purpose, and the other house shall also appoint a committee, such committee shall meet at such hour and place as shall be agreed on by the chairman and state to each other, verbally or in writing, as either may choose, the reasons of their respective houses,

and to confer freely thereon, and they shall be authorized to report to their respective houses such modifications as they think advisable.

6. It shall be in order for either house to recede from any subject matter of difference existing between the two houses at any time previous to a conference, whether the papers on which such difference has arisen are before the house receding formally or informally, and a majority shall govern except in cases where two-thirds are required by the constitution, and the question having been put and lost, shall not be again put the same day, and the consideration thereof in other respects shall be regulated by the rules of the respective houses.

7. After each house has adhered to its disagreement and the bill which is the subject of difference shall be deemed lost, it shall not be again revived during the same session in either house, unless by consent of three-fourths of the members present of the house reviving it.

8. The same bill shall not create, renew or continue more than one incorporation, nor contain any provision in relation to the altering of more than one act of incorporation, nor shall the same bill appropriate public money or property to more than one purpose. Any bill appropriating moneys for the payment of the officers of the government shall be confined to that purpose exclusively.

9. No duplicate of any bill which may have been introduced and printed by one house, shall, upon introduction into the other house, be printed by said other house, except by a two-thirds vote of all the members present.

10. No bill that shall have passed one house shall be sent for concurrence to the other on either of the last two days of the session, whenever a time shall have previously been fixed for the adjournment of the legislature.

11. The committee on enrolled bills in each of the two houses shall act jointly in the examination of all bills and resolutions before their presentation to the governor, either as a body or by such respective subcommittees as such committees may appoint for that purpose.

12. Whenever both houses, by the constitutional vote, direct that any act or resolution shall take effect immediately or at any time before July 1 following the session of the legislature, a proviso shall be added at the enrollment of the same in words to this effect: "This act shall take effect immediately (or in days)."

13. Every resolution by which any money or other property of the state shall be donated or appropriated, or by which any expense to the state shall be incurred, or which shall have any operation or effect outside of the two houses of the legislature, except such appropriation and expenses as shall be for the exclusive use, necessity or convenience of the legislature, shall be either a joint or concurrent resolution, and shall take the same course as a bill, and shall be enrolled and presented to the governor for his signature before the same shall take effect.

14. Either house shall return any bill or resolution called for by resolution of the other house, if the bill or resolution is yet in possession of the house called upon, and no action thereon has yet been had. In case action has been had, then it shall require a two-thirds vote, of the house asked, to return a bill or resolution called for.

JOINT CONVENTION RULES.

1. Joint conventions shall be held in the hall of the house of representatives, and the president of the senate shall preside.

2. The secretary of the senate and the clerk of the house of representatives shall be secretaries of the joint convention, and the proceedings of the convention shall be published with the journals of the house, and the final result, as announced by the president on return of the senate to their chamber, shall be entered on the journal of the senate.

3. The rules of the house of representatives, as far as the same may be applicable, shall govern the proceedings in joint convention.

4. Whenever a president pro tem. presides he shall be entitled to vote on all occasions, and in case of a tie the question shall be declared lost.

5. Joint conventions shall have the power to compel the attendance of absent members in the mode and under the penalties prescribed by the rules of the house to which such members respectively belong, and for that purpose the sergeant-at-arms of each house shall attend.

6. Joint conventions may adjourn from time to time, as may be found necessary; and it shall be the duty of the house of representatives to prepare to receive the senate, the senate to proceed to the hall of the house of representatives at the time fixed by law or resolution, or to which the joint convention may have adjourned.

Mr. Stevens moved

That the report of the committee on joint rules be adopted,

Which motion prevailed, and

The report was adopted.

The committee on rules made the following report:

Mr. Speaker:

Your committee on rules for the government of the house beg leave to report that we herewith submit rules for the government of the house, and respectfully ask that the same be adopted, and when so adopted that the secretary of state cause them to be incorporated in proper form in the legislative manual, and that five extra copies thereof be furnished to each of the officers and members of the legislative assembly.

Respectfully submitted,

R. N. STEVENS,

Chairman of the Committee on Rules.

RULES OF THE HOUSE.

1. The speaker shall take the chair at the time to which the house stands adjourned, and the house shall then be called to order, and the roll of the members called and the names of the absentees entered upon the journal of the house.

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

3. Eleven members of the house may order a call of the house and cause absent members to be sent for, but a call must not be made while a vote is being taken. The call being moved, the speaker shall require those desiring the call to rise, and if eleven or more members shall rise the call shall be ordered. The call being ordered the sergeant-at-arms shall close the door and allow no member to leave the room. The clerk shall then call the roll and furnish the sergeant-at-arms with a list of those members absent without leave, and that officer must proceed forthwith to find and bring in such absentees. While the house is under call no business can be transacted except to receive and act upon the report of the sergeant-at-arms and no motion is in order except a motion to suspend further proceedings under the call, and said motion shall not be adopted unless a ma-

majority of all members elect vote in favor thereof. Upon report of the sergeant-at-arms showing that all members who were absent without leave, naming them, are present, the call shall be at an end, and the doors must then be open, and the business pending at the time the call was made be proceeded with.

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

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

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

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

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

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

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

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

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

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

14. The previous question shall be in this form: "Shall the main question be now put?" It shall be admitted only when demanded by a majority of the members present, and its effect shall be to put an end to all debate and bring the house to a direct vote upon the amendments reported by a committee, if any, upon the pending amendments, and then upon the main question. On a motion for the previous question, and prior to the seconding of the same, a call of the house shall be in order, but after a majority shall have seconded such motion, no call shall be in order prior to decision of the main question.

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

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

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

18. Every member who is present before the vote is declared from the chair must vote for or against the question before the house, unless the

house excuses him or unless he is immediately interested in the question in which case he must not vote.

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

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

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

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

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

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

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

26. The final question of a bill originating in the house shall be, "shall it be engrossed and read a third time?" and upon every bill or paper originating in the senate: "shall it be read for the third time?"

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

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

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

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

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

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

33. No motion for reconsideration shall be in order unless on the same day or the day following that on which the decision proposed to be

considered took place, nor unless one of the majority shall move a reconsideration.

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

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

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

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

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

- On rules to consist of nine members.
- On mileage and per diem to consist of three members.
- On judiciary to consist of fifteen members.
- On ways and means to consist of eleven members.
- On railroads to consist of fifteen members.
- On appropriations to consist of fifteen members.
- On engrossment to consist of nine members.
- On enrollment to consist of nine members.
- On education to consist of nine members.
- On elections and privileges to consist of nine members.
- On municipal corporations to consist of nine members.
- On corporations other than municipal to consist of nine members.
- On agriculture to consist of thirteen members.
- On public printing to consist of nine members.
- On irrigation to consist of nine members.
- On insurance to consist of nine members.
- On banking to consist of nine members.
- On labor to consist of nine members.
- On immigration to consist of nine members.
- On apportionment to consist of a member from each senatorial district.
- On schools and public lands to consist of nine members.
- On public health to consist of nine members.
- On military affairs to consist of nine members.
- On warehouses, grain grading and dealing to consist of fifteen members.
- On federal relations to consist of nine members.
- On mines and mining to consist of nine members.
- On temperance to consist of nine members.
- On highways, bridges and ferries to consist of nine members.
- On state affairs to consist of nine members.
- On supplies and expenditures to consist of nine members.
- On forestry to consist of nine members.
- On public debt to consist of nine members.
- On woman suffrage to consist of nine members.
- On manufactures to consist of nine members.
- On counties and county boundaries to consist of nine members.
- On taxes and tax laws to consist of eleven members.
- On coal lands and mining to consist of nine members.
- On sheep industry to consist of seven members.
- On revision and correction of the Journal to consist of seven members.

Also joint committees on the following subjects :

- On public buildings to consist of nine members.
- On charitable institutions to consist of nine members.
- On penal institutions to consist of nine members.
- On educational institutions to consist of nine members.
- On state library to consist of nine members.
- On joint rules to consist of nine members.

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

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

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

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

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

44. No person shall be admitted within the bar of the house except the executive, members of the senate, state officers, judges of the supreme and district courts, members of congress, ex-members of the legislative assembly, delegates to the state constitutional convention, all federal officers of the state and reporters of newspapers except by vote of the house.

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

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

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

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

48. It shall be the duty of the committee on supplies and expenditures to examine into the state of the accounts and expenditures of the state auditor, state treasurer and all other state officers intrusted with the custody or disbursement of any portion of the public monies; to inquire and report particularly on or before the 20th day of February next, whether the expenditures of each and all of said officers are justifiable; whether all claims from time to time satisfied and discharged by such officers are supported by sufficient vouchers; establishing their justice both as to character and amounts; whether all such claims have been discharged out of funds appropriated therefore, whether all monies have been disbursed in conformity with the appropriation laws; whether all monies reported to be on hand are so on hand and to the credit of the various funds as reported; also whether or not the notes, bonds and securities in which any portion of the public monies are to be invested are on hand, as reported, and whether the same are proper and secure investments and securely kept. It shall moreover be the duty of said committee to report from time to time what retrenchment can be made in the expenditures of any department or officer of the state, without detriment to the public service, and to report from time to time such recommendations and bills as may be necessary to add to the economy and accountability of any officer of the state; said committee shall make such recommendations as to the investment of public moneys and exchange or sale of any of the bonds or securities held by the state as in their judgment the public interest requires.

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

Mr. Stevens moved

That the rules as adopted by the committee be adopted without being read,

Which motion prevailed, and

The rules were adopted.

Mr. Wallace moved

That five extra copies of the Journal for the tenth day be printed and furnished each member of the house, which Journal shall contain a copy of all rules, including joint rules,

Which motion prevailed.

INTRODUCTION OF BILLS.

Mr. Stevens introduced

House bill No. 24,

A bill for an act to amend section 2464 of the Revised Codes.

Mr. Stevens introduced

House bill No. 25,

A bill for an act in relation to reinsurance and the transaction of business by fire insurance companies or associations otherwise than through resident agents.

Mr. Hale introduced

House bill No. 26,

A bill for an act to amend section 660 Revised Codes of North Dakota 1895, relating to what territory may be organized into district school corporations.

Mr. Dwire introduced

House bill No. 27,

A bill for an act to amend section 6153 of the Revised Codes of the state of North Dakota.

Mr. Hauan introduced

House bill No. 28,

A bill for an act to amend an act entitled an act to amend section 2591 of the Revised Codes of North Dakota, relating to the meeting of township boards of supervisors, passed by the Fifth legislative assembly of North Dakota, relating to meetings of boards of township supervisors.

Mr. Laughlin introduced

House bill No. 29,

A bill for an act to provide for the giving of proper official bonds, by county treasurers, and to provide for the payment of the expense incurred in procuring the same.

Mr. Lynch introduced

House bill No. 30,

A bill for an act to amend section numbered five thousand five hundred and eighteen of chapter eleven of the Revised Codes relating to exemptions.

FIRST AND SECOND READING OF HOUSE BILLS.

House bill No. 24,

A bill for an act to amend section 2464 of the Revised Codes.

Was read the first and second times, and

Referred to the committee on insurance, when appointed.

House bill No. 25,

A bill for an act in relation to reinsurance and the transaction of business by fire insurance companies or associations otherwise than through resident agents.

Was read the first and second times, and

Referred to the committee on insurance, when appointed.

House bill No. 26,

A bill for an act to amend section 660 Revised Codes of North Dakota 1895, relating to what territory may be organized into district school corporations.

Was read the first and second times, and

Referred to the committee on education, when appointed.

House bill No. 27,

A bill for an act to amend section 6153 of the Revised Codes of the state of North Dakota.

Was read the first and second times, and

Referred to the committee on agriculture, when appointed.

House bill No. 28,

A bill for an act to amend an act entitled an act to amend section 2591 of the Revised Codes of North Dakota, relating to the meeting of township boards of supervisors, passed by the Fifth legislative assembly of North Dakota, relating to meetings of boards of township supervisors.

Was read the first and second times, and

Referred to the committee on state affairs, when appointed.

House bill No. 29,

A bill for an act to provide for the giving of proper official bonds, by county treasurers, and to provide for the payment of the expense incurred in procuring the same.

Was read the first and second times, and

Referred to the committee on judiciary, when appointed.

House bill No. 30,

A bill for an act to amend section numbered five thousand five hundred and eighteen of chapter eleven of the Revised Codes relating to exemptions.

Was read the first and second times, and

Referred to the committee on judiciary, when appointed.

Mr. Stevens asked for unanimous consent to offer an amendment to

House bill No. 24,

A bill for an act to amend section 2464 of the Revised Codes.

There being no objections,

Mr. Stevens moved that

House bill No. 24,

A bill for an act to amend section 2464 of the Revised Codes.

Be amended by adding the following emergency clause:

Whereas, The law, as it now exists, is not in accordance with the best interests of the Voluntary Firemens associations of the state,

Therefore, an emergency exists, and this act shall take effect and be in force from and after its passage and approval.

Which motion prevailed, and
The amendment was adopted.

Mr. McHarg moved
That the house do now adjourn,
Which motion prevailed, and
The house adjourned.

J. G. HAMILTON,
Chief Clerk.

ELEVENTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 13, 1899.

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

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

Your committee on revision and correction of the Journal respectfully report that they have carefully examined the Journal of the tenth day, and recommend the following corrections:

- On page 3, line 50, correct the spelling of the word "corporation."
- On page 5, line 22, correct the type in the word "house."
- On page 6, line 18, correct the spelling of the word "chair."
- On page 6, line 19, correct the spelling of the word "shall."
- On page 6, line 51, omit the words "shall appeal; no member."
- On page 7, line 37, insert the word "nor" instead of "no."

On page 8, line 20, correct the type in the word "number."

On page 10, line 23, change the word "eleventh" so as to read "tenth."

On page 12, line 30, correct the spelling of the word "emergency."

And when so amended recommend that the Journal of the tenth day be approved.

JOHN KENNEDY,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Kennedy moved

That the report of the committee on revision and correction of the Journal be adopted,

Which motion prevailed, and

The report was adopted.

Mr. Wallace offered the following resolution:

Whereas, There is no typewriter in the capitol building that can be had for the use of the house stenographer, therefore be it

Resolved, That the chief clerk be instructed to notify the secretary of state of the needs of the house, and to request of the secretary of state, that a typewriting machine be supplied at as early a date as possible.

Mr. Wallace moved that

The resolution be adopted,

Which motion prevailed and

The resolution was adopted.

INTRODUCTION OF HOUSE BILLS AND MEMORIALS.

Mr. Sargent introduced

House bill No. 31,

A bill for an act to promote immigration.

Mr. Brotnov introduced

House bill No. 32,

A bill for an act to license peddlers and hawkers in organized townships in the state of North Dakota.

Mr. Michels introduced

House Bill No. 33,

A bill for an act to repeal sections 1817 and 1818 of the revised codes, relating to the preferment for official appointment of honorably discharged union soldiers and sailors.

Mr. Lish introduced

House bill No. 34,

A bill for an act providing for the preservation of deer, antelope and mountain sheep, by prohibiting the killing of the same prior to November first, 1903, and prescribing penalty for violation.

Mr. Herbrandson introduced

House bill No. 35,

A bill for an act to amend section 970 of the Revised Codes of North Dakota, relating to the compensation and meetings of the board of trustees of the North Dakota blind asylum, and empowering the governor to contract with the state of South Dakota or the state of Minnesota for the education of blind children of school age until such time as the state of North Dakota shall have suitable facilities of its own for this purpose.

Mr. Laughlin introduced

House bill No. 36,

A bill for an act to amend sections 3229 and 3230 of the Revised Codes of North Dakota, relating to the powers of banking corporations organized under the laws of the state of North Dakota.

FIRST AND SECOND READING OF HOUSE BILLS.

House bill No. 31,

A bill for an act to promote immigration.

Was read the first and second times, and

Referred to the committee on immigration, when appointed.

House bill No. 32,

A bill for an act to license peddlers and hawkers in organized townships in the state of North Dakota.

Was read the first and second times, and

Referred to the committee on state affairs, when appointed.

House bill No. 33.

A bill for an act to repeal sections 1817 and 1818 of the Revised Codes, relating to the preferment for official appointment of honorably discharged union soldiers and sailors.

Was read the first and second times.

Mr. Stevens moved

That the further consideration of

House Bill No. 33,

A bill for an act to repeal sections 1817 and 1818 of the Revised Codes, relating to the preferment for official appointment of honorably discharged union soldiers and sailors.

Be indefinitely postponed, and

The motion to indefinitely postpone be made a special order for tomorrow at 2:30 p. m.

House bill No. 34,

A bill for an act providing for the preservation of deer, antelope and mountain sheep, by prohibiting the killing of the same prior to November first, 1903, and prescribing penalty for violation.

Was read the first and second times, and
 Referred to the committee on state affairs, when appointed.

House bill No. 35,

A bill for an act to amend section 970 of the Revised Codes of North Dakota, relating to the compensation and meetings of the board of trustees of the North Dakota blind asylum, and empowering the governor to contract with the state of South Dakota or the state of Minnesota for the education of blind children of school age until such time as the state of North Dakota shall have suitable facilities of its own for this purpose.

Was read the first and second times, and

Referred to the committee on charitable institutions, when appointed.

House bill No. 36,

A bill for an act to amend sections 3229 and 3230 of the Revised Codes of North Dakota, relating to the powers of banking corporations organized under the laws of the state of North Dakota.

Was read the first and second times, and

Referred to the committee on banks and banking, when appointed.

The speaker assigned Miss Emma Thordarson, an assistant enrolling and engrossing clerk, to act as stenographer and typewriter for the house members.

The speaker appointed O. E. Loftus as assistant enrolling and engrossing clerk.

The speaker appointed G. E. Rhoades as janitor.

The oath of office was administered by the speaker to George H. Soule, Henry W. Law, O. E. Loftus and G. E. Rhoades.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
 January 13, 1899.

Mr. Speaker:

I have the honor to transmit herewith

A memorial and concurrent resolution of the house of representatives and senate of the state of North Dakota to the congress of the United States,

Praying for the establishment of a national lazaretto for the care and maintenance of citizens of the United States afflicted with leprosy.

MEMORIAL AND CONCURRENT RESOLUTION

Of the House of Representatives and Senate of the State of North Dakota to the Congress of the United States, Praying for the Establishment of a National Lazarretto for the Care and Maintenance of Citizens of the United States Afflicted with Leprosy.

To the Honorable the Congress of the United States:

Whereas, There are now residing in this state a few citizens of the United States afflicted with that most loathsome disease, leprosy; and

Whereas, Owing to the contagious and incurable nature of the disease which baffles the skill of medical science, and endangers the safety of the public; and

Whereas, The care, cure and maintenance of these unfortunate people by the local authorities of the state, is impracticable and dangerous; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That your honorable body be requested and urged to take prompt action in establishing and maintaining a national Lazarretto for the cure and treatment of citizens of the United States afflicted with leprosy;

Resolved, further, That engrossed copies of the memorial, duly signed by the speaker of the House and president of the Senate and countersigned by the chief clerk of the House and secretary of the Senate, be sent to each of our representatives in Congress, the Honorables Henry C. Hansbrough and William N. Roach, members of the United States Senate, and Martin N. Johnson, member of the House of Representatives.

Which the senate has concurred in.

Very respectfully yours,

J. O. SMITH,

Secretary.

MOTIONS AND RESOLUTIONS.

Mr. Stevens offered the following concurrent resolution:

CONCURRENT RESOLUTION.

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

That the war between the United States, and the Kingdom of Spain, having terminated,

And commissioners representing each of the Governments, having concluded a treaty of peace, renouncing the sovereignty of the Kingdom of Spain, over the Island of Cuba, and ceding to the Government of the United States, the islands of Porto Rico, and the group of islands known as the Philippines,

And it being necessary before said treaty can take effect, that it be ratified by the United States Senate,

And the legislative assembly of this state being in favor of the ratification of the treaty of peace aforesaid, and of the Government of the United States, assuming control and exercising sovereignty over the territory ceded by the treaty of peace,

Therefore to that end, be it resolved, that the Honorables Henry C. Hansbrough and William N. Roach, United States Senators from North Dakota, be and they are hereby respectfully petitioned and requested to vote in favor of the ratification of the treaty of peace, now pending in the United States Senate,

Resolved, That an engrossed copy of this resolution be forwarded to each of the Senators above named.

Mr. Stevens made an address in support of the concurrent resolution.

Messrs. Sargent, McHarg, Sanford and Hare spoke in support of the concurrent resolution.

Mr. Stevens moved that the
Be adopted.

Roll call demanded.

The roll being called there were ayes 61, nays none, absent and not voting 1.

Those who voted in the affirmative were:

| | | |
|-------------|-------------------|--------------|
| Messrs— | Messrs— | Messrs— |
| Aas, | Gronvold, | Restemayer, |
| Allen, | Gulack, | Sanford, |
| Allshouse, | Hale, | Sargent, |
| Bacon, | Hare, | Stevens, |
| Berger, | Hauan, | Stewart, |
| Boyd, | Herbrandson, | Swenson, |
| Brakke, | Johnson, Richland | Stevenson, |
| Brotnov, | Kennedy, | Taylor, |
| Cassell, | Laughlin, | Thomas, |
| Chacey, | Lee, | Thomson, |
| Clarke, | Lish, | Thordarson |
| Deisem, | Lynch, | Tousley, |
| Dougherty, | McHarg, | Towle, |
| Dwire, | McLean, | Tufte, |
| Earl, | Michels, | Ugland, |
| Engelter, | Miner, | Wallace, |
| Erickson, | Nelson, | Watts, |
| Ferris, | Ovind, | Wolbert, |
| Gilbertson, | Peek, | Winslow, |
| Glasgow, | Peterson, | Mr. Speaker, |
| Green, | | |

Absent and not voting: Mr. Johnston of Walsh, who was excused on account of sickness.

So the concurrent resolution was adopted.

Mr. Deisem moved

That Henry Freede be elected as page for the house.

Roll call demanded.

The roll being called there were ayes 49, nays 9, absent and not voting 4.

Those who voted in the affirmative were:

| | | |
|------------|--------------------|-------------|
| Messrs— | Messrs— | Messrs— |
| Aas, | Gulack, | Peterson, |
| Allen, | Hale, | Restemayer, |
| Allshouse, | Hare, | Sanford, |
| Berger, | Hauan, | Sargent, |
| Boyd, | Johnson, Richland, | Stevens, |
| Brakke, | Kennedy, | Stevenson, |
| Cassell, | Laughlin, | Taylor, |
| Chacey, | Lee, | Thomas. |

Messrs—

Clarke,
Deisem,
Dwire,
Earl,
Engelter,
Gilbertson,
Glasgow,
Green,
Gronvold,

Messrs—

Lish
McHarg,
McLean,
Michels,
Miner,
Nelson,
Ovind,
Peek,

Messrs—

Thomson,
Thordarson,
Tousley,
Fowle,
Ugland,
Wallace,
Wolbert,
Mr. Speaker,

Those voting in the negative were:

Messrs—

Bacon,
Brotnov,
Erickson,

Messrs—

Ferris,
Herbrandson,
Lynch,

Messrs—

Stewart,
Swenson,
Watts,

Absent and not voting:

Messrs—

Dougherty,
Johnston, Walsh,

Messrs—

Winslow,

Messrs—

Tufte,

Mr. Johnston of Walsh being excused.

Master Henry Freede having received a majority of all the votes cast was duly elected page.

Mr. Allen offered the following resolution:

Resolved, That the assistant chief clerk in the absence of the chief clerk be authorized to sign concurrent resolutions relating to soldiers* of this state who served in late war.

Mr. Allen moved the adoption of the resolution.

Mr. Stevens moved

To amend the motion so that it will include the concurrent resolution in favor of the ratification of the treaty of peace which passed today.

The question being on the amendment,

Which motion prevailed, and

The motion was adopted,

The question recurring on the original motion as amended,

Which motion prevailed, and

The resolution as amended was adopted.

Mr. Tousley offered the following resolution:

Mr. Speaker:

Whereas, The passage of house rule No. 46 as submitted by your committee on rules has superseded a former resolution upon the same subject, therefore,

Resolved, That the House of Representatives hereby grants the privileges of the floor, without further motion, to all citizens of this state until the sixteenth day of January.

Mr. Tousley moved

The adoption of the resolution.

Mr. Wallace offered the following substitute motion:

That the privileges of the floor be extended to the citizens of Burleigh county until January 16, and that others from other counties have their names mentioned specifically in the Journal.

The question being on the substitute motion,

The substitute motion prevailed.

Mr. Towle requested that the privileges of the floor be extended to O. E. Lofthouse of Park River.

Mr. Allshouse requested the privileges of the floor be extended to C. H. Stanly of Kidder county.

Mr. Lish requested the privileges of the floor be extended to L. A. Simpson of Dickinson.

Mr. Taylor requested that the privileges of the floor be extended to Hon. H. S. Deisem.

Mr. Wolbert requested that the privileges of the floor be extended to O. J. Olson, E. S. Tyler, G. S. Barnes, G. H. Knight J. H. Gale.

Mr. Tousley requested that the privileges of the floor be extended to W. H. Aymar, Charles D. Gray, O. B. Gray, James A. Winsloe, H. P. Hartman, E. H. Holte, M. H. Hobson of Cass county.

Mr. Johnson of Richland requested that the privileges of the floor be extended to John R. Jones, August Haaf, Charles Heime, H. L. Hankinson, B. F. Lonsberry, P. W. McKinnon, P. O. Heagly, A. D. Heagly, Max A. Wipperman, N. V. Robbins, Richland.

Mr. Lee requested that the privileges of the floor be extended to J. H. Scofield of Ward county.

Mr. Sargent requested that the privileges of the floor be extended to Dr. T. D. Hinebauch.

Mr. Hale requested that the privileges of the floor be extended to A. O. Whipple, Ramsey county; Ole Serumgaard, Z. Davidson, Benson county.

Mr. Bacon requested that the privileges of the floor be extended to John Bartholomew, Andrew Lindelie, Eugene Fritz, C. L. Van Alstine, Wm. McLaren, Stephen Collins, Wm. Budge, F. Brown, James Collins, F. Viets, George B. Winship, J. W. Anderson, Martin Walsh, P. Campbell, Alfred Cooley, J. Valley, and all others of the Grand Forks delegation now in the city.

Mr. Allen requested that the privileges of the floor be extended to James Kennedy of Cass county.

There being no objections, the several requests of the members were granted, and the privileges of the floor were so extended.

MOTIONS AND RESOLUTIONS.

Mr. Hale offered the following resolution:

Resolved, That the committee to be appointed in accordance with the resolution offered by Mr. Boyd and adopted January 12th, be increased by adding to it, one member of the appropriation committee, also, that thy committee is hereby empowered to employ a competent architect to examine and report upon the condition of such public buildings as the committee may deem necessary; provided, that the compensation of such architect shall not exceed (\$10) ten dollars per day and expenses.

Mr. Hale moved

That the resolution be adopted.

Mr. Bacon offered

As a substitute motion that the further consideration of the resolution be deferred and made a special order for 2:45 p. m. tomorrow.

Which substitute motion prevailed.

Mr. Dougherty moved

That the house do now adjourn,

Which motion prevailed, and

The house adjourned.

J. G. HAMILTON,
Chief Clerk.

TWELFTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 14, 1899.

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

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present excepting Messrs. Bacon, Johnston of Walsh, and Wolbert, who were excused.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker

Your committee on revision and correction of the Journal respectfully report that they have carefully examined the Journal of the eleventh day and recommend the following corrections :

On page 3, line 27, correct the spelling of the word "relating."

On page 2, line 2, correct the spelling of the word "eleventh."

On page 2, line 17, omit the word "that" so as to read "Resolved, That the chief clerk," etc.

On page 2, line 21, strike out the word "was" and insert the word "be."
On page 5, line 47, change the word "honorable" so as to read "hon-
orables."

On page 6 strike out all of lines 7 to 28 inclusive, being the concurrent resolution, the same being superfluous.

On page 6, line 40, change "Johnson, Richland," so as to read "John-
son of Richland."

On page 7, line 19, change "Johnson, Richland," to "Johnson of Rich-
land."

On page 7, line 40, change "Johnston, Walsh," to "Johnston of Walsh."

And when so amended recommend that the Journal of the eleventh day be approved.

Very respectfully yours,

JOHN KENNEDY,

Chairman.

Mr. Kennedy moved

That the report of the committee on revision and correction of the Journal be adopted,

Which motion prevailed, and

The report was adopted.

Mr. Thompson requested that the privileges of the floor be extended to H. Peoples, P. M. Mattson, F. C. Davis, R. M. Kennedy, Dr. J. Crofford, M. Mattson, S. J. Doyle, B. G. Arbrogast, H. C. Hoy, J. L. Kinnard, of New Rockford, N. D.; Maj. F. O. Getchel, of Fort Totten, N. D.

Mr. Chacey requested that the privileges of the floor be extended to E. H. Holte of Cass county.

Mr. Brotnov requested that the privileges of the floor be extended to Alex H. McGillivray of Walsh county.

Mr. Winslow requested that the privileges of the floor be extended to Charles Ellingson.

There being no objections, the several requests of the members were granted, and the privileges of the floor were so extended.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
January 14, 1899.

Mr. Speaker:

I have the honor to return herewith

CONCURRENT RESOLUTION.

Whereas, It appears from the report of the warden of the state penitentiary that there is lack of employment for the inmates of that institution, resulting in a financial disadvantage to the state and tending to produce unfavorable mental and physical conditions among the inmates;

And, Whereas, It also appears that in the year 1891, a "Twine and Cordage Plant" was built and in the following year started in operation at the Minnesota state penitentiary located at Stillwater in that state; that the said plant has been operated since that time with such success that the institution is now self-supporting, and during the last year the earnings of the inmates exceeded the expense (per capita) of keeping each of them, by the sum of \$114.62, while in the year 1891, the year before the "Twine Plant" was put in operation, the excess of the expense over the earnings was \$145.63 per capita; therefore,

Resolved by the House of Representatives, the Senate concurring, That a committee, consisting of three members from the House of Representatives, to be appointed by the speaker, and two members from the Senate, to be appointed by the president of the Senate, be appointed to investigate the matters above referred to; to visit the said Minnesota state penitentiary for that purpose, if it shall seem advisable to them to do so, and report with all convenient speed to this legislature such recommendations on the subject as to them may seem wise.

Which the senate has concurred in.

Also,

CONCURRENT RESOLUTION.

Resolved by the senate, and house concurring, That there be a committee of five, two from the senate appointed by the president, and three from the house to be appointed by the speaker, as a committee to visit the several state institutions for the purpose of inspecting the same in regard to the needs and necessities and also to determine the amount of appropriation that is necessary for the different state institutions as near as possible, and report to the legislature at an early date.

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

Very respectfully yours,
J. O. SMITH,
Secretary.

MOTIONS AND RESOLUTIONS.

Mr. Johnson of Richland, offered the following resolution :

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

That, Whereas, Much complaint has been made and much dissatisfaction exists as to grades fixed upon grain shipped from this state by the grain inspectors of the state of Minnesota,

And, Whereas, In the inspection of said grain the authorities of the state of North Dakota have no voice,

Therefore, A committee, consisting of three members of the house of representatives and two members of the senate, be appointed by the speaker of the house and president of the senate respectively, to visit and consult with the proper authorities of the state of Minnesota, with a view to securing the co-operation and suitable legislation in the states of Minnesota and North Dakota to provide for a representative of the state of North Dakota to confer with and assist the inspector of grains in Minnesota in fixing proper grades upon grains grown in North Dakota, and shipped to Minnesota terminals.

Mr. Johnson, of Richland, moved

That the resolution be adopted,

Which motion prevailed and

The resolution was adopted.

Mr. Sargent moved

That the sergeant-at-arms be instructed to immediately procure and have placed on each member's desk, his name and the name of the county in which he resides, and to have the names in such type and so placed as to be readily seen from the speaker's desk.

Which motion prevailed.

INTRODUCTION OF BILLS.

Mr. Gilbertson introduced

House bill No. 37,

A bill for an act providing for an appropriation for the erection of buildings for the North Dakota School of Forestry at Bottineau, and for the contingent expenses incident to the construction thereof.

Mr. Tousley introduced

House bill No. 38,

A bill for an act to provide an annual contingency fund, to be placed at the disposal of the governor.

Mr. Lynch introduced

House bill No. 39,

A bill for an act to provide primary elections for the election of delegates to nominating conventions and the mode of conducting such primary elections and penalties for violating the provisions of this act.

Mr. Tufte introduced

House bill No. 40,

A bill for an act to amend section 1786, of article 25, chapter 20, of the Political Code of the state of North Dakota, which defines public warehouses.

Mr. Ferris introduced

House bill No. 41,

A bill for an act to amend section 2095 of Political Code of the state of North Dakota relating to the compensation of county commissioners.

FIRST AND SECOND READING OF HOUSE BILLS.

House bill No. 37,

A bill for an act providing for an appropriation for the erection of buildings for the North Dakota School of Forestry at Bottineau, and for the contingent expenses incident to the construction thereof.

Was read the first and second times, and

Referred to the committee on appropriations, when appointed.

House bill No. 38,

A bill for an act to provide an annual contingency fund, to be placed at the disposal of the governor.

Was read the first and second times, and

Referred to the committee on state affairs, when appointed.

House bill No. 39,

A bill for an act to provide primary elections for the election of delegates to nominating conventions and the mode of conducting such primary elections and penalties for violating the provisions of this act.

Was read the first and second times, and

Referred to the committee on privileges and elections, when appointed.

House bill No. 40,

A bill for an act to amend section 1786, of article 25, chapter 20, of the Political Code of the state of North Dakota, which defines public warehouses.

Was read the first and second times, and

Referred to the committee on warehouses, grain dealing and grain, when appointed.

House bill No. 41,

A bill for an act to amend section 2095 of Political Code of the state of North Dakota relating to the compensation of county commissioners.

Was read the first and second times, and
 Referred to the committee on state officers, when appointed.

SPECIAL ORDERS.

The hour having arrived at the house for the consideration of special orders,

Mr. Stevens moved

That the house do now proceed to consider the motion for the indefinite postponement of the further consideration of

House bill No. 33,

A bill for an act to repeal sections 1817 and 1818 of the Revised Codes relating to the preferment for official appointment of honorably discharged union soldiers and sailors.

Which motion prevailed, and

The house proceeded to consider as a special order the motion to indefinitely postpone the further consideration of

House bill No. 33,

A bill for an act to repeal sections 1817 and 1818 of the Revised Codes relating to the preferment for official appointment of honorably discharged union soldiers and sailors.

Messrs. Michels, Hare and Thomas addressed the house in opposition to the motion to indefinitely postpone.

Messrs. Johnson of Richland, Allen, Tousley, McHarg, Deisem, Wallace, Lynch and Stevens addressed the house in support of the motion.

Mr. Stevens renewed his motion

That the further consideration of

House bill No. 33,

A bill for an act to repeal sections 1817 and 1818 of the Revised Codes relating to the preferment for official appointment of honorably discharged union soldiers and sailors.

Be indefinitely postponed.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The speaker announced the appointment of the following standing committees:

STANDING COMMITTEES.

Rules—Messrs. Stevens, chairman; McHarg, Dougherty, Glasgow, Allen, McLean, Thomson, Peek and Chacey.

Judiciary—Messrs. Stevens, chairman; McHarg, Thomas, Dougherty, Bacon, Allen, Towle, Wolbert, Dwire, Clark, Hale, Miner, Lish, Stevenson and Lynch.

Ways and Means—Messrs. Johnson, of Richland, chairman; Laughlin, Aas, Nelson, Michels, Gronvold, Deisem, Hare, Lee, Engelter and Sargent.

Railroads—Messrs. McHarg, chairman; Wallace, Allen, Peterson, Deisem, Dougherty, Stewart, Wolbert, Sargent, Herbrandson, Green, Gulack, Miner, Stevens and Stevenson.

Appropriations—Messrs. Allen, chairman; McHarg, Bacon, Hale, Hare, Nelson, Dwire, Earl, Kennedy, Stevenson, Miner, Chacey, Lynch, Wallace and Taylor.

Engrossment—Messrs. Thomas, chairman; Tufte, Clarke, Engelter, Glasgow, Hale, Thomson, Watts and Earl.

Enrollment—Messrs. Cassell, chairman; Glasgow, Dougherty, Thomson, Tousley, Earl, Johnston, of Walsh, Swenson and Hauan.

Education—Messrs. Sanford, chairman; Cassell, Wallace, Miner, Nelson, Sargent, McLean, Peek and Lynch.

Elections and Privileges—Messrs. Thordarson, chairman; Johnston, of Walsh, Brotnov, Erickson, Boyd, Johnson, of Richland, Winslow, Michels and Lee.

Municipal Corporations—Messrs. Hale, chairman; Allen, Bacon, Lynch, Wolbert, Hare, Stevenson, Nelson and Dougherty.

Corporations Other Than Municipal—Messrs. Peterson, chairman; Stevens, Engelter, Hauan, Watts, Peek, Kennedy, Allshouse and Brotnov.

Agriculture—Messrs. Hauan, chairman; Swenson, Restemayer, Gilbertson, Brotnov, Ovind, Chacey, Laughlin, Green, Winslow, Gulack, Stevenson and Thomson.

Public Printing—Messrs. Allshouse, chairman; Stevens, Tousley, Deisem, McLean, Lynch, Bacon, Lish and Stevenson.

Irrigation—Messrs. Stevenson, chairman; Taylor, Thomas, Hauan, Ferris, Lynch, Dwire, Laughlin and Sanford.

Insurance—Messrs. Bacon, chairman; Earl, Stewart, Hare, Restemayer, Kennedy, Lish, Towle and Allshouse.

Banking—Messrs. Wallace, chairman; Thomson, Dougherty, Miner, Stewart, Towle, Engelter, Gulack and Cassell.

Immigration—Messrs. Lynch, chairman; Dwire, Tousley, Michels, Ugland, Deisem, Dougherty, Restemayer and Watts.

Labor—Messrs. Erickson, chairman; Peterson, McLean, Berger, Ugland, Lee, Towle, Ovind and Gronvold.

Apportionment—Messrs. Wallace, chairman, Restemayer, Dougherty, Brotnov, Glasgow, Stewart, Erickson, Hauan, Allen, Brakke, Sargent, Lynch, Peterson, Dwire, Green, Winslow, Aas, McLean, Clarke, Michels, Hale, Miner, McHarg, Deisem, Kennedy, Allshouse, Hare, Gilbertson, Lee, Tousley and Lish.

Schools and Public Lands—Messrs. Boyd, chairman; Ferris, Tufte, Gilbertson, Thomas, Johnson, of Richland, Berger and Peck.

Public Health—Messrs. Taylor, chairman; McLean, Clarke, Berger, Thomson, Deisem, Lee, Gilbertson and Boyd.

Military Affairs—Messrs. Laughlin, chairman; Chacey, Hale, Hare, Dwire, Winslow, Ferris, Watts and Thordarson.

Warehouses, Grain Grading and Dealing—Messrs. Deisem, chairman; Cassell, Allshouse, Thordarson, Johnston, of Walsh, Miner, Green, Erickson, Dwire, Johnson, of Richland, Brakke, Swenson, Brotnov, Tufte and Chacey.

Federal Relations—Messrs. Clarke, chairman; Herbrandson, Tufte, Aas, Thomson, Gilbertson, Brakke, Ferris and Erickson.

Mines and Mining—Messrs. Gulack, chairman; Tousley, Engelter, Lish, Clarke, Thomas, Hare, Earl and Lee.

Temperance—Messrs. Sargent, chairman; Wallace, Towle, Cassell, Bacon, Thomson, Stevenson, Aas and Lynch.

Highways, Bridges and Ferries—Messrs. Chacey, chairman; Watts, Johnston, of Walsh, Brotnov, Swenson, Aas, Glasgow, Ferris and Lynch.

State Affairs—Messrs. Kennedy, chairman; Sargent, Earl, Restemayer, Thomas, Thomson, Johnston, of Walsh, Herbrandson and Gulack.

Supplies and Expenditures—Messrs. McLean, chairman; Stewart, Wallace, Aas, Huan, Cassell, Herbrandson, Berger and Uglan.

Forestry—Messrs. Ovind, chairman; Ferris, Glasgow, Brotnov, Stewart, Nelson, Thordarson, Michels and Lee.

Public Debt—Messrs. Tufte, chairman; Boyd, Glasgow, Towle, Johnson, of Richland, Brakke, Ovind, Berger and Thordarson.

Woman Suffrage—Messrs. Green, chairman; Lee, Boyd, Herbrandson, Ovind, Tousley, Aas, Gulack and Swenson.

Manufactures—Messrs. Wolbert, chairman; Peterson, Taylor, Laughlin, Green, Earl, Cassell, Berger and Hare.

Counties and County Boundaries—Messrs. Glasgow, chairman; Towle, Thomas, Wolbert, Ovind, Uglan, Winslow, Miner and Taylor.

Taxes and Tax Laws—Messrs. Earl, chairman; Gronvold, Winslow, Thordarson, Dwire, Cassell, Johnson, of Richland, Thomson, Deisem, Allshouse and Brotnov.

Coal Lands and Mining—Messrs. Engelter, chairman; Lish, Allshouse, Lee, Aas, Restemayer, Cassell, Berger and Michels.

Sheep Industry—Messrs. Stewart, chairman; Lish, Sargent, Erickson, Clarke, Uglan and Gilbertson.

JOINT COMMITTEES.

Public Buildings—Messrs. Dwire, chairman; Swenson, Green, Allen, Hale, Boyd, Sargent, Herbrandson and Lynch.

Penal Institutions—Messrs. Hare, chairman; Clarke, Dougherty, Thordarson, Glasgow, Wolbert, Brotnov, Brakke and Earl.

Charitable Institutions—Messrs. Watts, chairman; McHarg, Hale, Towle, Thomson, Kennedy, Stevenson, Peek and Swenson.

Educational Institutions—Messrs. Miner, chairman; Bacon, Wolbert, Sanford, Gronvold, Thomas, Tufte, Erickson and Tousley.

State Library—Messrs. Peek, chairman; Stevens, McHarg, Taylor, Hale, Hare, Hauan and Johnston, of Walsh.

Joint Rules—Messrs. Winslow, chairman; McHarg, Dougherty, Glasgow, Allen, McLean, Thomson, Peek and Chacey.

Mr. Allen moved

That the consideration of Mr. Hale's resolution in relation to the appointment of a joint committee to visit the public institutions of the state, be made a special order for 2:30 o'clock p. m. Monday next.

Which motion prevailed.

Mr. Hare moved

That the back of the speaker's chair be draped with the American flag.

Which motion prevailed.

The speaker appointed Miss Bessie Waggoner as assistant enrolling and engrossing clerk.

The speaker administered the oath of office to Bessie Waggoner and Henry Freede.

Mr. Hare moved

That the house do now adjourn,

Which motion prevailed and

The house adjourned.

J. G. HAMILTON,
Chief Clerk.

FOURTEENTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 16, 1899.

The house assembled at 2 o'clock p. m. pursuant to adjournment.
The speaker presiding.
Prayer by the chaplain.
Roll called.
All members present.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

Your committee on revision and correction of the Journal respectfully report that they have carefully examined the Journal of the twelfth day, and recommend the following corrections:

On page 2 strike out line 7, the same being superfluous.

On page 6, line 16, fix type so as to read "codes relating to the preferment," etc.

On page 6, line 27, change the name "Clark" to "Clarke."

On page 9, line 10, after the word to insert the words Bessie Waggoner.

And when so amended recommend that the Journal of the twelfth day be approved.

JOHN KENNEDY,

Chairman.

Mr. Kennedy moved

That the report of the committee on revision and correction of the Journal be adopted,

Which motion prevailed, and

The report was adopted.

Mr. Allen requested that the privileges of the floor be extended to P. H. Cummings, George Hancock and Jos. Hughes, of Cass county.

Mr. Thomson requested that the privileges of the floor be extended to L. B. Garness, F. L. Kernnott, S. A. Olsness and S. Nelson.

Mr. Walbert requested that the privileges of the floor be extended to Franklin Potter and C. S. Holiday.

Mr. McHarg requested that the privileges of the floor be extended to J. E. Spurling.

Mr. Gronvold requested that the privileges of the floor be extended to O. T. Tofsrud, W. D. McClintok and N. Jacobson.

Mr. Watts requested that the privileges of the floor be extended to M. H. Habberstad.

Mr. Restemayer requested that the privileges of the floor be extended to James Wilson.

Mr. Laughlin requested that the privileges of the floor be extended to Hon. H. S. Oliver and Ed. Pierce.

There being no objections the several requests of the members were granted and the privileges of the floor so extended.

MOTIONS AND RESOLUTIONS.

Mr. Watts offered the following concurrent resolution:

CONCURRENT RESOLUTION.

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

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

Resolved, by the house of representatives of the state of North Dakota, the senate concurring,

That our representatives in congress are hereby requested to use all honorable means to secure the submission of an amendment to the constitution of the United States providing for the election of United States senators by the direct vote of the people.

Resolved, further, that copies of this resolution, properly attested, be sent to our representatives in congress of the United States.

Mr. Thordarson moved

That the concurrent resolution be adopted.

Mr. Tousley offered the following amendment:

And be it Hereby Further Resolved,

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

senators and representatives acting for such state in the congress of the United States.

Which amendment was accepted,

And the question recurring on the original resolution as amended.

The resolution as amended was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
January 16, 1899.

Mr. Speaker:

I have the honor to return herewith

A house concurrent resolution recommending to the senate of the United States the adoption of the treaty of peace between the United States and Spain.

Which the senate has concurred in.

Also,

CONCURRENT RESOLUTION.

Resolved by the Senate and House Concurring,

That there be a committee of five (5), two from the senate appointed by the president, and three from the house to be appointed by the speaker as a committee to visit the several state institutions for the purpose of inspecting the same in regard to the needs and necessities and also to determine the amount of appropriation that is necessary for the different state institutions as near as possible, and report to the legislature at an early date.

Very respectfully yours,

J. O. SMITH,
Secretary.

INTRODUCTION OF BILLS.

Mr. Allen introduced

House bill No. 42,

A bill for an act fixing the liability of railroad companies and corporations owning and operating a railroad for injuries sustained by its employes from the negligent acts of co-employes.

Mr. Miner introduced

House bill No. 43,

A bill for an act to amend section 2062 of the Revised Codes of North Dakota for 1895 relating to the manner of determining the population and fixing the salary of clerk of the district court.

Mr. Thomas introduced

House bill No. 44,

A bill for an act to amend section 640 of the revised codes of 1895, relating to education.

Mr. Brotnov introduced

House bill No. 45,

A bill for an act to provide text books and regulating the manner of procuring the same.

Mr. Chacey introduced

House bill No. 46,

A bill for an act to amend sections 1447, 1448, 1450, 1452, 1453, 1454, 1457 and 1466 of the revised codes, relating to the establishment, construction and maintenance of drains.

Mr. Kennedy introduced

House bill No. 47,

A bill for an act to provide for the maintenance of the industrial school and school for manual training of North Dakota, located at Ellendale, and for necessary improvements, and making an appropriation therefor.

FIRST AND SECOND READING OF HOUSE BILLS.

House bill No. 42,

A bill for an act fixing the liability of railroad companies and corporations owning and operating a railroad for injuries sustained by its employes from the negligent acts of co-employes.

Was read the first and second times, and

Referred to the committee on railroads.

House bill No. 43,

A bill for an act to amend section 2062 of the Revised Codes of North Dakota for 1895 relating to the manner of determining the population and fixing the salary of clerk of the district court.

Was read the first and second times, and

Referred to the committee on judiciary.

House bill No. 44,

A bill for an act to amend section 640 of the revised codes of 1895, relating to education.

Was read the first and second times, and

Referred to the committee on education.

House bill No. 45,

A bill for an act to provide text books and regulating the manner of procuring the same.

Was read the first and second times, and

Referred to the committee on education.

House bill No. 46,

A bill for an act to amend sections 1447, 1448, 1450, 1452, 1453, 1454, 1457 and 1466 of the revised codes, relating to the establishment, construction and maintenance of drains.

Was read the first and second times, and

Referred to the committee on judiciary.

House bill No. 47,

A bill for an act to provide for the maintenance of the industrial school and school for manual training of North Dakota, located at Ellendale, and for necessary improvements, and making an appropriation therefor.

Was read the first and second times, and

Referred to the committee on appropriations.

The speaker announced that he was about to sign

CONCURRENT RESOLUTION.

Concurrent Resolution and Memorial of the Senate and House of Representatives of the State of North Dakota, to the Senate and House of Representatives of the United States, Asking for the Election of a United States Senator by a Direct Vote of the People.

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

Resolved, By the house of representatives of the State of North Dakota, the senate concurring,

That our representatives in congress are hereby requested to use all honorable means to secure the submission of an amendment to the constitution of the United States providing for the election of United States senators by the direct vote of the people.

Resolved, Further, That copies of this resolution, properly attested, be sent to our representatives in congress of the United States.

SPECIAL ORDERS.

By unanimous consent

Mr. Hale withdraws

The resolution amending the resolution offered by Mr. Boyd relating to the appointment of a committee to visit and report upon the condition of the state institutions.

The speaker appointed as assistant enrolling and engrossing clerks: F. R. Jordan, A. E. Rose, Fred Deisem, Herbert Barnes, Charles Johnson, assigning F. R. Jordan to act as clerk of the committee on municipal corporations.

The speaker administered the oath of office to Fred Deisem, Herbert Barnes and J. C. O'Grady.

Mr. McHarg moved

That the house proceed to the election of a clerk for the judiciary committee,

Which motion prevailed.

Mr. McHarg nominated E. S. Allen,

The roll being called there were 59 votes cast, of which Mr. Allen received 59 votes and was declared the duly elected clerk of the judiciary committee.

Those who voted for Mr. Allen were :

| Messrs— | Messrs— | Messrs— |
|-------------|-------------------|--------------|
| Aas, | Gulack, | Sanford, |
| Allen, | Hale, | Sargent, |
| Allshouse, | Hare, | Stevens, |
| Bacon, | Haban, | Stewart, |
| Berger, | Herbrandson, | Swenson, |
| Boyd, | Johnson, Richland | Stevenson, |
| Brakke, | Kennedy, | Taylor, |
| Cassell, | Laughlin, | Thomas, |
| Chacey, | Lee, | Thomson, |
| Clarke, | Lish, | Thordarson, |
| Deisem, | Lynch, | Tousley, |
| Dougherty, | McHarg, | Towle, |
| Dwire, | McLean, | Tufte, |
| Engelter, | Michels, | Ugland, |
| Erickson, | Miner, | Wallace, |
| Ferris, | Nelson, | Watts, |
| Gilbertson, | Ovind, | Wolbert, |
| Glasgow, | Peek, | Winslow, |
| Green, | Peterson, | Mr. Speaker. |
| Gronvold, | Restemayer, | |

Absent and not voting : Messrs. Brotnov, Earl and Johnston of Walsh.

The speaker appointed as members of the house committee to visit the public institutions : Messrs. Boyd, Dwire and Allen.

The speaker administered the oath of office to E. S. Allen as clerk of the judiciary committee.

Mr. Stevens moved

That the house do now adjourn to 11:30 o'clock tomorrow.

Which motion prevailed, and

The house adjourned.

J. G. HAMILTON,
Chief Clerk.

FIFTEENTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 17, 1899.

The house assembled at 11:30 o'clock a. m. pursuant to adjournment.

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present excepting Mr. McHarg, who was excused.

REFERENCE OF THE JOURNAL.

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

HOUSE OF REPRESENTATIVES,
January 17, 1899.

Mr. Speaker:

Your committee on revision and correction of the Journal respectfully report that they have carefully examined the Journal of the fourteenth day and recommend the following corrections:

On page 7 strike out line 1, the same being superfluous.

Also,

We recommend that the Journal of the fourth day be corrected by inserting after the second line in page 3 the following, viz.:

The speaker appointed as janitors for committee rooms James Ormiston, Frank D. Smith, Thomas Fortune, Joseph Fox, M. H. Weeks, S. M. Howard, Lewis E. Johnson and Joseph Wood.

The speaker administered the oath of office to Thomas Fortune, Joseph Fox, M. H. Weeks, S. M. Howard, Lewis E. Johnson, Joseph Wood, James Ormiston and Frank D. Smith.

And when so amended recommend that the Journals of the fourth and fourteenth days be approved.

JOHN KENNEDY,
Chairman.

Mr. Kennedy moved

That the report of the committee on revision and correction of the Journal be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The speaker announced the following alterations in the lists of standing committees as printed.

In the committee on appropriations substitute the name of "Sanford" in place of "McHarg."

In the committee on charitable institutions substitute the name of "Sanford" in place of "McHarg."

Mr. Hale moved

That the house take a recess until 12 o'clock.

Which motion was withdrawn.

Mr. Bacon requested that the privileges of the floor be extended to John Dinnie, H. P. Ryan, S. McDonald, H. H. Brown, Simon McCanna, William Budge, W. J. Anderson and William McLaren.

Mr. Erickson requested that the privileges of the floor be extended to Edward Peterson.

Mr. Allen requested that the privileges of the floor be extended to W. G. Judd, C. H. Anheier, W. M. Patton, Thomas H. Harrison.

Mr. Sanford requested that the privileges of the floor be extended to Charles L. Mitchell and Mr. Langseth.

Mr. Gulack requested that the privileges of the floor be extended to L. Thompson.

Mr. Tufte requested that the privileges of the floor be extended to Thomas Edison.

Mr. Kennedy requested that the privileges of the floor be extended to Messrs. Jones and Reondel.

Mr. Winslow requested that the privileges of the floor be extended to O. H. Pladsen and Joseph Thompson of Steele county.

Mr. Earl requested that the privileges of the floor be extended to E. K. Myhre, Dr. L. S. Platon, Otto Becker, Hans C. Stensholl, John Holmes, Duncan McDonald, Thomas O'Malley, A. P. Peakes, O. O. Hougan, K. S. Pramseth, Fingal; William McPherson, J. Gelison.

Mr. Wolbert requested that the privileges of the floor be extended to William Gallup, M. A. Baldwin, J. A. Wright and W. T. Spraks of Cass county.

Mr. Tousley requested that the privileges of the floor be extended to S. G. More and G. W. Townes of Cass county.

Mr. Lish requested that the privileges of the floor be extended to A. Montague, J. H. Colwell, T. S. Underhill and W. B. Howe from Stark.

Mr. Michels requested that the privileges of the floor be extended to Z. Davidson, W. I. Brown, E. Isaacs, E. L. Richmond, T. Sinniss.

There being no objections the several requests were granted, and the privileges of the floor were so extended.

INTRODUCTION OF BILLS AND MEMORIALS.

Mr. Cassell introduced

House bill No. 49,

A bill for an act to amend section 1943 of the Revised Codes of North Dakota relating to balances to be kept by county treasurers in county depositories.

Mr. Thomas introduced

House bill No. 50,

A bill for an act to amend section 5230 of the Revised Codes of North Dakota relating to who may be made parties defendant in actions to quiet title to real property.

Mr. Winslow introduced

House bill No. 51,

A bill for an act entitled an act to amend section 75 of chapter 126, of the session laws of 1897, entitled "an act prescribing the mode of making assessments of property, the equalization of and the levy and collection of taxes and for all other purposes relative thereto, and the repealing of sections 1176 to 1198 inclusive, 1200 to 1229 inclusive, 1231, 1234, 1237 to 1240 inclusive, 1242 to 1247 inclusive, 1250 to 1253 inclusive, 1255 to 1290 inclusive, 1294, 1296, 1309, 1321, 1325 to 1330 inclusive, 1336 to 1339 inclusive, and 1346 of the Revised Codes of North Dakota of 1895, and all other sections and parts of sections of said codes, and of all acts and parts of acts inconsistent with the provisions of this act."

FIRST AND SECOND READING OF HOUSE BILLS.

House bill No. 49,

A bill for an act to amend section 1943 of the Revised Codes of North Dakota relating to balances to be kept by county treasurers in county depositories.

Was read the first and second times, and

Referred to the committee on state affairs.

House bill No. 50,

A bill for an act to amend section 5230 of the Revised Codes of North Dakota relating to who may be made parties defendant in actions to quiet title to real property.

Was read the first and second times, and

Referred to the committee on judiciary.

House bill No. 51,

A bill for an act entitled an act to amend section 75 of chapter 126, of the session laws of 1897, entitled "an act prescribing the mode of making assessments of property, the equalization of and the levy and collection of taxes and for all other purposes relative thereto, and the repealing of sections 1176 to 1198 inclusive, 1200 to 1229 inclusive, 1231, 1234, 1237 to 1240 inclusive, 1242 to 1247 inclusive, 1250 to 1253 inclusive, 1255 to 1290 inclusive, 1294, 1296, 1309, 1321, 1325 to 1330 inclusive, 1336 to 1339 inclusive, and 1346 of the Revised Codes of North Dakota of 1895, and all other sections and parts of sections of said codes, and of all acts and parts of acts inconsistent with the provisions of this act."

Was read the first and second times, and

Referred to the committee on taxes and tax laws.

The speaker announced an informal recess of the house for five minutes.

House reassembled.

Mr. Laughlin moved that the house proceed to the election of a United States senator for the term beginning March 4, 1899, which motion prevailed.

The roll being called there were 60 votes cast, of which William N. Roach received 8 votes; Louis B. Hanna received 4 votes; Clarence B. Little received 6 votes; Ernest C. Cooper 3 votes; Martin N. Johnson received 20 votes; Judson LaMoure received 5 votes; Thomas F. Marshall received 9 votes; Peter J. McCumber received 5 votes.

Those who voted for William N. Roach were: Aas, Berger, Brotnov, Dougherty, Ferris, Johnston of Walsh, Lish, Towle.

Those who voted for Louis B. Hanna were: Allen, Boyd, Earl, Sargent.

Those who voted for Clarence B. Little, were: Allshouse, Engelster, Gulack, Hare, Stevens, Stevenson.

Those who voted for Earnest C. Cooper were: Bacon, Stewart, Mr. Speaker.

Those who voted for Martin N. Johnson were: Brakke, Cassell, Chacey, Deisem, Erickson, Gilbertson, Glasgow, Gronvold, Hauan, Herbrandson, Lee, Michels, Nelson, Ovind, Swenson, Thomson, Tousley, Tufte, Uglan, Winslow.

Those who voted for Judson LaMoure were: Clarke, Reste mayer, Thordarson, Wallace, Watts.

Those who voted for Thomas F. Marshall were: Dwier, Green, Hale, Kennedy, Laughlin, Peek, Peterson, Sanford, Taylor.

Those who voted for P. J. McCumber were: Johnson of Richland, Lynch, McLean, Miner, Thomas.

Mr. McHarg was excused by reason of his sister's death.

Mr. McHarg paired with Mr. Wolbert. Conditions of the pair stated by Mr. Wolbert.

The speaker administered the oath of office to August Nelson, A. Patterson and F. R. Jordan as assistant enrolling and engrossing clerks.

The speaker appointed as assistant enrolling and engrossing clerks, Clair Barker and S. A. Olsness.

Mr. Stevens moved

That the house do now adjourn to 11:30 a. m. tomorrow.

Which motion prevailed and

The house adjourned.

J. G. HAMILTON,
Chief Clerk.

SIXTEENTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 18, 1899.

The house assembled at 11:30 a. m. pursuant to adjournment.

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present excepting Mr. Gulack and Mr. McHarg who were excused.

Mr. Wallace moved

That a committee of five be appointed to escort the members of the senate to the house to meet in joint session,

Which motion prevailed and

The speaker appointed as such committee, Messrs. Wallace, Deisem, Allen, Cassell and Thomas.

Mr. Stevens moved

That the house take a recess until 5 minutes of 12 o'clock,

Which motion prevailed, and

The house took an informal recess until 11:55 a. m.

House reassembled.

Mr. Johnson of Richland, requested that the privileges of the floor be extended to Rev. Father Studincka, M. A. Wipperman, A Stern

There being no objections the privileges of the floor were so extended.

Mr. Cassell moved

That the chief clerk forthwith notify the senate that the house is now ready to receive the senate in joint session for the purpose of taking such further proceedings in relation to the election of United States senator for the state of North Dakota as shall be necessary and proper,

Which motion prevailed.

The sergeant-at-arms announced the members of the senate and the officers thereof in waiting.

JOINT SESSION.

The joint session of the houses was called to order by the lieutenant governor, who announced that the hour had arrived for the joint session.

The roll of the members of the senate was then called by the secretary of the senate.

All senators present.

The roll of the members of the house was then called by the chief clerk of the house.

All members being present excepting Mr. Gulack and Mr. McHarg, who were excused.

The journals of the senate and house being read, and it appearing therefrom that no one of the candidates had received a majority of the senators and representatives present and voting,

the president of the joint session announced that the election of a United States senator, for the state of North Dakota, for the term of six years, beginning March 4, 1899, was in order.

Senator Ames nominated

Hon. Martin N. Johnson.

Mr. Cassell seconded the nomination of Hon. Martin N. Johnson.

Senator Noble nominated

Hon. William N. Roach.

Mr. Dougherty seconded the nomination of Hon. William N. Roach.

Mr. Peek nominated

Hon. Thomas F. Marshall.

Mr. Laughlin seconded the nomination of Hon. Thomas F. Marshall.

Mr. Stevens nominated

Hon. Clarence B. Little.

Senator McGillivray seconded the nomination of Hon. Clarence B. Little.

Mr. Wallace nominated

Hon. Judson LaMoure.

Mr. Watts seconded the nomination of Hon. Judson LaMoure.

Mr. Lynch nominated

Hon. Porter J. McCumber.

Mr. Thomas seconded the nomination of Hon. Porter J. McCumber.

Mr. Sargent nominated

Hon. Louis B. Hanna.

Mr. Porter seconded the nomination of Hon. Louis B. Hanna.

Mr. Bacon nominated

Hon. Ernest C. Cooper.

Senator Murphy seconded the nomination of Hon. Ernest C. Cooper

Senator Creel nominated

Hon. Dennis Hannifin.

Mr. McDougal seconded the nomination of Hon. Dennis Hannifin.

There being no further nominations,

The secretary of the senate and chief clerk of the house called the rolls of the respective houses.

The roll being called, there were 90 votes cast, of which Mr.

Cooper received 5 votes, Mr. Hanna received 6 votes, Mr. Johnson received 29 votes, Mr. LaMoure received 8 votes, Mr. Little received 8 votes, Mr. Marshall received 12 votes, Mr. McCumber received 6 votes, Mr. Roach received 15 votes and Mr. Hannafin received 1 vote.

Those voting for Mr. Cooper were: Messrs. Arnold, Murphy, Bacon, Stewart and Mr. Speaker.

Those voting for Mr. Hanna were: Messrs. Little, Porter, Allen, Boyd, Sargent and Tousley.

Those voting for Mr. Johnson were: Messrs. Ames, Cooper, Cox, Hegge, Luke, Sharpe, Slotten, Twichell, Berger, Brakke, Cassell, Chacey, Deisem, Erickson, Gilbertson, Glasgow, Gronvold, Hauan, Herbrandson, Johnson of Richland, Lee, Michels, Nelson, Ovind, Swenson, Thomson, Tufte, Uglan and Winslow.

Those voting for Mr. LaMoure were: Messrs. Fuller of Pembina, Fuller of Stutsman, Mansfield, Clarke, Restemayer, Thordarson, Wallace and Watts.

Those voting for Mr. Little were: Messrs. Baker, Marshall, McGillivray, Allshouse, Engelter, Hare, Stevens and Stevenson.

Those voting for Mr. Marshall were: Messrs. Hanna, Sanborn, Dwire, Earl, Green, Hale, Kennedy, Laughlin, Peek, Peterson, Sanford and Taylor.

Those voting for Mr. McCumber were: Messrs. Laidlaw, LaMoure, Lynch, McLean, Miner and Thomas.

Those who voted for Mr. Roach were: Messrs. Cashel, Cronan, Dunlap, Levang, McCanna, McCarten, McDougal, Noble, Aas, Brotnov, Dougherty, Ferris, Johnston of Walsh, Lish and Towle.

Mr. Creel voted for Mr. Hannafin.

Absent and not voting, Messrs. Gulack and McHarg.

Mr. Wolbert being paired with Mr. McHarg.

Mr. Laughlin moved

That the joint session do now dissolve,

Which motion prevailed.

House reassembled.

The speaker administered the oath of office to S. A. Olsness as assistant enrolling and engrossing clerk.

Mr. Stevens moved

That out of respect to our colleague Mr. McHarg, who is at home attending the funeral rites of his sister,

That the house do now adjourn,
Which motion prevailed, and
The house adjourned to meet at 12 o'clock m

J. G. HAMILTON,
Chief Clerk.

SEVENTEENTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 19, 1899.

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

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present excepting Mr. Gulack, who was excused.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker

Your committee on revision and correction of the Journal respectfully report that they have carefully examined the Journal of the fifteenth day and recommend the following correction :

On page 5, line 20, change the spelling of the name "Dwier" so as to read "Dwire."

And when so amended recommend that the Journal of the fifteenth day be approved.

Very respectfully yours,
JOHN KENNEDY,
Chairman.

Mr. Speaker:

Your committee on revision and correction of the Journal respectfully report that they have carefully examined the Journal of the sixteenth day, and find the same correct and recommend that the Journal of the sixteenth day be approved.

Very respectfully yours,

JOHN KENNEDY,

Chairman.

Mr. Kennedy moved

That the report of the committee on revision and correction of the Journal be adopted,

Which motion prevailed, and

The reports of the committee were adopted.

Mr. Michels requested that the privileges of the floor be extended to Rev. W. B. Reese and G. E. Englebretzen.

Mr. Allen requested that the privileges of the floor be extended to W. S. Hooper, G. S. Barnes and H. J. Bowen.

Mr. Miner requested that the privileges of the floor be extended to C. V. Brown, Thomas Burrie, D. L. Davis, T. L. Beiselher, J. K. Swan, U. F. Hunt, E. F. Wiper, Otto Granpmann, S. H. Wikey, Wallace Galehouse, Lem Galehouse, William Farquar, John Evans, Nels Sorum, C. K. Wing, Charles H. Davidson, Jr., Guy H. Walton and E. V. Benedict.

Mr. Sanford requested that the privileges of the floor be extended to John B. Fried, and Charles Schumaker of Stutsman county.

Mr. Allshouse requested the privileges of the floor be extended to J. F. Robinson of Kidder.

Mr. Lee requested that the privileges of the floor be extended to August Johnson, and August Wahl of McLean county.

Mr. Bacon requested that the privileges of the floor be extended to G. Stewart, A. McCallum, and F. Collins.

Mr. Kennedy requested that the privileges of the floor be extended to D. Phifer of Dickey.

Mr. Aas requested that the privileges of the floor be extended to A. M. Tafthagen of Nelson county.

Mr. Dougherty requested that the privileges of the floor be extended to C. J. Lord, and M. F. Fallahy.

There being no objections, the several requests of the members were granted, and the privileges of the floor were so extended.

The speaker announced the following committee to escort the

members of the senate to meet the house in joint session: Messrs. Wallace, Deisem, Allen, Cassell and Thomas.

The sergeant-at-arms announced the members of the senate and the officers thereof in waiting.

JOINT SESSION.

The joint session of the houses was called to order by the lieutenant governor, who announced that the hour had arrived for the joint session.

The roll of the members of the senate was then called by the secretary of the senate.

All senators present excepting Mr. Fuller of Stutsman, who was excused.

The roll of the members of the house was then called by the chief clerk of the house.

All members being present excepting Mr. Gulack, who was excused.

The president announced that the balloting for United States senator was in order.

Mr. Creel announced the withdrawal of his candidate Hon. Dennis Hannafin.

The secretary of the senate and chief clerk of the house called the rolls of the respective houses.

The roll being called, there were 91 votes cast, of which Mr. Cooper received 5 votes, Mr. Hanna received 8 votes, Mr. Johnson received 30 votes, Mr. LaMoure received 7 votes, Mr. Little received 8 votes, Mr. Marshall received 12 votes, Mr. McCumber received 7 votes, Mr. Frank J. Thompson received 14 votes.

Those voting for Mr. Cooper were: Messrs. Arnold, Murphy, Bacon, Stewart, and Mr. Speaker.

Those voting for Mr. Hanna were: Messrs. Little; McCanna, Porter, Allen, Boyd, Sargent, Thomson and Tousley.

Those voting for Mr. Johnson were: Messrs. Ames, Cooper, Cox, Creel, Hegge, Luke, Sharpe, Sloten, Twichell, Berger, Brakke, Cassell, Chacey, Deisem, Erickson, Gilbertson, Glasgow, Gronvold, Hauan, Herbrandson, Johnson of Richland, Lee, Michels, Nelson, Ovind, Swenson, Tufte, Ugland, Wolbert and Winslow.

Those voting for Mr. LaMoure were: Messrs. Fuller of Pembina, Mansfield, Clarke, Restemayer, Thordarson, Wallace and Watts.

Those voting for Mr. Little were: Messrs. Baker, Marshall, McGillivray, Allshouse, Engelter, Hare, Stevens and Stevenson.

Those voting for Mr. Marshall were: Messrs. Hanna, Sanborn, Dwire, Earl, Green, Hale, Kennedy, Laughlin, Peek, Peterson, Sanford and Taylor.

Those voting for Mr. McCumber were: Messrs. Laidlaw, LaMoure, Lynch, McHarg, McLean, Miner, and Thomas.

Those voting for Mr. Frank J. Thompson were: Messrs. Cashel, Cronan, Dunlap, Levang, McCarten, McDougal, Noble, Aas, Brotnov, Dougherty, Ferris, Johnston of Walsh, Lish, and Towle.

Absent and not voting were: Messrs. Gulack, and Fuller of Stutsman, who were excused.

It appearing that no one of the candidates having received a majority of all the votes cast, the president announced that another ballot was in order.

Mr. Laughlin moved

That the joint session be now dissolved,

Which motion prevailed, and

The joint session dissolved.

The house reassembled.

MOTIONS AND RESOLUTIONS.

Mr. Hare offered the following resolution:

Resolved, That the speaker appoint a committee of five whose duty it shall be to consider all applications for clerkships and other appointments for this house, and that the speaker shall not appoint any further clerks or other employes unless recommended by a majority of said committee and approved by the house.

Mr. Kennedy moved

The adoption of the resolution,

Which motion prevailed, and

The resolution was adopted.

Mr. Kennedy offered the following resolution:

Be it Resolved by the House,

That the secretary of state be requested to furnish three copies of the session laws and codes to the several committee rooms.

Mr. Kennedy moved

The adoption of the resolution,

Which motion prevailed and

The resolution was adopted.

Mr. Allen announced that there was an error in the printing of

House bill No. 42,

A bill for an act fixing the liability of railroad companies and corporations owning and operating a railroad for injuries sustained by its employes from the negligent acts of co-employes.

And moved that it be reprinted,

Which motion prevailed.

The speaker appointed the following members as a committee to receive and consider applications and appointments of clerks and employes for the house: Messrs. Hare, Dwire, Winslow, Deisem and Stevenson.

Mr. Stevens moved

That the house do now adjourn until 11:55 o'clock a. m. tomorrow.

Which motion prevailed, and

The house adjourned.

J. G. HAMILTON,
Chief Clerk.

EIGHTEENTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 20, 1899.

The house assembled at 11:55 o'clock a. m. pursuant to adjournment.

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present excepting Messrs. Gulack and Towle, who were excused.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
January 20, 1899.

Mr. Speaker:

I have the honor to transmit herewith

CONCURRENT RESOLUTION.

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

The secretary of state is requested to prepare for the use of the state

officers and members of the legislative assembly, a legislative manual embodying therein a list of the state officers, members of the senate and house, officers of the respective bodies, the committees thereof, the rules of the respective bodies, the constitution of the state, and such other information as may be necessary and useful for the state officers and members of the legislative assembly.

Which the senate has passed and your favorable concurrence therein is respectfully requested.

Also,

I have the honor to return herewith

CONCURRENT RESOLUTION.

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

That, Whereas, Much complaint has been made and much dissatisfaction exists as to grades fixed upon grain shipped from this state by the grain inspectors of the state of Minnesota,

And, Whereas, In the inspection of said grain the authorities of the state of North Dakota have no voice,

Therefore, A committee, consisting of three members of the house of representatives and two members of the senate, be appointed by the speaker of the house and president of the senate respectively, to visit and consult with the proper authorities of the state of Minnesota, with a view to securing the co-operation and suitable legislation in the states of Minnesota and North Dakota to provide for a representative of the state of North Dakota to confer with and assist the inspector of grains in Minnesota in fixing proper grades upon grains grown in North Dakota, and shipped to Minnesota terminals.

Which the senate has amended by including in the resolution the state of Wisconsin,

And concurred in as amended.

Very respectfully yours,

J. O. SMITH,

Secretary.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,

January 20, 1899.

Mr. Speaker:

I have the honor to transmit herewith

Senate bill No. 5,

A bill for an act to amend section 95 of chapter 126 of the laws of 1897, being an act entitled "Revenue and Taxation."

Also,

Senate bill No. 12,

A bill for an act to amend section 2761 of the Revised Codes of the state of North Dakota, of the revision of 1895, relating to the granting of alimony in divorce cases.

Also,

Senate bill No. 39,

A bill for an act to amend section 82 of chapter 126 of the laws of 1897 relating to revenue and taxation.

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

Also,

I have the honor to transmit herewith

CONCURRENT RESOLUTION.

Be it resolved by the Senate the House concurring:

That when we adjourn a recess be taken until Thursday, Jan. 26, 1899.

Which the senate has passed and your favorable concurrence therein is respectfully requested.

Very respectfully yours,

J. O. SMITH,

Secretary.

Mr. Kennedy moved

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

The sergeant-at-arms announced the senate and officers thereof in waiting.

The joint session was called to order by the lieutenant governor, the president of the senate.

The rolls of the respective houses were called.

All members present except Messrs. Gulack and Towle, who were excused.

The president announced that the time had arrived for the balloting in joint session for a United States senator.

Mr. Stevens announced that Mr. Little wished to have his name withdrawn from among the names of candidates for election as United States senator, and requested his supporters give their support to Hon. Porter J. McCumber.

Mr. Laughlin announced that Mr. Marshall wished to have his name withdrawn as a candidate for United States senator and that he requested his friends to give Hon. Porter J. McCumber their support.

The roll being called for the election of a United States senator, there were 91 votes cast, of which Mr. McCumber received 77 votes, Mr. Kleinogle 13 votes, and Mr. Johnson 1 vote.

Those voting for Mr. McCumber were: Messrs. Ames, Arnold, Baker, Cooper, Cox, Creel, Fuller of Pembina, Fuller of Stutsman, Hanna, Hegge, Laidlaw, LaMoure, Little, Luke, Mansfield, Marshall, McDougal, McGillivray, Murphy, Porter, Sanborn, Sharpe, Slotten, Twichell, Allen, Allshouse, Bacon, Berger, Boyd, Brakke, Cassell, Chacey, Clarke, Deisem, Dwire, Earl, Engelter, Erickson, Gilbertson, Glasgow, Green, Gronvold, Hale, Hare, Hauan, Johnson of Richland, Kennedy, Laughlin, Lee, Lynch, McHarg, McLean, Michels, Miner, Nelson, Ovind, Peck, Peterson, Restemayer, Sanford, Sargent, Stevens, Stewart, Swenson, Stevenson, Taylor, Thomas, Thomson, Thordarson, Tousley, Tuffe, Ugland, Wallace, Watts, Wolbert, Winslow and Mr. Speaker.

Those voting for Thos. Kleirogle were: Messrs. Cashel, Cronan, Dunlap, Levang, McCanna, McCarten, Noble, Aas, Brotnov, Dougherty, Ferris, Johnston of Walsh, and Mr Lish.

Mr. Hebrandson voted for Hon. M. N. Johnson.

Absent and not voting: Messrs. Gulack and Towle, who were excused.

Hon. Porter J. McCumber having received a majority of all the votes cast by the senators and representatives of the legislative assembly of North Dakota, Mr. President and the joint assembly formally declared Hon. Porter J. McCumber duly elected United States senator from the state of North Dakota for the term of six years, commencing March 4, 1899.

Mr. Allen moved

That a committee of three be appointed to notify Mr. McCumber of his election and request his presence in the joint session,

Which motion prevailed and

The president appointed as such committee Messrs. Allen, Marshall and Little.

The certificate of the election of Hon. Porter J. McCumber was then read by the chief clerk of the house.

STATE OF NORTH DAKOTA,
HALL OF THE HOUSE OF REPRESENTATIVES,
BISMARCK, January 20, 1899.

This is to certify that at a meeting of the two houses of the legislative assembly of the state of North Dakota, in joint assembly, held on Wednesday, the 18th day of January, A. D. 1899, at noon, a majority of all the members of each house being present and voting, it was found upon an examination of the journals of the respective houses, that upon Tuesday, the 17th day of January, A. D. 1899, and after the meeting and organization of the legislative

assembly, each house had by an open viva voce voted for a United States senator, and that the same person had not received a majority of all the votes cast in each house, therefore both houses in joint assembly on Wednesday, the 18th day of January, A. D. 1899, at noon, met and proceeded to ballot for a United States senator; the same person not receiving a majority of all the votes cast, the said joint assembly dissolved and reconvened on Thursday, the 19th day of January, A. D. 1899, at noon, and proceeded to ballot for a United States senator, the same person not receiving a majority of all the votes cast, the said joint assembly dissolved and reconvened on Friday, the 20th day of January, A. D. 1899, at noon, and proceeded to ballot for a United States senator. Thereupon said joint assembly, by an open viva voce vote of the members present, a majority of all the senators and representatives-elect being present and voting, named Porter J. McCumber, of Wahpeton, Richland county, state of North Dakota, as senator in congress for the state of North Dakota, for the term beginning March 4, A. D. 1899 next, whereupon said joint assembly formally declared Porter J. McCumber, of Wahpeton, Richland county, state of North Dakota, the duly elected senator to represent the state of North Dakota in the congress of the United States.

JOSEPH M. DEVINE,

Lieutenant Governor and President of the Senate.

J. O. SMITH,

Secretary of the Senate.

THOS. BAKER, JR.,

Speaker of the House.

JOHN G. HAMILTON,

Chief Clerk of the House.

Mr. Thomas moved

That the certificate be adopted.

The committee arrived with Hon. Porter J. McCumber, who was introduced to the members of the joint assembly by the president.

Mr. McCumber then addressed the assembly, and thanked the members thereof for his election as senator.

The question being on the adoption of the certificate of election,

The motion prevailed, and

The certificate was adopted.

Mr. Stevens moved

That an informal recess for 15 minutes be taken.

Which motion prevailed.

Joint session reassembled.

Mr. Cooper moved

That the Journal of the joint session be approved and adopted,
Which motion prevailed, and

The Journal of the joint session was adopted.

Mr. Laughlin moved

That the joint session be now dissolved,

Which motion prevailed, and

The joint session dissolved.

House reassembled.

The speaker announced an informal recess for 10 minutes.

House reassembled.

The speaker administered the oath of office to A. E. Rose and C. H. Barber as assistant enrolling and engrossing clerks.

Mr. Wallace requested that the privileges of the floor be extended to James Blacklock and William James.

There being no objections, the privileges of the floor were so extended.

Mr. Stevens moved

That the house do not concur in the senate amendment to the concurrent resolution relating to a joint committee of the house and senate visiting the proper authorities of the state of Minnesota to secure legislation relating to the inspection of grain.

Mr. Wallace moved

That the motion be laid upon the table and be made a special order at 2:30 p. m., January 27th,

Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

Mr. Speaker:

Your committee on municipal corporations to whom was referred

House bill No. 20,

A bill for an act to amend section 1495 of the Revised Codes of the state of North Dakota, relating to the time of holding an election for the purchase of an asylum for the poor, and providing for the appointment of a superintendent for such asylum.

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

By striking from line six (6) of section one (1) the word "township."

And when so amended recommend that the same do pass.

HENRY HALE,
Chairman.

The committee on rules made the following report:
Mr. Speaker:

Your committee on rules would recommend that

After rule 37, as printed in the Journal of January 12, there be inserted the following words, which are to be taken to constitute rule 38 of this house, to-wit: "No bill reported from standing or select committees, or from the committee of the whole, shall come up for a third reading until the first day after such report, unless the house by a two-thirds vote otherwise orders."

Your committee would further report and suggest

That the Journal of January 12, be corrected so that the numbers of the rules succeeding the one No. 38 read in their regular numerical order and when so corrected to be printed in the manual of rules.

R. N. STEVENS,
Chairman

Mr. Stevens moved

That the report of the committee on rules be adopted,
Which motion prevailed and
The report was adopted.

The committee on agriculture made the following report :

Mr. Speaker:

Your committee on agriculture to whom was referred
House bill No. 27,

A bill for an act to amend section 6153 of the Revised Codes of the state of North Dakota.

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

O. C. HAUAN,
Chairman.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred
House bill No. 46,

A bill for an act to amend sections 1447, 1448, 1450, 1452, 1453, 1454, 1457 and 1466 of the revised codes, relating to the establishment, construction and maintenance of drains.

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

R. N. STEVENS,
Chairman.

Mr. Wolbert moved

That the house do now resolve itself into a committee of the whole for the consideration of

House bill No. 46,

A bill for an act to amend sections 1447, 1448, 1450, 1452, 1453, 1454, 1457, and 1466 of the revised codes, relating to the establishment, construction and maintenance of drains.

Which motion prevailed and

The house resolved itself into a committee of the whole.

The speaker called Mr. Wolbert to the chair.

When the committee arose, the following report was submitted:

Mr. Speaker:

Your committee of the whole to whom was referred

House bill No. 46,

A bill for an act to amend sections 1447, 1448, 1450, 1452, 1453, 1454, 1457 and 1466 of the revised codes, relating to the establishment, construction and maintenance of drains.

Have had the same under consideration and recommend that the bill be resubmitted to the judiciary committee and be made a special order for Saturday, January 28, 1899, at 2:30 o'clock p.m.

G. W. WOLBERT,

Chairman.

The speaker called Mr. McHarg to the chair.

Mr. Wolbert moved

That the report of the committee of the whole be adopted.

Which motion prevailed and

The report was adopted.

The speaker resumed the chair.

Mr. Allen moved

That the house do reconsider the vote by which the concurrent resolution relating to the appointment of a committee to visit the proper authorities in the state of Minnesota to secure the proper grading of grain be reconsidered.

Which motion prevailed, and

The vote was reconsidered.

Mr. Johnson of Richland moved

That the house concur in the senate amendment to the concurrent resolution.

Mr. Dougherty offered the following substitute motion:

Whereas, There is now a committee appointed by this legislative body to visit Stillwater, Minnesota, to inspect the twine plant; be it

Resolved by this legislative assembly, that the duties of the committee, already appointed be enlarged, and that they be instructed to confer with the governor of Minnesota, and a like committee from the Minnesota legislature, to ascertain if some arrangement can not be entered into, whereby this state could be represented, at the terminal points, Minnea-

polis and Duluth, by inspectors, appointed by the governor of this state, and if no arrangement can be made, in Minnesota; be it

Further Resolved, That this committee be instructed to proceed to Madison, Wisconsin, to confer with the governor of Wisconsin, and a committee from the Wisconsin legislature, to ascertain if a joint arrangement can be entered into with that state for the purpose of inspecting and grading grain at terminal points, in the state of Wisconsin, and if such arrangement can be made to report same to legislature with full report.

The question being upon the substitute motion.

The substitute motion was lost.

Mr. Stevens moved

The previous question.

Which motion prevailed.

The question being that the house concur in the senate amendment.

Which motion prevailed.

The question recurring on the adoption of the concurrent resolution as amended.

Which motion prevailed, and

The concurrent resolution as amended was adopted.

REPORT OF SPECIAL COMMITTEE.

The committee to receive applications and recommend the appointment of clerks and employes made the following report:

Mr. Speaker: •

Your committee appointed to recommend appointments beg leave to report that they recommend Captain J. W. Scott as janitor.

JOSEPH HARE,
Chairman.

Mr. Hare moved

That the report of the committee be adopted.

Which motion prevailed, and

The report was adopted.

The speaker appointed J. W. Scott as janitor.

The speaker appointed as a committee to visit the Minnesota and Wisconsin legislatures to secure proper legislation in regard to grain grading: Messrs. Johnson of Richland, McHarg and Miner.

The speaker administered the oath of office to J. W. Scott as janitor.

Mr. Lynch moved

That the house do now adjourn,
Which motion prevailed, and
The house adjourned to Jan. 26, 1899, at 2 p. m.

J. G. HAMILTON,
Chief Clerk.

TWENTY-FOURTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 26, 1899.

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

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present excepting Messrs. Bacon, Boyd, Ferris, Gilbertson, Glasgow, Gulack, Hare, Herbrandson, Johnson of Richland, McHarg, McLean, Michels, Miner, Peterson, Sargent, Stewart, Stevenson, Thomson and Winslow, who were excused.

Mr. Stevens moved

That the rules as printed in the advance sheets of the Legislative Manual be adopted as the rules of the house for the sixth legislative session.

Which motion prevailed and

The rules as printed were adopted.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

Your committee on revision and correction of the Journal

respectfully report that they have carefully examined the Journal of the seventeenth day, and find the same correct, and recommend that the Journal of the seventeenth day be approved.

Very respectfully yours,
 JOHN KENNEDY,
 Chairman.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

Your committee on revision and correction of the Journal respectfully report that they have carefully examined the Journal of the eighteenth day, and recommend the following corrections:

On page 4, line 16, change the name "Hebrandson" so as to read "Herbrandson."

On page 4, line 36, correct the type in the word "legislature."

On page 4, line 37, fix the type in the word "assembly."

On page 4, line 38, fix the type in the word "noon."

On page 7, line 16, correct the spelling of the word "corrected."

On page 9, line 11, strike out the word "subsequent" and insert in lieu thereof the word "substitute."

On page 4, line 3, fix the type in the names "Little, Mansfield and Marshall."

And when so amended recommend that the Journal of the eighteenth day be approved.

JOHN KENNEDY,
 Chairman.

Mr. Kennedy moved

That the reports of the committee be adopted.

Which motion prevailed.

Mr. Allen requested that the privileges of the floor be extended to H. C. Plumley, W. B. Douglas and W. S. Stambaugh.

Mr. Sanford requested that the privileges of the floor be extended to John Bradford.

Mr. Restemayer requested that the privileges of the floor be extended to Grant Hager.

There being no objections, the several requests of the members were granted, and the privileges of the floor were so extended.

REPORTS OF STANDING COMMITTEES.

The committee on enrolled bills made the following report:

Mr. Speaker:

Your committee on enrolled bills have examined

Memorial and concurrent resolution relating to the establishment of a national lazaretto.

Also,

Concurrent resolution relating to the Spanish-American treaty of peace.

And find the same correctly enrolled.

M. B. CASSELL,
Chairman.

The committee on state affairs made the following report:

Mr. Speaker:

Your committee on state affairs to whom was referred

House bill No. 11,

A bill for an act entitled "An Act Fixing Date When the Term of Office of County Treasurer Shall Commence."

Have had the same under consideration and recommend that the same be indefinitely postponed.

JOHN KENNEDY,
Chairman.

Mr. Kennedy moved

That the report of the committee be adopted.

Which motion was lost.

The committee on state affairs made the following report:

Mr. Speaker:

Your committee on state affairs to whom was referred

House bill No. 28,

A bill for an act to amend an act entitled an act to amend section 2591 of the Revised Codes of North Dakota, relating to the meeting of township boards of supervisors, passed by the Fifth legislative assembly of North Dakota, relating to meetings of boards of township supervisors.

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

Also,

House bill No. 41,

A bill for an act to amend section 2095 of Political Code of the state of North Dakota relating to the compensation of county commissioners.

Have had the same under consideration and recommend that the same be referred to the committee of the whole.

Also,

House bill No. 38,

A bill for an act to provide an annual contingency fund, to be placed at the disposal of the governor.

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

Referred to the committee on appropriations.

Also,

House bill No. 23,

A bill for an act to amend section 7677 of the Revised Codes of North Dakota relating to game and fish.

Have had the same under consideration and recommend that the same be indefinitely postponed.

JOHN KENNEDY,
Chairman.

Mr. Kennedy moved

That the report of the committee be adopted.

Which motion prevailed and

The further consideration of

House bill No. 23,

A bill for an act to amend section 7677 of the Revised Codes of North Dakota relating to game and fish.

Was indefinitely postponed.

The speaker announced that he was about to sign

CONCURRENT RESOLUTION.

Of the House of Representatives and Senate of the State of North Dakota to the Congress of the United States, Praying for the Establishment of a National Lazaretto for the Care and Maintenance of Citizens of the United States Afflicted with Leprosy.

To the Honorable the Congress of the United States:

Whereas, There are now residing in this state a few citizens of the United States afflicted with that most loathsome disease, leprosy; and

Whereas, Owing to the contagious and incurable nature of the disease which baffles the skill of medical science, and endangers the safety of the public; and

Whereas, The care, cure and maintenance of these unfortunate people by the local authorities of the state, is impracticable and dangerous; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That your honorable body be requested and urged to take prompt action in establishing and maintaining a national Lazaretto for the cure and treatment of citizens of the United States afflicted with leprosy;

Resolved, further, That engrossed copies of the memorial, duly signed by the speaker of the house and president of the senate and countersigned by the chief clerk of the house and secretary of the senate, be sent to each of our representatives in congress, the Honorables Henry C. Hansbrough and William N. Roach, members of the United States Senate, and Martin N. Johnson, member of the House of Representatives.

Also,

CONCURRENT RESOLUTION

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

That the war between the United States, and the Kingdom of Spain, having terminated,

And commissioners representing each of the Governments, having concluded a treaty of peace, renouncing the sovereignty of the Kingdom of Spain, over the Island of Cuba, and ceding to the Government of the United States, the islands of Porto Rico, and the group of islands known as the Philippines,

And it being necessary before said treaty can take effect, that it be ratified by the United States Senate,

And the legislative assembly of this state being in favor of the ratification of the treaty of the peace aforesaid, and of the Government of the United States, assuming control and exercising sovereignty over the territory ceded by the treaty of peace,

Therefore to that end, be it resolved, that the Honorables Henry C. Hansbrough and William N. Roach, United States Senators from North Dakota, be and they are hereby respectfully petitioned and requested to vote in favor of the ratification of the treaty of peace, now pending in the United States senate,

Resolved, That an engrossed copy of this resolution be forwarded to each of the senators above named.

INTRODUCTION OF HOUSE BILLS.

Mr. Allen introduced

House bill No. 52,

A bill for an act to amend section 4802, chapter 78 of the civil code of 1895, entitled "bonds for labor and material for public buildings."

Mr. Restemayer introduced

House bill No. 53,

A bill for an act "an act to amend sections 1880, 1881, 1883, 1886 and 1887 of the Revised Codes of the state of North Dakota of 1895 relating to the procedure for the removal of county seats."

Mr. Cassell introduced

House bill No. 54,

A bill for an act to provide for a lien upon threshing engines or separators for repairing the same.

Mr. Cassell introduced

House bill No. 55,

A bill for an act to amend section 2985 of the civil code of the state of North Dakota relating to when station house to be maintained.

Mr. Engelter introduced

House bill No. 56,

A bill for an act to amend sections 7639, 7640, 7641, 7642, 7643, 7644, 7645, 7646, 7647 and 7648 of the Revised Codes regulating the manufacture and sale of oleomargarine, butterine, patent butter and cheese within the state of North Dakota.

Mr. Gronvold introduced

House bill No. 57,

A bill for an act to amend section 7 of chapter 37 of the laws of 1897 providing for special tax for payment of wolf bounties.

Mr. Gronvold introduced

House bill No. 58,

A bill for an act to amend sections 1645 and 1648 of the Revised Codes relating to hunting permits of residents and non-residents and the disposition of fees collected therefrom.

Mr. Hale introduced

House bill No. 59,

A bill for an act to amend section 722, Revised Codes, 1895, relating to the levy of taxes for school purposes.

Mr. Hale introduced

House bill No. 60,

A bill for an act to amend sections 1643 and 1644, Revised Codes, 1895, as amended by section 1, chapter 83, laws of North Dakota, 1897, relating to protection of game and fish.

Mr. Hale introduced

House bill No. 61,

A bill for an act to amend section 662, Revised Codes, 1895, relating to division of school districts.

Mr. Stevens introduced

House bill No. 62,

A bill for an act repealing sections 5844 to 5864, inclusive, of the Revised Codes relating to the foreclosure of real estate mortgages by advertisement.

FIRST AND SECOND READING OF HOUSE BILLS.

House bill No. 52,

A bill for an act to amend section 4802, chapter 78 of the civil code of 1895, entitled "bonds for labor and material for public buildings."

Was read the first and second times, and

Referred to the committee on judiciary.

House bill No. 53,

A bill for an act "an act to amend sections 1880, 1881, 1883, 1886 and 1887 of the Revised Codes of the state of North Dakota of 1895 relating to the procedure for the removal of county seats."

Was read the first and second times, and

Referred to the committee on state affairs.

House bill No. 54,

A bill for an act to provide for a lien upon threshing engines or separators for repairing the same.

Was read the first and second times, and

Referred to the committee on judiciary.

House bill No. 55,

A bill for an act to amend section 2985 of the civil code of the state of North Dakota relating to when station house to be maintained.

Was read the first and second times, and
Referred to the committee on railroads.

House bill No. 56,

A bill for an act to amend sections 7639, 7640, 7641, 7642, 7643, 7644, 7645, 7646, 7647 and 7648 of the Revised Codes regulating the manufacture and sale of oleomargarine, butterine, patent butter and cheese within the state of North Dakota.

Was read the first and second times, and
Referred to the committee on agriculture.

House bill No. 57,

A bill for an act to amend section 7 of chapter 37 of the laws of 1897 providing for special tax for payment of wolf bounties.

Was read the first and second times, and
Referred to the committee on state affairs.

House bill No. 58,

A bill for an act to amend sections 1645 and 1648 of the Revised Codes relating to hunting permits of residents and non-residents and the disposition of fees collected therefrom.

Was read the first and second times, and
Referred to the committee on judiciary.

House bill No. 59,

A bill for an act to amend section 722, Revised Codes, 1895, relating to the levy of taxes for school purposes.

Was read the first and second times, and
Referred to the committee on education.

House bill No. 60,

A bill for an act to amend sections 1643 and 1644, Revised Codes, 1895, as amended by section 1, chapter 83, laws of North Dakota, 1897, relating to protection of game and fish.

Was read the first and second times, and
Referred to the committee on judiciary.

House bill No. 61,

A bill for an act to amend section 662, Revised Codes, 1895, relating to division of school districts.

Was read the first and second times, and
Referred to the committee on education.

House bill No. 62,

A bill for an act repealing sections 5844 to 5864, inclusive, of the

Revised Codes relating to the foreclosure of real estate mortgages by advertisement.

Was read the first and second times, and
Referred to the committee on judiciary.

Mr. Stevens offered the following

CONCURRENT RESOLUTION.

Whereas, It has been determined by the government of the United States, that it participate in the exposition to be given at Paris, in the year nineteen hundred, and

Whereas, There is now pending before the Congress of the United States, an appropriation bill for the payment of the expenses of such exhibit to be made at said exposition, and

Whereas, The people of North Dakota are interested in the success of the exhibit to be made by this government, and of the different states,

Therefore, Be it Resolved by the Members of the House of Representatives, the Senate Concurring Herein;

That the Hons. Henry C. Hansbrough and William N. Roach, United States Senators, and Martin N. Johnson, Member of the House of Representatives, be respectfully requested to use their best endeavors to have said appropriation so increased as to give sufficient and ample fund to make a creditable exhibit by the government of the United States.

Mr. Stevens moved

That the concurrent resolution be adopted,
Which motion prevailed and
The concurrent resolution was adopted.

Mr. Kennedy moved

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

J. G. HAMILTON,
Chief Clerk.

TWENTY-FIFTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 27, 1899.

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

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present excepting Messrs. Bacon, Boyd, Ferris, Gulack, Johnson of Richland, McHarg, Miner, Peterson, Stewart, Stevenson, Thomson, Uglan and Winslow, who were excused.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
January 27, 1899.

Mr. President:

I have the honor to transmit herewith

CONCURRENT RESOLUTION.

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

To the Honorable, the Congress of the United States of America,

Resolved, By the Senate, the House of Representatives Concurring:

Whereas, There appears to be a dissatisfaction among the Sioux Indians on the Fort Totten reservation, growing out of alleged grievances,

Therefore, Be It Resolved, That the congress of the United States be asked to appoint a commission, to confer with said Indians regarding said grievances.

Resolved, That said commission when appointed be directed and instructed to proceed with said conference at as early date as possible, and report to congress, and

Resolved, That the secretary of state is hereby instructed to forthwith transmit this memorial to congress and to send copies hereof to the secretary of the interior, commissioner of Indian affairs and to the senators and representatives of the state of North Dakota.

Very respectfully yours,

L. K. ESTABROOK,
Acting Secretary.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

Your committee on revision and correction of the Journal respectfully report that they have carefully examined the Journal of the twenty-fourth day and recommend the following corrections:

On page 2, line 15, correct the spelling of the name "Herbrandson."

On page 4, line 24, correct the spelling of the word "Lazaretto."

On page 4, line 37, correct the spelling of the word "Lazaretto."

On page 5, line 42, strike out the word "to" and insert in lieu thereof the word "shall."

On page 7, line 8, strike out the word "to" and insert in lieu thereof the word "shall."

On page 8, line 21, change the abbreviation "Hon." to "Honorables,"

On page 8, line 24, strike out the words, "that it will" and insert in lieu thereof the word "to."

On page 3, line 7, change the initials of W. M. Cassell to read M. B. Cassell.

And when so amended recommend that the Journal of the twenty-fourth day be approved.

Very respectfully yours,

JOHN KENNEDY,

Chairman.

Mr. Kennedy moved

That the report of the committee on revision and correction of the Journal be adopted,

Which motion prevailed, and

The report of the committee was adopted.

REPORTS OF STANDING COMMITTEES.

The committee on engrossed bills made the following report:

Mr. Speaker:

Your committee on engrossed bills have examined

House bill No. 27,

A bill for an act to amend section 6153 of the Revised Codes of the state of North Dakota.

And find the same correctly engrossed.

A. W. THOMAS,

Chairman.

The committee on enrolled bills made the following report:

Mr. Speaker:

Your committee on enrolled bills have examined

CONCURRENT RESOLUTION.

Whereas, It appears from the report of the warden of the state penitentiary that there is lack of employment for the inmates of that institu-

tion, resulting in a financial disadvantage to the state and tending to produce unfavorable mental and physical conditions among the inmates;

And, Whereas, It also appears that in the year 1891, a "Twine and Cordage Plant" was built and in the following year started in operation at the Minnesota state penitentiary located at Stillwater in that state; that the said plant has been operated since that time with such success that the institution is now self-supporting, and during the last year the earnings of the inmates exceeded the expense (per capita) of keeping each of them, by the sum of \$114.62, while in the year 1891, the year before the "Twine Plant" was put in operation, the excess of the expense over the earnings was \$145.63 per capita; therefore,

Resolved by the House of Representatives, the Senate concurring, That a committee, consisting of three members from the House of Representatives, to be appointed by the speaker, and two members from the Senate, to be appointed by the president of the Senate, be appointed to investigate the matters above referred to; to visit the said Minnesota state penitentiary for that purpose, if it shall seem advisable to them to do so, and report with all convenient speed to this legislature such recommendations on the subject as to them may seem wise.

And find the same correctly enrolled.

M. B. CASSELL,

Chairman.

The committee on judiciary made the following report:

Mr. Speaker

Your committee on judiciary to whom was referred

House bill No. 2,

A bill for an act to amend section 2767 of the Revised Codes of North Dakota relating to rights and capacity of husband and wife.

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

Strike out the words, "subject in transactions between themselves, to the general rules which control the action of persons occupying confidential relations with each other, as defined by the title on trust," appearing in lines 3, 4, 5 and 6 of the printed bill,

And when so amended recommend that the same do pass.

R. N. STEVENS,

Chairman.

The committee on state affairs made the following report:

Mr. Speaker:

Your committee on state affairs to whom was referred

House bill No. 34,

A bill for an act providing for the preservation of deer, antelope and mountain sheep, by prohibiting the killing of the same prior to November first, 1903, and prescribing penalty for violation.

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

JOHN KENNEDY,

Chairman.

Mr. Stevens moved that

House bill No. 34,

A bill for an act providing for the preservation of deer, antelope and mountain sheep, by prohibiting the killing of the same prior to November first, 1903, and prescribing penalty for violation.

Be referred to the committee of the whole,

Which motion prevailed, and

The bill was so referred.

REPORT OF SPECIAL COMMITTEE.

The special committee on recommending appointments of clerks and janitors made the following report:

Mr. Speaker:

Your committee on recommending the applications of janitors and clerks, would respectfully report and recommend the application of Grant S. Hager as assistant enrolling and engrossing clerk.

JOSEPH HARE,

Chairman.

Mr. Hare moved

That the report be adopted,

Which motion prevailed, and

The speaker appointed Grant S. Hager as an assistant enrolling and engrossing clerk.

MOTIONS AND RESOLUTIONS.

Mr. Kennedy offered the following resolution:

Be it resolved by the house of representatives, that the secretary of state be requested to furnish a copy of Webster's Unabridged dictionary for use of the committee on revision and correction of the Journal at their rooms in the Eppinger building.

Mr. Kennedy moved

The adoption of the resolution,

Which motion prevailed, and

The resolution was adopted.

Mr. Stevens offered the following resolution:

Whereas, Ex-Governor Devine and present Governor Fancher have each called the attention of the legislative assembly by their messages to the fact that there is a deficit in the revenues of the state to meet the appropriations made by the last legislative assembly, and urging upon the present legislative assembly that the appropriations to be made by it be based upon the estimated revenues to be received during the coming biennial period, and

Whereas, It is advisable before any appropriations be made that information shall be furnished the members as to the amount of expenses

necessary to be incurred for clerk hire and otherwise by the various departments of the administration,

Therefore, Be it Resolved, That the speaker appoint a committee of three persons whose duty it shall be to investigate and report to the house evidence taken by them together with their conclusions of the necessary appropriation needed to be made for clerk hire and other expenses in the conducting of the business of the several departments of the state. Said committee is authorized to take sworn testimony, send for persons and papers and examine any and all of the books and accounts necessary to make a complete report in the premises, and shall report their conclusions together with the testimony on which the same is based on or before the fifteenth day of February, 1899.

Mr. Stevens moved

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

INTRODUCTION OF HOUSE BILLS.

Mr. Sanford introduced

House bill No. 63,

A bill for an act providing for the publication of reports of school districts by the superintendent of schools, where the board fail to do so.

Mr. Lynch introduced

House bill No. 64,

A bill for an act to amend section 1605 of the Revised Codes relating to the compensation and bonds of district veterinarians.

Mr. Allen introduced

House bill No. 65,

A bill for an act to amend sections 5348, 5861 and 5862 of the Revised Codes of North Dakota, relating to the foreclosure of mortgages by advertisement.

Mr. Allen introduced

House bill No. 66,

A bill for an act entitled, an act to provide for mortgaging the real estate of a deceased person, of a minor, or of an incompetent person.

Mr. Wallace introduced

House bill No. 67,

A bill for an act to amend section 2612 of the Revised Codes of 1895 relating to statements of township treasurers.

Mr. Allshouse introduced

House bill No. 68,

A bill for an act to amend section 463 of chapter 7 of the Revised Codes of North Dakota.

Mr. Stevens introduced

House bill No. 69,

A bill for an act to amend section 3203 of the Revised Codes relating to building and loan associations.

Mr. Stevens introduced

House bill No. 70,

A bill for an act to amend section 527 of the Revised Codes of 1895 relating to the canvass and publication of election returns and issuing of certificates of election.

Mr. Gilbertson introduced

House bill No. 71,

A bill for an act to provide for the construction and maintenance of dams across running streams for use in operating mills and for irrigation purposes.

FIRST AND SECOND READING OF HOUSE BILLS.

House bill No. 63,

A bill for an act providing for the publication of reports of school districts by the superintendent of schools, where the board fail to do so.

Was read the first and second times, and

Referred to the committee on education.

House bill No. 64,

A bill for an act to amend section 1605 of the Revised Codes relating to the compensation and bonds of district veterinarians.

Was read the first and second times, and

Referred to the committee on agriculture.

House bill No. 65,

A bill for an act to amend sections 5848, 5861 and 5862 of the Revised Codes of North Dakota, relating to the foreclosure of mortgages by advertisement.

Was read the first and second times, and

Referred to the committee on judiciary.

House bill No. 66,

A bill for an act entitled, an act to provide for mortgaging the real estate of a deceased person, of a minor, or of an incompetent person.

Was read the first and second times, and

Referred to the committee on judiciary.

House bill No. 67,

A bill for an act to amend section 2612 of the Revised Codes of 1895 relating to statements of township treasurers.

Was read the first and second times, and
Referred to the committee on judiciary.

House bill No. 68,

A bill for an act to amend section 463 of chapter 7 of the Revised Codes of North Dakota.

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 amend section 3203 of the Revised Codes relating to building and loan associations.

Was read the first and second times, and
Referred to the committee on banks and banking.

House bill No. 70,

A bill for an act to amend section 527 of the Revised Codes of 1895 relating to the canvass and publication of election returns and issuing of certificates of election.

Was read the first and second times, and
Referred to the committee on judiciary.

House bill No. 71,

A bill for an act to provide for the construction and maintenance of dams across running streams for use in operating mills and for irrigation purposes.

Was read the first and second times, and
Referred to the committee on irrigation.

The speaker appointed as the committee to investigate appropriation for clerk hire: Messrs. Stevens, Dwire and Wolbert.

House bill No. 27,

A bill for an act to amend section 6153 of the Revised Codes of the state of North Dakota.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 44, nays none, absent and not voting 18.

Those who voted in the affirmative were:

Messrs—

Aas,
Allen,
Berger,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Deisen,
Dougherty,

Messrs—

Green,
Gronvold,
Hale,
Hare,
Hauan,
Herbrandson,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,

Messrs—

Ovind,
Peek,
Restemayer,
Sanford,
Stevens,
Swenson,
Taylor,
Thomas,
Thordarson
Towle.

Messrs—

Dwire,
Engelter,
Erickson,
Gilbertson,
Glasgow,

Messrs—

Lish
Lynch,
McLean,
Michels,
Nelson,

Messrs—

Tufte,
Wallace,
Wolbert,
Mr. Speaker,

Absent and not voting:

Messrs—

Allshouse,
Bacon,
Boyd,
Earl,
Ferris,
Gulack,

Messrs—

Johnson, Richland,
McHarg,
Miner,
Peterson,
Sargent,
Stewart,

Messrs—

Stevenson,
Thomson,
Tousley,
Ugland,
Watts,
Winslow,

So the bill passed and the title was agreed to.

Mr. Laughlin moved

That the vote by which House bill No. 27 passed, be reconsidered and that the motion to reconsider be laid upon the table,
Which motion prevailed.

FIRST READING OF SENATE BILLS.

Senate bill No. 5,

A bill for an act to amend section 95 of chapter 126 of the laws of 1897, being an act entitled "Revenue and Taxation."

Was read the first time.

The speaker announced an informal recess for ten minutes.

The house reassembled.

The speaker referred the message of ex-Gov. Joseph M. Devine to the following committees:

Finances—To committee on ways and means.

Appropriations—To committee on appropriations.

County Treasurer—To committee on corporations other than municipal.

State Auditor and Treasurer—To committee on ways and means.

The Asylum—To joint committee on charitable institutions.

School for Deaf and Dumb—To joint committee on charitable institutions.

Soldiers' Home—To committee on charitable institutions.

Trans-Mississippi International Exposition—To state affairs.

Penitentiary—To joint committee on penal institutions.

The Parole System—To joint committee on penal institutions.

Transportation of Convicts and Insane Patients—To joint committee on charitable and penal institutions.

On Public Schools—To committee on education.

The University—To joint committee on education.

Agriculture—To committee on agriculture.

Agricultural College—To joint committee on educational institutions.

Normal Schools—To joint committee on educational institutions.

Industrial School and School of Forestry—To joint committee on educational institutions.

National Guard—To committee on military.

Department of Insurance—To committee on insurance.

Commissioner of Agriculture—To committee on agriculture.
Land Department—To committee on school and public lands.
State Examiner—To committee on state affairs.
Farm Loans—To committee on banking.
Wolf Bounty—To committee on state affairs.
Primary Elections—To committee on elections and privileges.
Railroads—To committee on railroads.
Prohibition—To committee on temperance.
Divorce—To committee on judiciary.
Pardons—To committee on joint penal institutions.

On Gov. Briggs the speaker appointed the following special committee: Messrs. Stevenson, Clark, Ovind, Wallace, Hare, Stevens, Sanford and Engelter.

The speaker referred the inaugural address of Gov. F. B. Fancher to the following committees:

Hospital for Insane—To joint committee on charitable institutions.
Financial Condition of the State—To committee on ways and means.
Contingent Fund—To committee on appropriations.
Militia—To committee on military.
That Portion of the Message Relating to Expansion of Territory—To committee of the whole house.

The speaker administered the oath of office to Grant S. Hager as assistant grossing and enrolling clerk.

Mr. Earl moved

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

J. G. HAMILTON,
Chief Clerk.

TWENTY-SIXTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 28, 1899.

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

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present excepting Messrs. Bacon, Ferris, Gulack, Miner, Stewart, Stevenson, Thomson, Uglund and Winslow, who were excused.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

Your committee on revision and correction of the Journal respectfully report that they have carefully examined the Journal of the twenty-fifth day and recommend the following corrections:

On page 1, line 13, correct the spelling of the name "Winslow."

On page 4, line 31, correct the spelling of the word "janitors."

On page 9, line 37, correct the spelling of the name "Clarke."

And when so amended recommend that the Journal of the twenty-fifth day be approved.

Very respectfully,
JOHN KENNEDY,
Chairman.

Mr. Kennedy moved

That the report of the committee on revision and correction of the Journal be adopted,

Which motion prevailed and
The report was adopted.

Mr. Kennedy requested that the privileges of the floor be extended to S. W. Teal.

There being no objections, the courtesies of the floor were so extended.

REPORTS OF STANDING COMMITTEES.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred
House bill No. 63,

A bill for an act providing for the publication of reports of school districts by the superintendent of schools, where the board fail to do so.

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

Also,

House bill No. 67,

A bill for an act to amend section 2612 of the Revised Codes of 1895 relating to statements of township treasurers.

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

Insert after the word "of" in line 5 of the original bill the word "all,"

Also,

Amend by inserting after the word "circulation" in line 18 of the original bill the word "published,"

Also,

Amend by striking out the word "county" where it appears in line 21 of the original bill and insert in lieu thereof "townsh'p."

And when so amended recommend that the same do pass.

R. N. STEVENS,

Chairman.

Mr. Stevens moved

That the report of the committee be adopted,

Which motion prevailed and

The report was adopted.

The committee on state affairs made the following report:

Mr. Speaker:

Your committee on state affairs to whom was referred

House bill No. 49,

A bill for an act to amend section 1943 of the Revised Codes of North Dakota relating to balances to be kept by county treasurers in county depositories.

Have had the same under consideration and recommend that the same be reported back to the house with the recommendation it do pass.

JOHN KENNEDY,

Chairman.

The following communication was received from the secretary of state:

OFFICE OF SECRETARY OF STATE,
BISMARCK, N. D., January 28, 1899.

Mr. Speaker:

If the chairman of the several committees who wish their committee rooms supplied with codes and session laws will give the clerks or janitors of their respective committee rooms orders upon the state department for the books, they will be supplied at once.

Very truly yours,

FRED FALLEY,
Secretary of State.

REPORT OF STANDING COMMITTEES.

The committee on state affairs made the following report:
Mr. Speaker:

Your committee on state affairs to whom was referred House bill No. 57,

A bill for an act to amend section 7 of chapter 37 of the laws of 1897 providing for special tax for payment of wolf bounties.

Have had the same under consideration and recommend that the same be indefinitely postponed.

JOHN KENNEDY,
Chairman:

Mr. Kennedy moved

That the report of the committee be adopted.

Mr. Stevens moved

As an amendment that the bill be recommitted to the committee on state affairs, with instructions to retain the bill and report it back when they have considered all bills relating to the same subject matter,

Which motion prevailed, and

The motion as amended prevailed and the bill recommitted.

The committee on state affairs made the following report:

Mr. Speaker:

Your committee on state affairs to whom was referred

House bill No. 53,

A bill for an act "an act to amend sections 1880, 1881, 1883, 1886 and 1887 of the Revised Codes of the state of North Dakota of 1895 relating to the procedure for the removal of county seats."

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

JOHN KENNEDY,
Chairman.

Mr. Stevens moved that

House bill No. 53,

A bill for an act "an act to amend sections 1880, 1881, 1883, 1886 and 1887 of the Revised Codes of the state of North Dakota of 1895 relating to the procedure for the removal of county seats."

Be referred to the committee on judiciary,

Which motion prevailed, and

The bill was so referred.

The committee on banking made the following report:

Mr. Speaker:

Your committee on banking to whom was referred

House bill No. 36,

A bill for an act to amend sections 3229 and 3230 of the Revised Codes of North Dakota, relating to the powers of banking corporations organized under the laws of the state of North Dakota.

Have had the same under consideration and recommend that the same be amended

By inserting after the word "stock" in line 3 of paragraph 8 of the original bill the words, "and surplus."

And when so amended recommend that the same do pass.

J. D. WALLACE,
Chairman.

The committee on warehouses and grain grading made the following report:

Mr. Speaker:

Your committee on warehouses, and grain grading to whom was referred

House bill No. 40,

A bill for an act to amend section 1786, of article 25, chapter 20, of the Political Code of the state of North Dakota, which defines public warehouses.

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

C. S. DEISEM,
Chairman.

The committee on banking made the following report:

Mr. Speaker:

Your committee on banking to whom was referred

House bill No. 6,

A bill for an act to amend sections 3205 and 3209 of the Revised Codes relating to building and loan associations..

Have had the same under consideration and recommend that the same be amended

By striking out the words "such persons" where they appear in the original bill and inserting in lieu thereof the words "any stockholder."

Also,

Your committee further recommend that section 2 of said bill be amended so as to read as follows:

"Every corporation may purchase at any sale, public or private, any real estate upon which it may have a mortgage, judgment lien or other incumbrance or ground rent, or in which it may have any interest, and may sell, convey, lease or mortgage at pleasure real estate so purchased, and may purchase and hold such real estate and buildings as may be necessary for its immediate accommodation in the transaction of its business,"

Also,

By adding thereto the following as an "emergency clause:" "There being no adequate law for the loaning of funds or the purchase of real estate by building and loan associations and such a law being necessary, therefore, an emergency exists, and this act shall take effect and be in force from and after its passage and approval,

J. D. WALLACE,
Chairman.

And when so amended recommend that the same do pass.

Mr. Sargent, by unanimous consent, presented the following petitions:

MAPLE RIVER, N. D., January 23, 1899.

To the Honorables L. B. Hanna, E. C. Sargent, R. B. Boyd and W. W. Tousley, Bismarck, N. D.

DEAR SIR: We, the undersigned, respectfully and urgently request that you use all honorable means to defeat house bill No. 46, (referring and amending the drainage law,) feeling that such a measure will be very detrimental to our community.

C. HENTZ,
(and 18 others.)

LEONARD, Cass County, N. D., January 23, 1899.

To the Honorables L. B. Hanna, E. C. Sargent, R. B. Boyd and W. W. Tousley, Bismarck, N. D.

DEAR SIR: We, the undersigned, respectfully and urgently request

that you use all honorable means to defeat house bill No. 46, (referring to drainage laws,) feeling that such a measure will be very detrimental to our community.

RICHARD PIPER,
(and 65 others.)

MOTIONS AND RESOLUTIONS.

Mr. Laughlin offered the following

CONCURRENT RESOLUTION

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

That the senators and representatives of the state of North Dakota, in the national congress be requested to favor and assist in securing a fair and liberal service pension to every union soldier veteran of the civil war, not already a pensioner, regardless of any disability accruing from said service or since, whenever said soldier shall have arrived at the age of sixty-two years.

Mr. Laughlin moved

That the concurrent resolution be adopted,

Which motion prevailed, and

The concurrent resolution was adopted.

REPORTS OF STANDING COMMITTEES.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

House bill No. 46,

A bill for an act to amend sections 1447, 1448, 1450, 1452, 1453, 1454, 1457 and 1466 of the revised codes, relating to the establishment, construction and maintenance of drains.

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

Insert after the word "owners" in line ten of the original bill, the words "their agents duly authorized in writing or the," and strike out the word "or" appearing after the word owner in said line, and striking out the word "agent" in said line,

Also,

Amend by inserting in line 8 of the original bill, page 3, after the word "of" the words, "the cost of,"

Also,

Insert in line 17, of page 3, of the original bill after the word "drain" the words "and of procuring the right of way therefor,"

And when so amended recommend that the same do pass.

R. N. STEVENS,
Chairman.

Mr. Stevens moved

That the report of the committee be adopted,

Which motion prevailed, and

The report was adopted.

Mr. Stevens moved

That the rules be suspended, the bill be considered as engrossed and placed upon its third reading and final passage,
Which motion prevailed.

MESSAGES FROM THE SENATE.

The following messages were received from the senate :

SENATE CHAMBER,
January 28, 1899.

Mr. Speaker :

I have the honor to transmit herewith

CONCURRENT RESOLUTION.

Whereas, It has been determined by the Government of the United States that it participate in the exposition to be given at Paris in the year nineteen hundred, and

Whereas, There is now pending before the Congress of the United States an appropriation bill for the payment of the expenses of such exhibit to be made at said exposition, and

Whereas, The people of North Dakota are interested in the success of the exhibit to be made by this government, and of the different states, Therefore, Be it Resolved by the Members of the House of Representatives, the Senate Concurring herein;

That the Hons. Henry C. Hansbrough and William N. Roach, United States Senators and Martin N. Johnson, Member of the House of Representatives, be respectfully requested to use their best endeavors to have said appropriation so increased as to give sufficient and ample funds to make a creditable exhibit by the Government of the United States.

Which the senate has concurred in.

Also,

I have the honor to transmit herewith

CONCURRENT RESOLUTION.

Be it resolved by the senate, the house concurring, that a committee of six, three from the senate and three from the house be appointed, to whom shall be referred the numerous amendments to the game laws, which have been and may hereafter be introduced with a view of consolidating them into one

Which the senate has passed and your concurrence therein is respectfully requested.

Very respectfully yours,
L. K. ESTABROOK,
Acting Secretary.

House bill No. 46,

A bill for an act to amend sections 1447, 1448, 1450, 1452, 1453, 1454, 1457 and 1466 of the revised codes, relating to the establishment, construction and maintenance of drains.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 48, nays 4, absent and not voting 10.

Those who voted in the affirmative were:

| | | |
|-------------|--------------------|--------------|
| Messrs— | Messrs— | Messrs— |
| Aas, | Green, | Oviud, |
| Allen, | Gronvold, | Peek, |
| Allshouse, | Hale, | Peterson, |
| Berger, | Hare, | Restemayer, |
| Brotnov, | Herbrandson, | Sanford, |
| Cassell, | Johnson, Richland, | Stevens, |
| Chacey, | Johnston, Walsh, | Swenson, |
| Clarke, | Kennedy, | Taylor, |
| Deisem, | Laughlin, | Thomas, |
| Dougherty, | Lee, | Thordarson |
| Dwire, | Lish | Towle, |
| Earl, | Lynch, | Tufte, |
| Engelter, | McHarg, | Wallace, |
| Erickson, | McLean, | Watts, |
| Gilbertson, | Michels, | Wolbert, |
| Glasgow, | Nelson, | Mr. Speaker. |

Those voting in the negative were:

| | | |
|---------|----------|----------|
| Messrs— | Messrs— | Messrs— |
| Boyd, | Sargent, | Tousley, |
| Brakke, | | |

Absent and not voting:

| | | |
|---------|------------|----------|
| Messrs— | Messrs— | Messrs— |
| Bacon, | Miner, | Thomson, |
| Ferris, | Stewart, | Ugland, |
| Gulack, | Stevenson, | Winslow, |
| Hauan, | | |

Mr. Hauan being paired.

So the bill passed and the title was agreed to.

The speaker announced that he was about to sign Senate bill No. 14,

A memorial and concurrent resolution,

To prevent the overflow and improve navigation of the Red river

Mr. Stevens moved

That the vote by which House bill No. 46 passed, be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

INTRODUCTION OF HOUSE BILLS.

Mr. Allen introduced

House bill No. 72,

A bill for an act making an appropriation to provide for the payment of deficiency expenses incurred by the board of university and school lands with reference to the leasing of lands.

Mr. Johnson of Richland introduced

House bill No. 73,

A bill for an act, entitled an act to amend chapter sixty-three of the session laws of 1897 of the state of North Dakota, relating to the boundaries of the Fourth judicial district and fixing the times of holding of terms of court in the different counties thereof.

Mr. Lynch introduced

House bill No. 74,

A bill for an act to amend section sixty of the Revised Codes of 1895, relating to printing of session laws.

Mr. Lynch introduced

House bill No. 75,

A bill for an act to amend chapter 114, session laws of 1897, entitled "an act to amend section 76 of the Revised Codes of North Dakota, relating to accounts for printing and binding required by state officers and making an annual appropriation therefor."

Mr. Dougherty introduced

House bill No. 76,

A bill for an act to amend sections 60, 71 and 82 of chapter 126 of the laws of 1897 of the state of North Dakota, entitled "revenue and taxation," and providing for a change in the date when personal and real estate taxes become due and delinquent, and redemption from sale for delinquent taxes.

Mr. Nelson introduced

House bill No. 77,

A bill for an act to amend section 2724 of the Revised Codes of the state of North Dakota, of the revision of 1895, relating to the licensing and solemnizing of marriages and authority of celebrants.

FIRST AND SECOND READING OF HOUSE BILLS.

House bill No. 72,

A bill for an act making an appropriation to provide for the payment of deficiency expenses incurred by the board of university and school lands with reference to the leasing of lands.

Was read the first and second times, and

Referred to the committee on appropriations.

House bill No. 73,

A bill for an act, entitled an act to amend chapter sixty-three of the session laws of 1897 of the state of North Dakota, relating to the boundaries of the Fourth judicial district and fixing the times of holding of terms of court in the different counties thereof.

Was read the first and second times, and
Referred to the committee on judiciary.

House bill No. 74,

A bill for an act to amend section sixty of the Revised Codes of 1895, relating to printing of session laws.

Was read the first and second times, and
Referred to committee on public printing.

House bill No. 75,

A bill for an act to amend chapter 114, session laws of 1897, entitled "an act to amend section 76 of the Revised Codes of North Dakota, relating to accounts for printing and binding required by state officers and making an annual appropriation therefor."

Was read the first and second times, and
Referred to committee on public printing.

House bill No. 76,

A bill for an act to amend sections 60, 71 and 82 of chapter 126 of the laws of 1897 of the state of North Dakota, entitled "revenue and taxation," and providing for a change in the date when personal and real estate taxes become due and delinquent, and redemption from sale for delinquent taxes.

Was read the first and second times, and

Referred to the committee on taxation and tax laws.

House bill No. 77,

A bill for an act to amend section 2724 of the Revised Codes of the state of North Dakota, of the revision of 1895, relating to the licensing and solemnizing of marriages and authority of celebrants.

Was read the first and second times, and

Referred to the committee on judiciary.

The speaker announced an informal recess for ten minutes.

The house reassembled.

FIRST AND SECOND READINGS OF SENATE BILLS.

Senate bill No. 12,

A bill for an act to amend section 2761 of the Revised Codes of the state of North Dakota, of the revision of 1895, relating to the granting of alimony in divorce cases.

Was read the first and second times, and

Referred to the committee on judiciary.

Senate bill No. 39,

A bill for an act to amend section 82 of chapter 126 of the laws of 1897 relating to revenue and taxation.

Was read the first and second times, and
Referred to the committee on taxation and tax laws.
Senate bill No. 5,
A bill for an act to amend section 95 of chapter 126 of the laws
of 1897, being an act entitled "Revenue and Taxation."
Was read the second time, and
Referred to the committee on judiciary.
Mr. Laughlin moved
That the house do now adjourn,
Which motion prevailed, and
The house adjourned.

J. G. HAMILTON,
Chief Clerk.

TWENTY-EIGHTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 30, 1899.

The house assembled at 2 o'clock p. m. pursuant to adjournment.
The speaker presiding.
Prayer by the chaplain.
Roll called.

All members present excepting Messrs. Bacon, Ferris, Green,
Gullack, Lish, Miner, Stewart, Uglund and Winslow, who were
excused.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
January 30, 1899.

Mr. Speaker:

I have the honor to transmit herewith

Senate bill No. 29,

A bill for an act requiring county auditors and county treasurers to make out and publish quarterly statements.

Also,

Senate bill No. 47,

A bill for an act to amend section 5422 of the Revised Codes, relating to note of issue, notice of trial and order of trials.

Also,

Senate bill No. 48,

A bill for an act to amend section 3598 of the Revised Codes, relating to the recording of certain instruments.

Also,

Senate bill No. 49,

A bill for an act to amend section 2869 of the civil code, providing for the secretary of state making record of, and certifying to the state examiner, when charter is granted to certain corporations.

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

Very respectfully yours,

L. K. ESTABROOK,
Acting Secretary.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

Your committee on revision and correction of the Journal respectfully report that they have carefully examined the Journal of the twenty-sixth day, and recommend the following corrections:

On page 3, line 42, correct the spelling of the word "recommitted."

On page 7, line 16, correct the spelling of the word "appropriation."

On page 3, strike out the eighth line, as it is superfluous.

And when so amended recommend that the Journal of the twenty-sixth day be approved.

JOHN KENNEDY,
Chairman.

Mr. Kennedy moved

That the report of the committee on revision and correction of the Journal be adopted,

Which motion prevailed, and

The report was adopted.

Mr. Allshouse requested that the privileges of the floor be extended to E. J. Raymond, E. Ludwig, J. W. Gunsallus, E. S. Owen, G. M. Hogue and P. J. Lyons.

There being no objections the privileges of the floor were so extended.

REPORTS OF STANDING COMMITTEES.

The committee on engrossed bills made the following report.

Mr. Speaker:

Your committee on engrossed bills have examined

House bill No. 28,

A bill for an act to amend an act entitled an act to amend section 2591 of the Revised Codes of North Dakota, relating to the meeting of township boards of supervisors, passed by the Fifth legislative assembly of North Dakota, relating to meetings of boards of township supervisors.

Also,

House bill No. 11,

A bill for an act entitled "An Act Fixing Date When the Term of Office of County Treasurer Shall Commence."

And find the same correctly engrossed.

A. W. THOMAS,
Chairman.

The committee on state affairs made the following report:

Mr. Speaker:

Your committee on state affairs to whom was referred

House bill No. 68,

A bill for an act to amend section 463 of chapter 7 of the Revised Codes of North Dakota.

Have had the same under consideration and recommend that the same be indefinitely postponed.

JOHN KENNEDY,
Chairman.

Mr. Kennedy moved

That the report of the committee be adopted

Which motion prevailed, and

The report was adopted.

The committee on agriculture made the following report:

Mr. Speaker:

Your committee on agriculture to whom was referred

House bill No. 8,

A bill for an act to repeal chapter 53 of session laws of 1897, and

sections 4816, 4817, 4818 and 4819 of the Revised Codes of North Dakota relating to liens for sires.

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

That the title be amended so as to read "A bill for an act relating to liens for the service of sires,"

Also,

That in line 32 of section 2 the words "two dollars" be changed to "one dollar,"

Also,

That there be added as follows:

"Section 5. (Repeal.) All acts or parts of acts in conflict with the provisions of this act are hereby repealed."

"Section 6. (Emergency.) Whereas, An emergency exists in that the existing laws on the subject matter of this act are inadequate to meet the requirements of this act; therefore, this act shall take effect and be in force from and after its passage and approval."

And when so amended recommend that the same do pass.

Also,

House bill No. 64,

A bill for an act to amend section 1605 of the Revised Codes relating to the compensation and bonds of district veterinarians.

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

On line 8, after the word "compensation" add the words "and mileage."

And when so amended recommend that the same do pass.

O. C. HAUAN,

Chairman.

The committee on engrossed bills made the following report:

Mr. Speaker:

Your committee on engrossed bills have examined

House bill No. 46,

A bill for an act to amend sections 1447, 1448, 1450, 1452, 1453, 1454, 1457 and 1466 of the revised codes, relating to the establishment, construction and maintenance of drains.

Also,

House bill No. 63,

A bill for an act providing for the publication of reports of school districts by the superintendent of schools, where the board fail to do so.

Also,

House bill No. 49,

A bill for an act to amend section 1943 of the Revised Codes of North Dakota relating to balances to be kept by county treasurers in county depositories.

Also,

House bill No. 40,

A bill for an act to amend section 1786, of article 25, chapter 20,

of the Political Code of the state of North Dakota, which defines public warehouses.

And find the same correctly engrossed.

A. W. THOMAS,
Chairman.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

Senate bill No. 5,

A bill for an act to amend section 95 of chapter 126 of the laws of 1897, being an act entitled "Revenue and Taxation."

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

That in line 23, of the printed bill, after the word "of" the word "all" be stricken out and the word "such" be inserted in its place,

Also,

In line 23, of the printed bill, after the word "transfers" the words "made by him" be stricken out,

Also,

After the word "fund" in line 27, of the printed bill, add the words "provided, in counties in which the auditor is not paid the maximum salary allowed by law, said auditor may retain such fee as compensation for making such certificate."

And when so amended recommend that the same do pass.

Also,

House bill No. 9,

A bill for an act requiring mortgagees of personal property to prepare and furnish and read to mortgagors copies of the mortgage instruments and making the said mortgage instruments void unless so furnished and read.

Have had the same under consideration and recommend that the same be referred to general orders.

R. N. STEVENS,
Chairman.

Mr. Stevens moved

That house bill No. 9 be referred to the committee of the whole,

Which motion prevailed and

House bill No. 9 was so referred.

The committee on judiciary made the following report:

Mr. Speaker

Your committee on judiciary to whom was referred

House bill No. 16,

A bill for an act to amend section 2889 of the Revised Codes of

the state of North Dakota, relative to the "Number and Power of Directors" of corporations, and to repeal chapters 57 and 58 of the session laws of 1897.

Have had the same under consideration and recommend that the same be indefinitely postponed.

R. N. STEVENS,
Chairman.

Mr. Stevens moved

That the report of the committee be adopted,

Which motion prevailed, and

The report was adopted.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

House bill No. 52,

A bill for an act to amend section 4802, chapter 78 of the civil code of 1895, entitled "bonds for labor and material for public buildings."

Have had the same under consideration and recommend that the same be indefinitely postponed.

Also,

House bill No. 30,

A bill for an act to amend section numbered five thousand five hundred and eighteen of chapter eleven of the Revised Codes relating to exemptions.

Have had the same under consideration and recommend that the same be referred to the committee of the whole of the house without recommendation.

R. N. STEVENS,
Chairman.

The committee on enrolled bills made the following report:

Mr. Speaker:

Your committee on enrolled bills have examined

CONCURRENT RESOLUTION.

Whereas, It has been determined by the government of the United States, that it participate in the exposition to be given at Paris, in the year nineteen hundred, and

Whereas, There is now pending before the Congress of the United States, an appropriation bill for the payment of the expenses of such exhibit to be made at said exposition, and

Whereas, The people of North Dakota are interested in the success of the exhibit to be made by this government, and of the different states,

Therefore, Be it Resolved by the Members of the House of Representatives, the Senate Concurring Herein;

That the Hons. Henry C. Hansbrough and William N. Roach, United

States Senators, and Martin N. Johnson, Member of the House of Representatives, be respectfully requested to use their best endeavors to have said appropriation so increased as to give sufficient and ample funds to make a creditable exhibit by the government of the United States.

And find the same correctly enrolled.

M. B. CASSELL,

Chairman.

The speaker announced that he was about to sign

CONCURRENT RESOLUTION.

Whereas, It has been determined by the Government of the United States that it participate in the exposition to be given at Paris in the year nineteen hundred, and

Whereas, There is now pending before the Congress of the United States an appropriation bill for the payment of the expenses of such exhibit to be made at said exposition, and

Whereas, The people of North Dakota are interested in the success of the exhibit to be made by this government, and of the different states,

Therefore, Be it Resolved by the Members of the House of Representatives, the Senate Concurring herein;

That the Hons. Henry C. Hansbrough and William N. Roach, United States Senators and Martin N. Johnson, Member of the House of Representatives, be respectfully requested to use their best endeavors to have said appropriation so increased as to give sufficient and ample funds to make a creditable exhibit by the Government of the United States.

REPORT OF SPECIAL COMMITTEE.

The special committee on appointment of clerks and janitors made the following report:

Mr. Speaker:

Your committee appointed to consider applications for appointments to clerkships and janitors would respectfully report that they have considered all applications presented to them and find many of them meritorious and recommended by the members of this house, who are undoubtedly entitled to recognition, but the committee find that they could not consistently recommend any more appointments at present, as the house has reached the full requirements for this purpose, all of which the committee regret.

JOS. HARE,

Chairman.

Mr. Hare moved

That the report be adopted,

Which motion prevailed, and

The report was adopted.

The special committee appointed to secure committee rooms made the following report:

Mr. Speaker:

The committee to select committee rooms report that the com-

mittee rooms heretofore selected meet the full requirements of the house and no further rooms are required and recommend that compensation for the rooms selected as agreed upon, as follows:

Rooms in the McKenzie block, \$150; Grand Army hall, \$100; room in Eppinger block, \$50; room in Taylor building, \$50.

Any committee not already assigned will be so assigned on application to the committee.

JOSEPH HARE,
T. W. ALLSHOUSE,
D. STEVENSON.

Mr. Hare moved

That the report be adopted,
Which motion prevailed and.

The report was adopted.

Mr. Sargent moved that

House bill No. 63,

A bill for an act providing for the publication of reports of school districts by the superintendent of schools, where the board fail to do so.

Which was referred to the committee on judiciary,

Be referred to the committee on education,

Which motion prevailed, and

The bill was so referred.

Mr. Laughlin offered the following

CONCURRENT RESOLUTION.

Whereas, Any semblance of official toleration, recognition or sanction of the practice of polygamy threatens the sacredness of the Christian institution of matrimony; and

Whereas, The state of Utah has elected to the congress of the United States, to participate in its deliberations and have voice in the framing of legislation, an avowed and practicing polygamist; therefore be it

Resolved by the house of representatives of the sixth legislative assembly of the state of North Dakota, the senate concurring; That the sentiment of the legislative assembly of the state of North Dakota is opposed to the seating of Brigham H. Roberts as congressman from the state of Utah; and be it further

Resolved, That the legislative assembly of the state of North Dakota enters a formal protest against the seating of the said Brigham H. Roberts, and urges that the said Brigham H. Roberts be not granted a seat in the congress of the United States; and be it further

Resolved, That a copy of these resolutions be forwarded to the representative of the state of North Dakota in the national house of representatives, to be by him presented to the attention of that body.

Mr. Laughlin moved

That the concurrent resolution be adopted.

Mr. Laughlin moved

To commit the resolution to the committee on agriculture,

Mr. Johnson of Richland moved

To amend to refer the resolution to the committee on judiciary,

Which motion prevailed and

The resolution was so referred.

INTRODUCTION OF HOUSE BILLS.

Mr. Berger introduced

House bill No. 78,

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 amount thereof.

Mr. Allen introduced

House bill No. 79,

A bill for an act to provide for continuance of cases when an attorney in the case is a member of the state legislature or any party to the pending suit is a member of the legislature.

Mr. McHarg introduced

House bill No. 80,

A bill for an act to suppress and punish trespassing and stealing rides upon cars, engines and trains, and authorizing trainmen to arrest and prosecute offenders against this act.

FIRST AND SECOND READING OF HOUSE BILLS.

House bill No. 78,

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 amount thereof.

Was read the first and second times, and

Referred to the committee on taxation and tax laws.

House bill No. 79,

A bill for an act to provide for continuance of cases when an attorney in the case is a member of the state legislature or any party to the pending suit is a member of the legislature.

Was read the first and second times, and

Referred to the committee on judiciary.

House bill No. 80,

A bill for an act to suppress and punish trespassing and stealing rides upon cars, engines and trains, and authorizing trainmen to arrest and prosecute offenders against this act.

Was read the first and second times, and

Referred to the committee on railroads.

Mr. McHarg presented the following petitions :

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

We, the undersigned train men and employes of the Northern Pacific railway company, do hereby respectfully petition your honorable body to enact, at the ensuing term of the legislature, such penal laws as will protect us from the dangers and difficulties which we have for several years been undergoing by reason of the stealing of rides and the trespassing upon freight and passenger trains by irresponsible and vicious persons traveling in that manner from place to place. We wish most earnestly to impress upon your honorable body that the hazards of our employment are greatly increased by these trespassers, and our lives and welfare are endangered thereby. The number of persons at times practically taking possession of individual trains has frequently been so great that it has been impossible for the train men to drive them from the property on which they were trespassing or perform the duties required in the operation of the trains.

We therefore urge the passage of an act sufficiently stringent to accomplish the purpose desired by your petitioners as herein expressed.

Very respectfully,

F. A. CLEMENS,

(and 30 others.)

Dated December, 1898.

Also,

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

We, the undersigned train men and employes of the Northern Pacific railway company, do hereby respectfully petition your honorable body to enact, at the ensuing term of the legislature, such penal laws as will protect us from the dangers and difficulties which we have for several years been undergoing by reason of the stealing of rides and the trespassing upon freight and passenger trains by irresponsible and vicious persons traveling in that manner from place to place. We wish most earnestly to impress upon your honorable body that the hazards of our employment are greatly increased by these trespassers, and our lives and welfare are endangered thereby. The number of persons at times practically taking possession of individual trains has frequently been so great that it has been impossible for the train men to drive them from the property on which they were trespassing or perform the duties required in the operation of the trains.

We therefore urge the passage of an act sufficiently stringent to accomplish the purpose desired by your petitioners as herein expressed.

Very respectfully,

W. W. DAILEY,

(and 55 others.)

Dated December, 1898.

Also,

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

We, the undersigned train men and employes of the Northern Pacific railway company, do hereby respectfully petition your honorable body to enact, at the ensuing term of the legislature, such penal laws as will protect us from the dangers and difficulties which we have for several years been undergoing by reason of the stealing of rides and the trespassing upon freight and passenger trains by irresponsible and vicious persons traveling in that manner from place to place. We wish most earnestly to impress upon your honorable body that the hazards of our employment

are greatly increased by these trespassers, and our lives and welfare are endangered thereby. The number of persons at times practically taking possession of individual trains has frequently been so great that it has been impossible for the train men to drive them from the property on which they were trespassing or perform the duties required in the operation of the trains.

We therefore urge the passage of an act sufficiently stringent to accomplish the purpose desired by your petitioners as herein expressed.

Very respectfully,
 RICHARD SMITH,
 (and 34 others.)

Dated December, 1898.

Also,

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

We, the undersigned train men and employes of the Northern Pacific railway company, do hereby respectfully petition your honorable body to enact, at the ensuing term of the legislature, such penal laws as will protect us from the dangers and difficulties which we have for several years been undergoing by reason of the stealing of rides and the trespassing upon freight and passenger trains by irresponsible and vicious persons traveling in that manner from place to place. We wish most earnestly to impress upon your honorable body that the hazards of our employment are greatly increased by these trespassers, and our lives and welfare are endangered thereby. The number of persons at times practically taking possession of individual trains has frequently been so great that it has been impossible for the train men to drive them from the property on which they were trespassing or perform the duties required in the operation of the trains.

We therefore urge the passage of an act sufficiently stringent to accomplish the purpose desired by your petitioners as herein expressed.

Very respectfully,
 JOHN YETTERDAHL,
 (and 104 others.)

Dated December, 1898.

Also,

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

We, the undersigned train men and employes of the Northern Pacific railway company, do hereby respectfully petition your honorable body to enact, at the ensuing term of the legislature, such penal laws as will protect us from the dangers and difficulties which we have for several years been undergoing by reason of the stealing of rides and the trespassing upon freight and passenger trains by irresponsible and vicious persons traveling in that manner from place to place. We wish most earnestly to impress upon your honorable body that the hazards of our employment are greatly increased by these trespassers, and our lives and welfare are endangered thereby. The number of persons at times practically taking possession of individual trains has frequently been so great that it has been impossible for the train men to drive them from the property on which they were trespassing or perform the duties required in the operation of the trains.

We therefore urge the passage of an act sufficiently stringent to accomplish the purpose desired by your petitioners as herein expressed.

Very respectfully,
 J. F. PILCHER,
 (and 19 others.)

Dated December, 1898.

Also,

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

We, the undersigned, train men and employes of the Northern Pacific railway company, do hereby respectfully petition your honorable body to enact, at the ensuing term of the legislature, such penal laws as will protect us from the dangers and difficulties which we have for several years been undergoing by reason of the stealing of rides and the trespassing upon freight and passenger trains by irresponsible and vicious persons traveling in that manner from place to place. We wish most earnestly to impress upon your honorable body that the hazards of our employment are greatly increased by these trespassers and our lives and welfare are endangered thereby. The number of persons at times practically taking possession of individual trains has frequently been so great that it has been impossible for the train men to drive them from the property on which they were trespassing or perform the duties required in the operation of the trains.

We therefore urge the passage of an act sufficiently stringent to accomplish the purpose desired by your petitioners as herein expressed.

Very respectfully,

I. W. RISTEEN,
(and 20 others.)

Dated December, 1898.

Also,

To the Honorable the Legislature of the State of North Dakota:

We, the undersigned, train men and employes of the Northern Pacific railway company, do hereby respectfully petition your honorable body to enact, at the ensuing term of the legislature, such penal laws as will protect us from the dangers and difficulties which we have for several years been undergoing by reason of the stealing of rides and the trespassing upon freight and passenger trains by irresponsible and vicious persons traveling in that manner from place to place. We wish most earnestly to impress upon your honorable body that the hazards of our employment are greatly increased by these trespassers and our lives and welfare are endangered thereby. The number of persons at times practically taking possession of individual trains has frequently been so great that it has been impossible for the train men to drive them from the property on which they were trespassing or perform the duties required in the operation of the trains.

We therefore urge the passage of an act sufficiently stringent to accomplish the purpose desired by your petitioners as herein expressed.

Very respectfully,

T. C. COMSTOCK,
(and 68 others.)

Dated December, 1898.

Also,

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

We, the undersigned, train men and employes of the Northern Pacific railway company, do hereby respectfully petition your honorable body to enact, at the ensuing term of the legislature, such penal laws as will protect us from the dangers and difficulties which we have for several years been undergoing by reason of the stealing of rides and the trespassing upon freight and passenger trains by irresponsible and vicious persons traveling in that manner from place to place. We wish most earnestly to impress upon your honorable body that the hazards of our employment are greatly increased by these trespassers and our lives and welfare are endangered thereby. The number of persons at times practically taking

possession of individual trains has frequently been so great that it has been impossible for the train men to drive them from the property on which they were trespassing or perform the duties required in the operation of the trains.

We therefore urge the passage of an act sufficiently stringent to accomplish the purpose desired by your petitioners as herein expressed.

Very respectfully,
CHAS. D. STERLING,
(and 37 others).

Dated December, 1898.

Also,

To the Honorable, the Legislature of the State of North Dakote:

We, the undersigned train men and employes of the Northern Pacific railway company, do hereby respectfully petition your honorable body to enact, at the ensuing term of the legislature, such penal laws as will protect us from the dangers and difficulties which we have for several years been undergoing by reason of the stealing of rides and the trespassing upon freight and passenger trains by irresponsible and vicious persons traveling in that manner from place to place. We wish most earnestly to impress upon your honorable body that the hazards of our employment are greatly increased by these trespassers, and our lives and welfare are endangered thereby. The number of persons at times practically taking possession of individual trains has frequently been so great that it has been impossible for the train men to drive them from the property on which they were trespassing or perform the duties required in the operation of the trains.

We therefore urge the passage of an act sufficiently stringent to accomplish the purpose desired by your petitioners as herein expressed.

Very respectfully,
L. R. LATHROP,
(and 13 others.)

Dated December, 1898.

Also,

To the Honorable, the Legislature of the State of North Dakote:

We, the undersigned, train men and employes of the Northern Pacific railway company, do hereby respectfully petition your honorable body to enact, at the ensuing term of the legislature, such penal laws as will protect us from the dangers and difficulties which we have for several years been undergoing by reason of the stealing of rides and the trespassing upon freight and passenger trains by irresponsible and vicious persons traveling in that manner from place to place. We wish most earnestly to impress upon your honorable body that the hazards of our employment are greatly increased by these trespassers and our lives and welfare are endangered thereby. The number of persons at times practically taking possession of individual trains has frequently been so great that it has been impossible for the train men to drive them from the property on which they were trespassing or perform the duties required in the operation of the trains.

We therefore urge the passage of an act sufficiently stringent to accomplish the purpose desired by your petitioners as herein expressed.

Very respectfully,
L. A. CHASE,
(and 21 others.)

Dated December, 1898.

The speaker called Mr. Glasgow to the chair.

INTRODUCTION OF HOUSE BILLS.

Mr. Allshouse introduced

House bill No. 81,

A bill for an act to provide for the collection of taxes on real property by action.

Mr. Johnson of Richland introduced

House bill No. 82,

A bill for an act to provide for the granting of the right of way by municipal corporations for telephone lines, on and over public grounds, streets, alleys and highways.

Mr. Watts introduced

House bill No. 83,

A bill for an act requiring county auditors to furnish transcripts of real and personal property to township clerks.

Mr. Sanford introduced

House bill No. 84,

A bill for an act to amend section 736 of the Revised Codes, and sections 740, 741, 742 and 743, of the Revised Codes as amended by chapter 75 of the laws of 1897, relating to education.

Mr. Erickson introduced

House bill No. 85,

A bill for an act to amend section 3141 of the Revised Codes of 1895 relating to notice of less contents committee to adjust arbitration of disagreement.

Mr. Hale introduced

House bill No. 86,

A bill for an act to amend section 779, Revised Codes, 1895, relating to sinking fund and interest tax for school districts when bonds have been issued.

Mr. Hale introduced

House bill No. 87,

A bill for an act to amend section 3219 of the Revised Codes of 1895, relating to building and loan associations.

Mr. Dougherty introduced

House bill No. 88,

A bill for an act to amend section 2075 of the Revised Codes of the state of North Dakota, providing for the salary of the register of deeds.

Mr. Dougherty introduced

House bill No. 89,

A bill for an act entitled "an act fixing the salary of clerks of the district court in the state of North Dakota, providing a fund

to reimburse the counties of the state for the same and to repeal sections 2061 to 2067, both inclusive, of the Revised Codes of the state of North Dakota for the year 1895, the same being all of article 2, of chapter 27, of the Political Code therein."

Mr. Tufte introduced

House bill No. 90,

A bill for an act to repeal section 30 of the Revised Codes of 1895 of the state of North Dakota, relative to assistant legislative clerks and employes.

Mr. Dougherty introduced

House bill No. 91,

A bill for an act to amend section 2068 of the Revised Codes of the state of North Dakota, providing for the salary of county judges.

Mr. Allen introduced

House bill No. 92,

A bill for an act entitled an act authorizing cities to establish and maintain a general system of sewerage, and to provide for the cost thereof, and to create sewer improvement districts within the limits of such cities.

Mr. Allen introduced

House bill No. 93,

A bill for an act relating to the protection of game and issuing permits to hunt and providing penalties for the violation thereof.

FIRST AND SECOND READING OF HOUSE BILLS.

House bill No. 81,

A bill for an act to provide for the collection of taxes on real property by action.

Was read the first and second times, and

Referred to the committee on taxation and tax laws.

House bill No. 82,

A bill for an act to provide for the granting of the right of way by municipal corporations for telephone lines, on and over public grounds, streets, alleys and highways.

Was read the first and second times, and

Referred to the committee on municipal corporations.

House bill No. 83,

A bill for an act requiring county auditors to furnish transcripts of real and personal property to township clerks.

Was read the first and second times, and

Referred to the committee on taxation and tax laws.

House bill No. 84,

A bill for an act to amend section 736 of the Revised Codes, and sections 740, 741, 742 and 743, of the Revised Codes as amended by chapter 75 of the laws of 1897, relating to education.

Was read the first and second times, and
Referred to the committee on education.

House bill No. 85,

A bill for an act to amend section 3141 of the Revised Codes of 1895 relating to notice of loss contents committee to adjust arbitration of disagreement.

Was read the first and second times, and
Referred to the committee on insurance.

House bill No. 86,

A bill for an act to amend section 779, Revised Codes, 1895, relating to sinking fund and interest tax for school districts where bonds have been issued.

Was read the first and second times, and
Referred to the committee on education.

House bill No. 87,

A bill for an act to amend section 3219 of the Revised Codes of 1895, relating to building and loan associations.

Was read the first and second times, and
Referred to the committee on banks and banking.

House bill No. 88,

A bill for an act to amend section 2075 of the Revised Codes of the state of North Dakota, providing for the salary of the register of deeds.

Was read the first and second times, and
Referred to the committee on ways and means.

House bill No. 89,

A bill for an act entitled "an act fixing the salary of clerks of the district court in the state of North Dakota, providing a fund to reimburse the counties of the state for the same, and to repeal sections 2061 to 2067, both inclusive, of the Revised Codes of the state of North Dakota for the year 1895, the same being all of article 2, of chapter 27, of the Political Code therein."

Was read the first and second times, and
Referred to the committee on ways and means.

House bill No. 90,

A bill for an act to repeal section 30 of the Revised Codes of 1895 of the state of North Dakota, relative to assistant legislative clerks and employes.

Was read the first and second times, and
Referred to the committee on judiciary.

House bill No. 91,

A bill for an act to amend section 2068 of the Revised Codes of the state of North Dakota, providing for the salary of county judges.

Was read the first and second times, and
Referred to the committee on ways and means.

House bill No. 92,

A bill for an act entitled an act authorizing cities to establish and maintain a general system of sewerage, and to provide for the cost thereof, and to create sewer improvement districts within the limits of such cities.

Was read the first and second times, and
Referred to the committee on municipal corporations.

House bill No. 93,

A bill for an act relating to the protection of game and issuing permits to hunt and providing penalties for the violation thereof.

Was read the first and second times, and
Referred to the special committee on game laws.

Mr. Stevens moved that the senate

CONCURRENT RESOLUTION.

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

That the secretary of state is requested to prepare for the use of the state officers and members of the legislative assembly, a legislative manual embodying therein a list of the state officers, members of the senate and house, officers of the respective bodies, the committees thereof, the rules of the respective bodies, the constitution of the state, and such other information as may be necessary and useful for the state officers and members of the legislative assembly.

Be adopted,

Which motion prevailed and

The resolution was adopted.

Mr. Hale moved that the senate

CONCURRENT RESOLUTION.

Be it resolved by the senate, the house concurring, that a committee of six, three from the senate and three from the house be appointed, to whom shall be referred the numerous amendments to the game laws, which have been and may hereafter be introduced with a view of consolidating them into one

Be adopted,

Which motion prevailed and

The resolution was adopted.

Mr. Hale moved

That all bills relating to game be referred to the special committee on game laws,

Which motion prevailed, and
The bills were so referred.

Mr. Laughlin moved that the senate

CONCURRENT RESOLUTION.

Be it Resolved by the Senate, the House of Representatives concurring:
To the Honorable, the Congress of the United States of America,

Whereas, There appears to be a dissatisfaction among the Sioux Indians on the Fort Totten reservation, growing out of alleged grievances,

Therefore, Be It Resolved, That the congress of the United States be asked to appoint a commission, to confer with said Indians regarding said grievances.

Resolved, That said commission when appointed be directed and instructed to proceed with said conference at as early date as possible, and report to congress, and

Resolved, That the secretary of state is hereby instructed to forthwith transmit this memorial to congress and to send copies hereof to the secretary of the interior, commissioner of Indian affairs and to the senators and representatives of the state of North Dakota.

Be adopted,

Which motion prevailed, and
The resolution was adopted.

Mr. Dougherty moved that
House bill N. 88,

A bill for an act to amend section 2075 of the Revised Codes of the state of North Dakota, providing for the salary of the register of deeds.

Also,

House bill No. 89,

A bill for an act entitled "an act fixing the salary of clerks of the district court in the state of North Dakota, providing a fund to reimburse the counties of the state for the same and to repeal sections 2061 to 2067, both inclusive, of the Revised Codes of the state of North Dakota for the year 1895, the same being all of article 2, of chapter 27, of the Political Code therein."

Also,

House bill No. 91,

A bill for an act to amend section 2068 of the Revised Codes of the state of North Dakota, providing for the salary of county judges.

Be referred to the committee on ways and means,
Which motion prevailed.

Mr. Hale presented the following petition :

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

We, the undersigned, residents and taxpayers of the county of Ransom, N. D., do hereby most respectfully and earnestly petition your honorable body to enact a law providing for terms of the supreme court to be held once annually at the city of Bismarck in the county of Burleigh, at the city of Fargo in the county of Cass, and at the city of Grand Forks in the county of Grand Forks. Litigation in the Second judicial district is increasing, and many cases are appealed to the supreme court, and the expense of attending at Bismarck, where the present sessions are held, is very burdensome to litigants residing in this locality.

Respectfully submitted,

E. A. MAGLONE,
(And 71 others.)

The committee on engrossed bills made the following report:

Mr. Speaker:

Your committee on engrossed bills have examined
House bill No. 67,

A bill for an act to amend section 2612 of the Revised Codes of 1895 relating to statements of township treasurers.

And find the same correctly engrossed.

A. W. THOMAS,
Chairman.

COMMITTEE OF THE WHOLE.

Mr. Stevens moved

That the house do now resolve itself into the committee of the whole to consider general orders,

Which motion prevailed, and

The house resolved itself into a committee of the whole for the consideration of general orders.

The speaker called Mr. Wallace to the chair.

When the committee arose they made the following report :

Mr. Speaker:

Your committee of the whole to whom was referred
House bill No. 20,

A bill for an act to amend section 1495 of the Revised Codes of the state of North Dakota, relating to the time of holding an election for the purchase of an asylum for the poor, and providing for the appointment of a superintendent for such asylum.

Have had the same under consideration and recommend that the bill be amended,

By striking out in line 6 of section 1 the word "township."

And when so amended recommend that the same do pass.

Also,

House bill No. 6,

A bill for an act to amend sections 3205 and 3209 of the Revised Codes relating to building and loan associations..

Have had the same under consideration and recommend that the same be amended

By striking out the words "such persons" where they appear in the original bill and inserting in lieu thereof the words "any stockholder."

Also,

Your committee further recommend that section 2 of said bill be amended so as to read as follows:

"Every corporation may purchase at any sale, public or private, any real estate upon which it may have a mortgage, judgment lien or other incumbrance or ground rent, or in which it may have any interest, and may sell, convey, lease or mortgage at pleasure real estate so purchased, and may purchase and hold such real estate and buildings as may be necessary for its immediate accommodation in the transaction of its business,"

Also,

By adding thereto the following as an "emergency clause:" "There being no adequate law for the loaning of funds or the purchase of real estate by building and loan associations and such a law being necessary, therefore, an emergency exists, and this act shall take effect and, be in force from and after its passage and approval,

And when so amended recommend that the same do pass.

Also,

House bill No. 52,

A bill for an act to amend section 4862, chapter 78 of the civil code of 1895, entitled "bonds for labor and material for public buildings."

And recommend that further consideration of same be indefinitely postponed.

Also,

House bill No. 30,

A bill for an act to amend section numbered five thousand five hundred and eighteen of chapter eleven of the Revised Codes relating to exemptions.

And recommend that further consideration of same be indefinitely postponed.

J. D. WALLACE,
Chairman.

Mr. Stevens moved

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

Mr. Laughlin moved
That the house do now adjourn,
Which motion prevailed, and
The house adjourned.

J. G. HAMILTON,
Chief Clerk.

TWENTY-NINTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 31, 1899.

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

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present excepting Messrs. Allen, Ferris, Miner, Stewart, and Uglund who were excused.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

Your committee on revision and correction of the Journal respectfully report that they have carefully examined the Journal of the twenty-eighth day, and recommend the following corrections:

On page 7, line 3, change the word "fund" so as to read "funds."

On page 6, line 26, change the words "of the whole of the house" so as to read "of the whole house."

And when so amended recommend that the Journal of the twenty-eighth day be approved.

JOHN KENNEDY,
Chairman.

Mr. Kennedy moved
That the report of the committee on revision and correction of the Journal be adopted,
Which motion prevailed, and
The report was adopted.

MESSAGES FROM THE SENATE.

The following messages were received from the senate :

SENATE CHAMBER,
January 31, 1899.

Mr. Speaker:

I have the honor to transmit herewith

CONCURRENT RESOLUTION.

Resolved, That in the death of Governor Frank A. Briggs the state lost a safe executive and a patriotic citizen, loyal to his state and people.

Resolved, That Saturday, February 11th, beginning at 2 o'clock p. m., be set apart for appropriate eulogies to his memory, and that the senate and house meet in joint assembly at that time.

Resolved, That, as an additional mark of respect, the senate and house shall, at the conclusion of these ceremonies, adjourn.

Resolved, That the senate communicate these resolutions to the house.

Very respectfully yours,
L. K. ESTABROOK,
Acting Secretary.

Also,

I have the honor to transmit herewith

Senate bill No. 9,

A concurrent resolution amending section 162, of the constitution of the state of North Dakota,

Also,

Senate bill No. 36,

A bill for an act to fix the compensation of the chaplain of the senate and of the house of representatives.

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

Very respectfully yours,
J. O. SMITH,
Secretary.

The Speaker requested that the privileges of the floor be extended to Messrs. P. C. Crenshaw and F. B. Morrill.

Mr. Kennedy requested that the privileges of the floor be extended to Mr. Scott.

The Speaker requested that the privileges of the floor be extended to Messrs. S. B. Clary, F. H. Treat, W. A. Marvin and Taylor Crum, of Fargo.

There being no objections the request was granted, and the privileges of the floor were so extended.

PRESENTATION OF PETITIONS.

Mr. Laughlin presented the following petition:

To the Hon. A. H. Laughlin, Bismarck, N. D.:

We, the undersigned, petition you to vote and use your influence for the temperance commissioner bill.

E. U. MARSH,
(and 61 others.)

REPORTS OF STANDING COMMITTEES.

The committee on public printing made the following report :

Mr. Speaker:

Your committee on public printing to whom was referred
House bill No. 75,

A bill for an act to amend chapter 114, session laws of 1897, entitled "an act to amend section 76 of the Revised Codes of North Dakota, relating to accounts for printing and binding required by state officers and making an annual appropriation therefor."

Have had the same under consideration and recommend that the bill be referred to committee on appropriation.

Also,

House bill No. 74,

A bill for an act to amend section sixty of the Revised Codes of 1895, relating to printing of session laws.

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

T. W. ALLSHOUSE,
Chairman.

Mr. Tousley moved

That the report of the committee on public printing be adopted,
Which motion prevailed, and

The report was adopted.

REPORT OF SPECIAL COMMITTEE.

The committee appointed to visit the Stillwater penitentiary twine plant submitted the following report:

CONCURRENT RESOLUTION.

Whereas, It appears from the report of the warden of the state penitentiary that there is lack of employment for the inmates of that institution, resulting in a financial disadvantage to the state and tending to produce unfavorable mental and physical conditions among the inmates;

And, Whereas, It also appears that in the year 1891, a "Twine and Cordage Plant" was built and in the following year started in operation at the Minnesota state penitentiary located at Stillwater in that state; that the said plant has been operated since that time with such success that the institution is now self-supporting, and during the last year the earnings of the inmates exceeded the expense (per capita) of keeping each of them, by the sum of \$114.62, while in the year 1891, the year before the "Twine Plant" was put in operation, the excess of the expense over the earnings was \$145.63 per capita; therefore,

Resolved by the House of Representatives, the Senate concurring, That a committee, consisting of three members from the House of Representatives, to be appointed by the speaker, and two members from the Senate, to be appointed by the president of the Senate, be appointed to investigate the matters above referred to; to visit the said Minnesota state penitentiary for that purpose, if it shall seem advisable to them to do so, and report with all convenient speed to this legislature such recommendations on the subject as to them may seem wise.

To the President of the Senate and the Speaker of the House of Representatives of the Sixth Legislative Assembly of the State of North Dakota:

GENTLEMEN: The joint committee of the house and senate appointed to investigate the question of lack of employment for the inmates of our state penitentiary and the disadvantages to them as well as to the state resulting therefrom, and in doing so to visit, if deemed wise, the "twine plant" located at the Minnesota state penitentiary to secure information as to its cost and work, respectfully report as follows, viz: That we are fully satisfied from the reports of the management of our state penitentiary, and from interviews with the warden and members of the board of trustees of said penitentiary that it is impossible under present conditions to provide all of the inmates of that institution with employment, and that during the cold season one-half or more of them are supported by the state in idleness, and that a very considerable part of the labor which is performed by them is productive of little or no revenue to the state; that this condition of affairs is greatly to the financial detriment of the state, and at the same time in the nature of inhumane treatment of the inmates of the penitentiary, and constitutes an evil which should be remedied without delay; that we have visited the penitentiary at Stillwater, Minnesota, and made an investigation of the "binder twine plant" being operated in connection with that institution, and were accompanied by N. F. Boucher, warden, and C. R. Meredith, a member of the board of trustees of the North Dakota penitentiary, who gave the committee valuable information in reference to the conditions and needs at said penitentiary, and assisted materially in securing the information sought by this committee. Warden Henry Wolfer and the board of management of the Minnesota state penitentiary received our committee with marked cordiality, and spared no pains to inform the committee of every detail connected with their experience in the manufacture of binder twine.

Our investigation discloses that the facts in relation to the establishment and operation of the "twine plant" at the Minnesota state penitentiary, stated briefly and without attempting to give details, are as follows:

The legislature of the state of Minnesota at its session of the year 1891, in answer to and for the purpose of satisfying a strong popular demand therefor, enacted a law authorizing the management of the Minnesota state penitentiary to establish at the said institution a "twine

and cordage plant," and to operate the same on the "state's account" plan, with the then surplus labor available thereat, and made an appropriation of \$150,000 to enable said management to carry into effect the provisions of the law.

The object of this plan and the law which was enacted to carry it into effect, we are led by circumstances to judge, was threefold:

First. An humane desire to provide for the inmates of its penitentiary employment of a character conducive to health and that would tend to produce in them better physical and mental conditions.

Second. To relieve the taxpayers of the state of an unnecessary burden by providing the inmates of the penitentiary with employment so remunerative as to make the institution self-supporting; and

Third. Incidentally to the foregoing to protect the consumers of the product of the "twine plant" in the state from trusts and exorbitant profits to dealers, by selling to them such product at fair and reasonable rates.

The "twine plant" was established under the provisions of the law referred to, and was originally fitted with machinery for manufacturing twine from flax, and was so operated for about three (3) years; this proved a failure for the reason that there was no demand for that kind of twine at prices such that it could be manufactured and disposed of without a loss; this led to a complete change of base, and in 1894 the machinery which was put in in 1891 was torn out and discarded and replaced by the then latest and most improved machinery for manufacturing hard fibre twine, and since that time the product of the plant has been entirely of the hard fibre varieties, viz: Manilla, sisal, standard or mixed; the twine now manufactured is fully up to the grade of the best manufactories in the country. (Samples of same can be seen by calling on Representative Sargent, chairman of this committee).

The capacity of the plant as originally constructed was 10,000 pounds per day, but it has since been doubled; it runs every day in the year except Sundays and holidays; the management of the institution are now arranging to further increase the capacity of the plant so that its product will be 30,000 pounds per day, or more than 9,000,000 pounds per year, which is more than one-half of the amount of twine used in the state of Minnesota in an average crop year; the system of disposing of the twine produced has been as follows: At the May meeting of the board of managers of the penitentiary a price is fixed for the season which is based on the cost of the twine, and no change is made in this price during the season; orders for twine are booked as early as the month of January; farmers or farmers' clubs can order in carload lots and get the benefit of a slightly reduced price (generally about one-half cent per pound), and notes due November 1, which are approved by the management, are accepted in payment for the twine; small orders must be paid for on delivery; since the machinery for manufacturing hard fibre twine was put in very little trouble has been experienced in disposing of the product of the plant.

In 1898 the price of the twine was fixed May 12, and carload orders were not accepted after May 14, and all orders were refused on and after June 18, by reason of the fact that all the product of the plant which was on hand and which would be produced up to July 20, was sold; prior to the season of 1898 only about 5 per cent of the product of the plant was sold direct to farmers; in the season of 1898 about 20 per cent of the product was sold to farmers in lots under a carload, and about 20 per cent more of the same was sold to farmers or farmers' clubs in carload lots.

The operation of the "twine plant" at the Minnesota state penitentiary has been successful from a financial point of view, and the records of the institution show the net profits of the same for the two (2) years from August 1, 1896, to August 1, 1898, to have been \$132,889.68, and from the representations and opinions of those connected with the management of

the institution it appears to us that the operation of the plant is destined to be even more successful in the future than it has in the past.

We found the condition of the inmates of the Minnesota penitentiary as to health and in all other respects to be good.

We found that the institution is on a self-supporting basis, by reason of the increased revenues of the "twine plant industry."

We believe that the consumers of twine in the state of Minnesota have been greatly benefited by the establishment and operation of the "twine plant" at the penitentiary in that state, by the reduction in the prices of twine which has been caused thereby, and we therefore conclude that the threefold object of the law enacted in the state of Minnesota has been fully attained.

We further conclude that, benefiting by the mistakes and guided by the experience of our Minnesota neighbors, we would be able to achieve even a greater degree of success in establishing and operating on the "state account" plan a twine plant in our own state.

Basing our opinion on information received from Warden Henry Wolfer and members of the board of managers of the Minnesota state penitentiary, we submit the following as our estimates of the cost of installing and operating a "binder twine plant" at the North Dakota penitentiary, with a capacity of producing 10,000 pounds of twine per day, or about 3,000,000 pounds per year, viz:

For machinery and power plant..... \$ 25,000 00

(We think, however, that it would be wise to put in at the outset a power plant costing \$4,000 to \$5,000 more, to be prepared to increase the capacity of the plant, if desired, without putting in additional power.)

Buildings—

Factory about 75 x 100 feet, which should have its windows grated and be fitted with closets, etc., with fixtures for heating, lighting, plumbing, etc., and a warehouse about 75 x 100 feet.....

*20,000 00

Incidentals..... 5,000 00

Stock and cost of operation..... 100,000 00

Total..... \$ 150,000 00

In operating a plant such as above described, two men would be needed in addition to the prison labor, one at say \$125 per month and one at \$75 per month; the stock used in the manufacture of the twine would come by way of Duluth and would cost a trifle more, say one-fourth cent per pound, than at the Minnesota penitentiary; fuel would be cheaper at our own institution than at the Minnesota plant. We are not able at this time to give exact figures on freight rates of the product of the plant, but we believe that it will not be a difficult matter to arrange so that they will be reasonable.

IN CONCLUSION.

We heartily recommend and earnestly urge that a law be enacted by this legislature making appropriations as above estimated, and authorizing and empowering the management of the state penitentiary to establish and operate a "binder twine plant" such as hereinbefore described, and a bill will be introduced by this committee covering the recommendations herein contained.

We desire to express our thanks for the kind and courteous treatment accorded to your committee by Warden Wolfer and Managers O'Brien, Dunn and Temple of the Minnesota state penitentiary.

All of which is respectfully submitted.

Dated this 30th day of January, A. D. 1899.

E. C. SARGENT,
JOSEPH HARE,
J. D. BACON,
T. TWICHELL,
W. E. MANSFIELD.

Mr. Sargent moved

That the report of the committee be adopted,
Which motion was withdrawn.

Mr. Stevens moved

That the further action of this committee be made a special order for next Thursday at three o'clock, and that the chief clerk be instructed to invite the senate to meet the house in joint session for the consideration of this report at that time,

Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

The committee on judiciary made the following report:

Mr. Speaker

Your committee on judiciary to whom was referred
House bill No. 79,

A bill for an act to provide for continuance of cases when an attorney in the case is a member of the state legislature or any party to the pending suit is a member of the legislature.

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

R. N. STEVENS,
Chairman.

GENERAL ORDERS.

Mr. Stevens moved

That the house do now resolve itself into a committee of the whole for the consideration of general orders,

Which motion prevailed, and

The house resolved itself into a committee of the whole,

The speaker called Mr. Stevens to the chair.

When the committee of the whole arose it submitted the following report:

Mr. Speaker:

Your committee of the whole have had under consideration
House bill No. 2,

A bill for an act to amend section 2767 of the Revised Codes of North Dakota relating to rights and capacity of husband and wife.

And recommend the following amendment:

Strike out the words "subject in transactions between themselves, to the general rules which control the action of persons occupying confidential relations with each other, as defined by the title on trust," appearing in lines 3, 4, 5 and 6 of the printed bill.

And when so amended recommend that the same do pass.

Also,

House bill No. 36,

A bill for an act to amend sections 3229 and 3230 of the Revised Codes of North Dakota, relating to the powers of banking corporations organized under the laws of the state of North Dakota.

And recommend that the bill be amended as follows:

By inserting after the word "stock" in line 3 of paragraph 8 of the original bill the words "and surplus."

And when so amended recommend that the same do pass.

Also,

House bill No. 8,

A bill for an act to repeal chapter 53 of session laws of 1897, and sections 4816, 4817, 4818 and 4819 of the Revised Codes of North Dakota relating to liens for sires.

And recommends

That the title be amended so as to read "A bill for an act relating to liens for the service of sires,"

Also,

That in line 32 of section 2 the words "two dollars" be changed to "one dollar,"

Also, that there be added as follows:

"Section 5. (Repeal.) All acts or parts of acts in conflict with the provisions of this act are hereby repealed."

"Section 6. (Emergency.) Whereas, An emergency exists in that the existing laws on the subject matter of this act are inadequate to meet the requirements of this act; therefore, this act shall take effect and be in force from and after its passage and approval."

Also,

Strike out the words "and upon the female served" in section 3, line 2

Also,

"And the female served" in line 8, section 3.

Also,

In line 6, section 3 of the printed bill, strike out the word "three" and insert in lieu thereof the word "two."

And when so amended recommend that the same do pass.

Also,

House bill No. 64,

A bill for an act to amend section 1605 of the Revised Codes relating to the compensation and bonds of district veterinarians.

And recommends that the bill be referred to the committee on agriculture.

Also,

Senate bill No. 5,

A bill for an act to amend section 95 of chapter 126 of the laws of 1897, being an act entitled "Revenue and Taxation."

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

That in line 23, of the printed bill, after the word "of" the word "all" be stricken out and the word "such" be inserted in its place,

Also,

In line 23, of the printed bill, after the word "transfers" the words "made by him" be stricken out,

Also,

After the word "fund" in line 27, of the printed bill, add the words "provided, in counties in which the auditor is not paid the maximum salary allowed by law, said auditor may retain such fee as compensation for making such certificate."

And when so amended recommend that the same do pass.

Also,

House bill No. 41,

A bill for an act to amend section 2095 of Political Code of the state of North Dakota relating to the compensation of county commissioners.

And recommend that further consideration of same be indefinitely postponed.

Also,

House bill No. 34,

A bill for an act providing for the preservation of deer, antelope and mountain sheep, by prohibiting the killing of the same prior to November first, 1903, and prescribing penalty for violation.

And recommend that the bill be referred to the joint committee on game laws,

Also,

House bill No. 9,

A bill for an act requiring mortgagees of personal property to prepare and furnish and read to mortgagors copies of the mortgage instruments and making the said mortgage instruments void unless so furnished and read.

And report progress and ask leave to sit again for the further consideration of the bill.

R. N. STEVENS,
Chairman.

Mr. Stevens moved *

That the report of the committee of the whole be adopted.

Which motion prevailed and

The report was adopted.

REPORTS OF STANDING COMMITTEES.

The committee on engrossed bills made the following report.

Mr. Speaker:

Your committee on engrossed bills have examined

House bill No. 6,

A bill for an act to amend sections 3205 and 3209 of the Revised Codes relating to building and loan associations.

And find the same correctly engrossed.

A. W. THOMAS,
Chairman.

THIRD READING OF HOUSE BILLS.

House bill No. 28,

A bill for an act to amend an act entitled an act to amend section 2591 of the Revised Codes of North Dakota, relating to the meeting of township boards of supervisors, passed by the Fifth legislative assembly of North Dakota, relating to meetings of boards of township supervisors.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 52, nays none, absent and not voting 10.

Those who voted in the affirmative were:

Messrs—

Aas,
Allshouse,
Bacon,
Berger,
Boyd,
Brotnov,
Cassell,
Chacey,
Clarke,
Deisem,
Dougherty,
Dwire,
Earl,
Engelter,
Erickson,
Gilbertson,
Glasgow,
Green,

Messrs—

Gronvold,
Gulack,
Hale,
Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Kennedy,
Laughlin,
Lee,
Lish,
Lynch,
McHarg,
McLean,
Michels,
Nelson,
Ovind,

Messrs—

Peek,
Restemayer,
Sanford,
Sargent,
Swenson,
Stevenson,
Taylor,
Thomson,
Thordarson,
Tousley,
Towle,
Tufte,
Wallace,
Watts,
Wolbert,
Winslow,
Mr. Speaker.

Absent and not voting:

Messrs—

Allen,
Brakke,
Ferris,
Johnston, Walsh,

Messrs—

Miner,
Peterson,
Stevens,

Messrs—

Stewart,
Thomas,
Ugland,

Messrs. Allen, Ferris, Miner, Stevens, Stewart and Ugland being excused.

So the bill passed and the title was agreed to.

House bill No. 40,

A bill for an act to amend section 1786, of article 25, chapter 20, of the Political Code of the state of North Dakota, which defines public warehouses.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 51, nays none, absent and not voting 11.

Those who voted in the affirmative were:

Messrs—

Aas,
Allshouse,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Deisen,
Dougherty,
Dwire,
Earl,
Engelter,
Erickson,
Gilbertson,
Glasgow,

Messrs—

Green,
Gronvold,
Gulack,
Hare,
Huan,
Herbrandson,
Johnson, Richland,
Kennedy,
Laughlin,
Lee,
Lish
Lynch,
McHarg,
McLean,
Michels,
Nelson,
Ovind,

Messrs—

Peek,
Restemayer,
Sanford,
Sargent,
Swenson,
Stevenson,
Taylor,
Thomson,
Thordarson
Tousley,
Towle.
Tufté,
Wallace,
Watts,
Wolbert,
Winslow,
Mr. Speaker,

Absent and not voting:

Messrs—

Allen,
Bacon,
Ferris,
Hale,

Messrs—

Johnston, Walsh,
Miner,
Peterson,
Stevens,

Messrs—

Stewart,
Thomas,
Ugland,

Messrs. Allen, Ferris, Miner, Stevens, Stewart and Ugland being excused.

So the bill passed and the title was agreed to.

House bill No. 49,

A bill for an act to amend section 1943 of the Revised Codes of North Dakota relating to balances to be kept by county treasurers in county depositories.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were, ayes 52; nays 2; absent and not voting 8.

Those who voted in the affirmative were:

Messrs—

Aas,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Deisem,
Dougherty,
Dwire,
Earl,
Engelter,
Erickson,
Gilbertson,
Glasgow,
Green,

Messrs—

Gronvold,
Gulack,
Hale,
Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Kennedy,
Laughlin,
Lee,
Lish,
Lynch,
McHarg,
McLean,
Michels,
Nelison,
Ovind,
Peek,

Messrs—

Peterson,
Restemayer,
Sanford,
Sargent,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson
Tousley,
Towle,
Tufté,
Wolbert,
Winslow,
Mr. Speaker,

Absent and not voting:

Messrs—

Allen,
Allshouse,
Ferris,

Messrs—

Johnston, Walsh,
Miner,
Stevens,

Messrs—

Stewart,
Ugland.

Messrs. Wallace and Watts voting in the negative.

So the bill passed and the title was agreed to.

Messrs. Allen, Ferris, Miner, Stevens, Stewart and Ugland, being excused.

Mr. Tousley moved that
House bill No. 11,

A bill for an act entitled "An Act Fixing Date When the Term of Office of County Treasurer Shall Commence."

Be recommitted to the committee on state affairs.

Mr. Hale moved

As an amendment that

House bill No. 11,

A bill for an act entitled "An Act Fixing Date When the Term of Office of County Treasurer Shall Commence."

Be referred to the committee on taxes and tax laws.

The question being on the amendment,

The motion prevailed, and

The amendment was adopted.

Mr. Cassell moved

That the rules be suspended and that

House bill No. 6,

A bill for an act to amend sections 3205 and 3209 of the Revised Codes relating to building and loan associations,

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

By unanimous consent Mr. McHarg offered the following amendment and moved its adoption:

Add at the end of line 14 "provided, that the provisions of this act shall not apply to foreign building and loan associations doing business within this state."

Which motion prevailed, and
The amendment was adopted.

The question being on the final passage of the bill as amended.

House bill No. 6,

A bill for an act to amend sections 3205 and 3209 of the Revised Codes relating to building and loan associations.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 37, nays 14, absent and not voting 11.

Those who voted in the affirmative were:

Messrs—

Allshouse,
Bacon,
Brakke,
Cassell,
Deisem,
Dougherty,
Dwire,
Earl,
Engelter,
Green,
Gulack,
Hale,
Hare,

Messrs—

Kennedy,
Laughlin,
Lynch,
McHarg,
McLean,
Michels,
Nelson,
Peek,
Peterson,
Restemayer,
Sanford,
Sargent,

Messrs—

Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson
Tousley,
Tewle,
Wallace,
Watts,
Wolbert,
Winslow,
Mr. Speaker,

Those voting in the negative were:

Messrs—

Aas,
Berger,
Brotnov,
Chacey,
Erickson,

Messrs—

Gilbertson,
Glasgow,
Gronvold,
Hauan,
Herbrandson,

Messrs—

Lee,
Ovind,
Swenson,
Tufte,

Absent and not voting:

Messrs—

Allen,
Boyd,
Clarke,
Ferris,

Messrs—

Johnson, Richland,
Johnston, Walsh,
Lish
Miner,

Messrs—

Stevens,
Stewart,
Ugland,

Messrs. Allen, Ferris, Miner, Stevens, Stewart and Ugland being excused.

So the bill as amended passed and the title was agreed to.

Mr. Hare moved

That the vote by which House bill No. 6 passed, be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Towle moved

That the house do now adjourn,

Which motion was lost.

House bill No. 67,

A bill for an act to amend section 2612 of the Revised Codes of 1895 relating to statements of township treasurers.

Was read the third time.

By unanimous consent Mr. Tousley offered the following amendment and moved its adoption:

In line 17 before the word "newspaper" strike out the word "a" and insert the words "the nearest."

Mr. Chacey offered as an amendment to the amendment that all be stricken out after the enacting clause.

The question being on the amendment to the amendment the motion was lost.

The question recurring to the amendment, the motion to amend prevailed.

Mr. Dougherty offered the following amendment and moved its adoption:

In line 16, page 2, strike out "shall" and insert "may"

Which motion prevailed and

The amendment was adopted.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 47, nays 5, absent and not voting 10.

Those who voted in the affirmative were:

Messrs—

Aas,
Allshouse,
Bacon,
Berger,
Cassell,
Chacey,
Clarke,
Deisem,
Dougherty,
Earl,
Engelter,
Erickson,
Glasgow,
Green,
Gronvold,
Gulack,

Messrs—

Hale,
Hare,
Hauan,
Johnson, Richland,
Kennedy,
Laughlin,
Lee,
Lish,
Lynch,
McHarg,
McLean,
Michels,
Nelson,
Ovind,
Peek,
Peterson,

Messrs—

Restemayer,
Sanford,
Sargent,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson,
Tousley,
Wallace,
Watts,
Wolbert,
Winslow,
Mr. Speaker,

Those voting in the negative were:

Messrs—

Brakke,
Brotnov,

Messrs—

Gilbertson,
Herbrandson,

Messrs—

Towle,

Absent and not voting :

Messrs—

Allen,
Boyd,
Dwire,
Ferris,

Messrs—

Johnston, Walsh,
Miner,
Stevens,

Messrs—

Stewart,
Tuftte,
Ugland,

Messrs. Allen, Ferris, Miner, Stevens, Stewart and Ugland being excused.

So the bill as amended passed and the title was agreed to.

Mr. Deisem moved that

House bill No. 4,

A bill for an act to amend section 2070 of the Revised Codes of North Dakota, for 1895, relating to determine population in fixing the salary of county judge.

Be recalled from the judiciary committee and referred to the committee on ways and means.

Which motion prevailed.

The committee on engrossed bills made the following report:

Mr. Speaker:

Your committee on engrossed bills have examined

House bill No. 79,

A bill for an act to provide for continuance of cases when an attorney in the case is a member of the state legislature or any party to the pending suit is a member of the legislature.

Also,

House bill No. 20,

A bill for an act to amend section 1495 of the Revised Codes of the state of North Dakota, relating to the time of holding an election for the purchase of an asylum for the poor, and providing for the appointment of a superintendent for such asylum.

Also,

House bill No. 74,

A bill for an act to amend section sixty of the Revised Codes of 1895, relating to printing of session laws.

And find the same correctly engrossed.

A. W. THOMAS,

Chairman.

The Speaker announced as special joint committee on game and game laws, Messrs. Kennedy, chairman; Allshouse, Bacon.

Mr. Kennedy moved

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

J. G. HAMILTON,
Chief Clerk.

THIRTIETH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 1, 1899.

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

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present excepting Messrs. Allen, Boyd, Dwire, Ferris, Hale, Miner, Stewart and Ugland, who were excused.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

Your committee on revision and correction of the Journal respectfully report that they have carefully examined the Journal of the twenty-ninth day and recommend the following corrections:

On page 2, line 23, correct the type in the word "assembly."

On page 5, line 7, strike out the word "an" and insert in lieu thereof the letter "a."

On page 7, line 8, correct the type in the word "consideration."

And when so amended recommend that the Journal of the twenty-ninth day be approved.

JOHN KENNEDY,
Chairman.

Mr. Kennedy moved

That the report of the committee on revision and correction of the Journal be adopted,

Which motion prevailed and

The report was adopted.

Mr. McHarg requested that the privileges of the floor be extended to Messrs. J. H. Severn, B. L. Fellows, M. L. Parker, F. F. Montgomery and J. H. Ross.

Mr. Aas requested that the privileges of the floor be extended to T. J. Lamb.

Mr. Thomson requested that the privileges of the floor be extended to Messrs. Dr. C. H. McLachlan, J. D. Carrol and F. C. Davis.

Mr. Tufte requested that the privileges of the floor be extended to A. P. Rounsvelle.

Mr. Earl requested that the privileges of the floor be extended to Messrs. N. Guiche and R. D. Smith.

Mr. Thomson requested that the privileges of the floor be extended to Charles H. Wolfe.

There being no objections, the privileges of the floor were so extended.

PETITIONS AND COMMUNICATIONS.

Mr. Stevens presented the following petition:

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

We, the undersigned, citizens of McLean county, state of North Dakota, humbly petition your honorable body, now in session, to extend the closed hunting season for the protection of deer and antelope until November 1, 1902. Our reasons are to save these animals from utter extinction now threatened by the privileges allowed hunters under existing laws.

CHAS. A. WATERMAN,
(and 67 others.)

Mr. Stevens moved

That the petition be referred to the special committee on game and game laws,

Which motion prevailed, and

The petition was so referred.

Mr. Towle presented the following petitions:

To Hon. D. Edward Towle:

We, the undersigned, citizens and freeholders of Walsh county, North Dakota, urgently petition you to use your influence for the enactment of a bill looking to the protection by the state of the farmers against loss by hail.

J. A. VERNON,
(and 45 others.)

Also,

To the Honorable Senator and Representatives of Western Walsh County:

We, the undersigned, citizens and freeholders of Walsh county, North Dakota, urgently petition you to use your influence for the enactment of a bill looking to the protection by the state of the farmers against loss by hail.

JOHN LEWIS,
(and 45 others.)

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
February 1, 1899.

Mr. Speaker:

I have the honor to transmit herewith
Senate bill No. 13,

A bill for an act in relation to making unknown parties and the unknown heirs of deceased persons, parties defendant in certain actions.

Also,

Senate bill No. 61,

A bill for an act to amend section 5574 of the Revised Codes of North Dakota of 1895 by allowing the same statutory costs in cases appealed from a justice court as in cases originally commenced in the district court.

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

Very respectfully yours,

J. O. SMITH,
Secretary.

REPORTS OF STANDING COMMITTEES.

The committee on judiciary made the following reports:

Mr. Speaker:

A majority of your committee on judiciary to whom was referred

House bill No. 29,

A bill for an act to provide for the giving of proper official bonds, by county treasurers, and to provide for the payment of the expense incurred in procuring the same.

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

The minority of the committee on judiciary made the following report:

Mr. Speaker:

The minority of your committee on judiciary to whom was referred

House bill No. 29,

A bill for an act to provide for the giving of proper official bonds, by county treasurers, and to provide for the payment of the expense incurred in procuring the same.

Submit their objections to the majority report upon said bill and to the adoption of the same.

1. We object to said report because section 1 of the bill under consideration makes mandatory the execution of the official bonds of the officers named therein by surety or fidelity companies, thereby entailing great and unnecessary expense in the payment of the premiums on said official bonds upon the taxpayers.

It is but reasonable to presume that in many instances the persons elected to the offices mentioned, in the future as well as in the past, will be able to furnish good and ample bonds, executed by freeholders, residents of counties where the officers reside, without entailing any expense whatever upon the officers or the taxpayers of the county.

Under the provisions of the law now in force, the officers mentioned may execute bonds with freehold sureties of their respective counties, or by surety or fidelity companies, subject to the approval of the board of county commissioners in either case; in the first instance, without cost to anyone; while in the latter case it will and does cost at least three dollars for each \$1,000 of such bonds as premium thereon, which must be paid by the officer. Is there any good reason why this option as to the manner or method of executing official bonds should be taken away and the latter expensive method made mandatory? We think there is none, at least no such reason has been presented to our mind.

2. We object to the majority report for the reason that section 2 of the bill requires the county to pay all premiums upon the bonds of the officers named in section 1. It is well known that county treasurers are paid larger salaries than other county officers for the sole purpose of compensating them for the greater responsibility and liability which they of necessity assumed; then is it not fair and just that they should pay the expense of their official bonds, if there are any such?

We believe it is the opinion of the majority of the people of this state that our county officers' salaries are too high, and especially of the officers mentioned in the bill under consideration, and we believe the people will strongly condemn this assembly for the enactment of a law which will add to their burdens and redound to the benefit of such officers.

3. We offer as a further and our greatest objection to the bill that as it makes mandatory the requirement to provide bonds executed by fidelity companies only, and thereby placing the counties entirely at the mercy of

such fidelity companies as to the rate of premium charged for such bonds.
Therefore we recommend that this bill be indefinitely postponed.

Respectfully submitted,

A. W. THOMAS,
JAS. J. DOUGHERTY,
D. E. TOWLE,
M. LYNCH.

Also,

Senate bill No. 1,

A bill for an act to amend section 2755 of the Revised Codes of North Dakota relating to dissolution of marriage.

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

R. N. STEVENS,
Chairman.

Mr. Speaker:

A minority report of your committee on judiciary beg leave to report that I am in favor of amending Senate bill No. 1, relating to divorces, the following:

"Whereas, an emergency exists in that this bill will not be in force before the first day of July, and the state during the time between the passage of this bill and July 1st will suffer all evils and abuses the law is intended to correct; therefore, this law shall be in force from and after its passage and approval."

And when so amended, that the bill do pass.

My reasons for desiring that this bill go into effect at once are the following:

First. The law is intended to increase immigration by establishing among the other states a better name for the protection and preservation of the morals of the community.

Second. It is intended to take away from our state the stigma of being the dumping ground for every sin, excess or evil of the human race in their marital relations.

Third. That the divorce agencies existing in New York, Boston, Philadelphia and other large cities of the east, and who are trafficking with the most sacred relations ever existing between human beings, to the agents' profit and this state's detriment, may at once close up shop and go out of business.

Fourth. It is currently reported that there are now in the state some two hundred persons who are here for the purpose of taking advantage of the divorce laws as they now exist. Before a decree can lawfully be granted to one of them they must make oath that they are bona fide residents of the state, and if that oath is made merely for the purpose of securing a divorce, with the intention of at once removing from the state, then, before high heaven, that oath is perjury. If they honestly do intend to be citizens of this state, the taking effect of this law at once will not be a detriment to them.

Fifth. For the next thirty days a rush of the most undesirable characters, seeking the advantage of the present laws will do more to place a stain upon the good name of the state than has the law as it now exists for the past year. It will be like the rush line of a newly opened reservation, crowded to the limit by the most desperate and undesirable char-

acters to take advantage of the laxity now existing upon the subject of divorce.

It is said by some that if this bill is passed with the emergency clause and goes back to the senate, failing to pass there with the emergency clause, it might not be valid. No judge will tell you that the passage of a bill by a majority of a body which contains an emergency clause has any other effect upon the law than to pass it to take effect on July 1st. The senate has passed the bill, and if passed without amendment other than the addition of the emergency clause of this house, they cannot kill the bill. The only thing they could do would be to kill the emergency clause, which would not affect the passage of the bill, and the bill having passed unanimously by the senate, we have neither right or reason to presume that they will not concur in the emergency clause, and if they do not, then the sin be on the senate.

This report is made in what the maker believes to be the interest of good morals, of good citizenship, of good associations for our citizens, and in the name of that most outraged of all classes, the poor, unfortunate, struggling woman who, after having endured the hardships, trials and privations necessary in being a good wife and mother to a husband who began at the very doors of poverty and dragged out the best days of the wife's youth in aiding him to accumulate a competency, is deserted and abandoned and left a wreck on the thoroughfare of time, while her husband hies himself to the state of North Dakota, procures a ninety-day divorce, only to bring more misery into the world by again marrying some younger one whose face or frivolity has captivated his fancy.

Respectfully submitted,

R. N. STEVENS.

Mr. Wallace moved

That the rules be suspended and that

Senate bill No. 1,

A bill for an act to amend section 2755 of the Revised Codes of North Dakota, relating to dissolution of marriage.

Be placed upon its third reading and final passage,

Which motion prevailed.

Senate bill No. 1,

A bill for an act to amend section 2755 of the Revised Codes of North Dakota, relating to dissolution of marriage.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 49, nays 3, absent and not voting 10.

Those who voted in the affirmative were :

Messrs—

Aas,
Berger,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Delsem,
Dougherty,
Engelter,

Messrs—

Herbrandson,
Johnson, Richland
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish
Lynch,
McHarg,
McLean,

Messrs—

Sanford,
Sargent,
Stevens,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson
Tousley,

Messrs—
 Erickson,
 Gilbertson,
 Glasgow,
 Green,
 Gronvold,
 Hare,
 Hauan,

Messrs—
 Michels,
 Nelson,
 Ovind,
 Peek,
 Peterson,
 Restemayer,

Messrs—
 Towle,
 Tufte,
 Wallace,
 Watts,
 Wolbert,
 Winslow,

Those voting in the negative were:

Messrs—
 Allshouse,

Messrs—
 Bacon,

Messrs—
 Mr. Speaker.

Absent and not voting :

Messrs—
 Allen,
 Boyd,
 Dwire,
 Earl,

Messrs—
 Ferris,
 Gulack,
 Hale,

Messrs—
 Miner,
 Stewart,
 Ugland,

Messrs. Allen, Boyd, Dwire, Ferris, Hale, Miner, Stewart and Ugland being excused, and Messrs. Earl and Gulack.

So the bill passed and the title was agreed to.

Mr. Stevens announced

That Mr. Boyd was in favor of the passage of Senate bill No. 1,

A bill for an act to amend section 2755 of the Revised Codes of North Dakota, relating to dissolution of marriage.

And if present would vote for its passage by the house.

REPORTS OF STANDING COMMITTEES.

Mr. Speaker:

Your committee on judiciary to whom was referred

House bill No. 43,

A bill for an act to amend section 2062 of the Revised Codes of North Dakota for 1895 relating to the manner of determining the population and fixing the salary of clerk of the district court.

In accordance with the vote of the house hereby return said bill.

Also,

House bill No. 4,

A bill for an act to amend section 2070 of the Revised Codes of North Dakota, for 1895, relating to determine population in fixing the salary of county judge.

In accordance with the vote of the house hereby return said bill.

R. N. STEVENS,
 Chairman.

The committee on railroads made the following report:

Mr. Speaker:

Your committee on railroads to whom was referred

House bill No. 80,

A bill for an act to suppress and punish trespassing and stealing rides upon cars, engines and trains, and authorizing trainmen to arrest and prosecute offenders against this act.

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

After the word "months" in line 3, section 3, insert the words "at hard labor."

In line 2, section 3, insert the word "ten" in place of the word "thirty" in the printed bill.

In line 3, section 3, strike out the word "twenty-five" and insert in place thereof the word "ten."

And when so amended the committee recommend that it do pass.

Also,

House bill No. 14,

A bill for an act to amend sections numbered 2980, 2981 and 2982 of chapter numbered 12 of the Revised Codes of 1895, relating to railroad corporations.

Have had the same under consideration and recommend that the same be indefinitely postponed.

O. McHARG,
Chairman.

Mr. McHarg moved

That the report of the committee on railroads be adopted,

Which motion prevailed and

The report was adopted.

And the further consideration of

House bill No. 14,

A bill for an act to amend sections numbered 2980, 2981 and 2982 of chapter numbered 12 of the Revised Codes of 1895, relating to railroad corporations.

Was indefinitely postponed.

The committee on railroads made the following report:

Mr. Speaker:

Your committee on railroads to whom was referred

House bill No. 1,

A bill to amend chapter 115 of the session laws of North Dakota, 1897, defining the duties of the railroad commissioners.

Have had the same under consideration and recommend that the same be indefinitely postponed.

O. McHARG,
Chairman.

Mr. McHarg moved
That the report of the committee on railroads be adopted,
Which motion prevailed, and
The report was adopted.
And the further consideration of
House bill No. 1,
A bill to amend chapter 115 of the session laws of North Dakota, 1897, defining the duties of the railroad commissioners.
Was indefinitely postponed.

The committee on immigration made the following report:

Mr. Speaker:

Your committee on immigration to whom was referred
House bill No. 31,
A bill for an act to promote immigration.
Have had the same under consideration and recommend that the title of the same be amended to read as follows:

“A bill for an act to promote immigration and to provide an annual appropriation therefor.”

And when so amended recommend that the same be referred to the committee on appropriation with our recommendation that it do pass.

M. LYNCH,
Chairman.

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

The committee on banking made the following report:

Mr. Speaker:

Your committee on banking to whom was referred
House bill No. 87,
A bill for an act to amend section 3219 of the Revised Codes of 1895, relating to building and loan associations.

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

J. D. WALLACE,
Chairman.

The committee on taxes and tax laws made the following report:
Mr. Speaker:

Your committee on taxes and tax laws to whom was referred
House bill No. 81,

A bill for an act to provide for the collection of taxes on real
property by action.

Have had the same under consideration and recommend that
the same be reported back to the house with the recommendation
that it do pass.

Mr. Stevens moved that
House bill No. 81,

A bill for an act to provide for the collection of taxes on real
property by action.

Be referred to general orders,
Which motion prevailed and
The bill was so referred.

Also,
House bill No. 51,

A bill for an act entitled an act to amend section 75 of chapter
126, of the session laws of 1897, entitled "an act prescribing the
mode of making assessments of property, the equalization of and
the levy and collection of taxes and for all other purposes relative
thereto, and the repealing of sections 1176 to 1198 inclusive, 1200 to
1229 inclusive, 1231, 1234, 1237 to 1240 inclusive, 1242 to 1247 inclu-
sive, 1250 to 1253 inclusive, 1255 to 1290 inclusive, 1294, 1296, 1309,
1321, 1325 to 1330 inclusive, 1336 to 1339 inclusive, and 1346 of the
Revised Codes of North Dakota of 1895, and all other sections and
parts of sections of said codes, and of all acts and parts of acts incon-
sistent with the provisions of this act."

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

And
House bill No. 51,

A bill for an act entitled an act to amend section 75 of chapter
126, of the session laws of 1897, entitled "an act prescribing the
mode of making assessments of property, the equalization of and
the levy and collection of taxes and for all other purposes relative
thereto, and the repealing of sections 1176 to 1198 inclusive, 1200 to
1229 inclusive, 1231, 1234, 1237 to 1240 inclusive, 1242 to 1247 inclu-
sive, 1250 to 1253 inclusive, 1255 to 1290 inclusive, 1294, 1296, 1309,
1321, 1325 to 1330 inclusive, 1336 to 1339 inclusive, and 1346 of the
Revised Codes of North Dakota of 1895, and all other sections and
parts of sections of said codes, and of all acts and parts of acts incon-
sistent with the provisions of this act."

Was referred to general orders.

Also,

House bill No. 83,

A bill for an act requiring county auditors to furnish transcripts of real and personal property to township clerks.

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

And

House bill No. 83,

A bill for an act requiring county auditors to furnish transcripts of real and personal property to township clerks.

Was referred to general orders.

Also,

Senate bill No. 39,

A bill for an act to amend section 82 of chapter 126 of the laws of 1897 relating to revenue and taxation.

Have had the same under consideration and recommend that the same be amended as follows, with the following amendments:

After the word "sale" in line 16, the words "with the penalty of five per cent."

In line 19 by striking out the words "with a penalty of five per cent. on the original amount of such taxes."

By striking out on line 21 the term "15 per cent." and substituting therefore the words "two per cent."

On the same line, the word "annum," substituting in lieu thereof the word "month."

By striking out on line 21, after the word "annum" in the original bill, commencing with the word "together" and ending with the word "redemption," on lines 23 and 24 inclusive.

And when so amended recommend that the same do pass.

And

Senate bill No. 39,

A bill for an act to amend section 82 of chapter 126 of the laws of 1897 relating to revenue and taxation.

Was referred to general orders.

G. W. EARL,

Chairman.

The committee on enrolled bills made the following report:

Mr. Speaker:

Your committee on enrolled bills have examined the following concurrent resolution:

CONCURRENT RESOLUTION.

Concurrent resolution and memorial of the senate and house of representatives of the state of North Dakota, to the senate and house of repre-

representatives of the United States, asking for the election of a United States senator by a direct vote of the people.

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

Resolved, by the house of representatives of the state of North Dakota, the senate concurring,

That our representatives in congress are hereby requested to use all honorable means to secure the submission of an amendment to the constitution of the United States providing for the election of United States senators by the direct vote of the people.

Resolved, further, that copies of this resolution, properly attested, be sent to our representatives in congress of the United States.

And be it Hereby Further Resolved,

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

And find the same correctly enrolled.

M. B. CASSELL,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Deisem moved that
House bill No. 43,

A bill for an act to amend section 2062 of the Revised Codes of North Dakota for 1895 relating to the manner of determining the population and fixing the salary of clerk of the district court.

Be recalled from the judiciary committee and referred to the ways and means committee,

Which motion prevailed and

The bill was so referred.

Mr. Sargent moved

That the vote by which the twine plant report was made a special order for Thursday next be reconsidered,

Which motion prevailed.

Mr. Sargent moved

That the report of the committee to investigate the twine plant at the Minnesota penitentiary be adopted and the committee continued,

Which motion prevailed.

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

Resolved, That the committee on state affairs be requested to prepare a bill amending the laws relating to oil inspector, so that all fees collected

by such officer shall be covered into the general fund of the state treasury, except a salary for the oil inspector.

Which motion prevailed, and

The resolution was adopted.

The speaker announced that he was about to sign a concurrent resolution relating to the election of United States senator by a direct vote of the people.

CONCURRENT RESOLUTION.

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

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

Resolved, by the house of representatives of the state of North Dakota, the senate concurring,

That our representatives in congress are hereby requested to use all honorable means to secure the submission of an amendment to the constitution of the United States providing for the election of United States senators by the direct vote of the people.

Resolved further, that copies of this resolution, properly attested, be sent to our representatives in congress of the United States.

And be it Hereby Further Resolved,

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

Also,

A concurrent resolution relating to game laws:

CONCURRENT RESOLUTION.

Be it resolved by the senate, the house concurring, that a committee of six, three from the senate and three from the house be appointed, to whom shall be referred the numerous amendments to the game laws, which have been and may hereafter be introduced with a view of consolidating them into one

Also,

A concurrent resolution relating to the legislative manual:

CONCURRENT RESOLUTION.

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

That the secretary of state is requested to prepare for the use of the state officers and members of the legislative assembly, a legislative manual embodying therein a list of the state officers, members of the senate and house, officers of the respective bodies, the committees thereof,

the rules of the respective bodies, the constitution of the state, and such other information as may be necessary and useful for the state officers and members of the legislative assembly.

Informal recess for ten minutes.

House reassembled.

INTRODUCTION OF HOUSE BILLS.

Mr. Cassell introduced

House bill No. 94,

A bill for an act to provide for the granting of the right of way by municipal corporations for telephone lines, on and over public grounds, streets, alleys and highways, and making valid such grants heretofore made.

Mr. Johnson of Richland, introduced

House bill No. 95,

A bill for an act to amend section 960 of the Revised Codes of North Dakota relating to residents entitled to education free.

The Speaker called Mr. Thomas to the chair.

Mr. Earl introduced

House bill No. 96,

A bill for an act for the purpose of authorizing the commissioner of university and school lands to lease cultivated land to clear the same of noxious weeds.

Mr. Earl introduced

House bill No. 97,

A bill for an act to create a department of agriculture for the promotion of agriculture, stock breeding, etc., the appointment of three trustees to carry out the work of the department for the holding of a state fair at Valley City and an appropriation of money therefor.

Mr. Wallace introduced

House bill No. 98,

A bill for an act to amend sections 2063 and 2067 of the Revised Codes of North Dakota relating to the appointment of deputy clerks of court and their salaries, and fees to be charged by the clerks of district court.

Mr. Allshouse by request, introduced

House bill No. 99,

A bill for an act to cancel sales of land for taxes upon which no taxes were due.

Mr. Stevenson introduced

House bill No. 100,

A bill for an act to enforce the payment of taxes which became

delinquent on or prior to January first, eighteen hundred and ninety-eight.

The Speaker resumes the chair.

Mr. Kennedy introduced

House bill No. 101,

A bill for an act authorizing board of county commissioners to offer reward for the apprehension and conviction of certain criminals.

Mr. Sanford introduced

House bill No. 102,

A bill for an act to amend section 338 of the Revised Codes of North Dakota, relating to supplies for public offices, repairs upon the capitol building and executive mansion and the public grounds and parks connected therewith, and making an annual appropriation therefor.

Mr. Thordarson introduced

House bill No. 103,

A bill for an act to amend sections 2069 and 2071 of the Revised Codes of the state of North Dakota relating to clerk hire in county courts, and the manner of reimbursing counties for salaries paid county judge.

Mr. Dougherty introduced

House bill No. 104,

A bill for an act to amend section 2073 of the Revised Codes of the state of North Dakota, providing for the salary of county auditor.

Mr. Dougherty introduced

House bill No. 105,

A bill for an act to amend Sec. 2069 of the Revised Codes of the state of North Dakota, providing for clerk hire in the office of county judge.

Mr. Dougherty introduced

House bill No. 106,

A bill for an act to amend section 2080 of the Revised Codes of the state of North Dakota, providing for the salary of county treasurers.

Mr. Tousley introduced

House bill No. 107,

A bill for an act entitled an act to amend section 6847 of chapter 4 of the penal code of the state of North Dakota, relating to the punishment of Sabbath breaking.

Mr. Lee introduced

House bill No. 108,

A bill for an act to amend section 696 of article 6 of chapter 9, entitled education of the Revised Codes of North Dakota, of 1895.

Mr. Gronvold introduced

House bill No. 109,

A bill for an act to amend section 481 of the Revised Codes of North Dakota, relating to election precincts.

Mr. McHarg introduced

House bill No. 110,

A bill for an act to amend chapter 134 of the session laws of 1897.

FIRST AND SECOND READING OF HOUSE BILLS.

House bill No. 94,

A bill for an act to provide for the granting of the right of way by municipal corporations for telephone lines, on and over public grounds, streets, alleys and highways, and making valid such grants heretofore made.

Was read the first and second times, and

Referred to the committee on municipal corporations.

House bill No. 95,

A bill for an act to amend section 960 of the Revised Codes of North Dakota relating to residents entitled to education free.

Was read the first and second times, and

Referred to the committee on education.

House bill No. 96,

A bill for an act for the purpose of authorizing the commissioner of university and school lands to lease cultivated land to clear the same of noxious weeds.

Was read the first and second times, and

Referred to the committee on agriculture.

House bill No. 97,

A bill for an act to create a department of agriculture for the promotion of agriculture, stock breeding, etc., the appointment of three trustees to carry out the work of the department for the holding of a state fair at Valley City and an appropriation of money therefor.

Was read the first and second times, and

Referred to the committee on taxation and tax laws.

House bill No. 98,

A bill for an act to amend sections 2063 and 2067 of the Revised Codes of North Dakota relating to the appointment of deputy

clerks of court and their salaries, and fees to be charged by the clerks of district court.

Was read the first and second times, and

Referred to the committee on ways and means.

House bill No. 99,

A bill for an act to cancel sales of land for taxes upon which no taxes were due.

Was read the first and second times, and

Referred to the committee on judiciary.

House bill No. 100,

A bill for an act to enforce the payment of taxes which became delinquent on or prior to January first, eighteen hundred and ninety-eight.

Was read the first and second times, and

Referred to the committee on judiciary.

House bill No. 101,

A bill for an act authorizing board of county commissioners to offer reward for the apprehension and conviction of certain criminals.

Was read the first and second times, and

Referred to the committee on state affairs.

House bill No. 102,

A bill for an act to amend section 338 of the Revised Codes of North Dakota, relating to supplies for public offices, repairs upon the capitol building and executive mansion and the public grounds and parks connected therewith, and making an annual appropriation therefor.

Was read the first and second times, and

Referred to the committee on appropriations.

House bill No. 103,

A bill for an act to amend sections 2069 and 2071 of the Revised Codes of the state of North Dakota relating to clerk hire in county courts, and the manner of reimbursing counties for salaries paid county judge.

Was read the first and second times, and

Referred to the committee on ways and means.

House bill No. 104,

A bill for an act to amend section 2073 of the Revised Codes of the state of North Dakota, providing for the salary of county auditor.

Was read the first and second times, and

Referred to the committee on ways and means.

House bill No. 105,

A bill for an act to amend Sec. 2069 of the Revised Codes of the state of North Dakota, providing for clerk hire in the office of county judge.

Was read the first and second times, and

Referred to the committee on ways and means.

House bill No. 106,

A bill for an act to amend section 2080 of the Revised Codes of the state of North Dakota, providing for the salary of county treasurers.

Was read the first and second times, and

Referred to the committee on ways and means.

House bill No. 107,

A bill for an act entitled an act to amend section 6847 of chapter 4 of the penal code of the state of North Dakota, relating to the punishment of Sabbath breaking.

Was read the first and second times, and

Referred to the committee on judiciary.

House bill No. 108,

A bill for an act to amend section 696 of article 6 of chapter 3, entitled education of the Revised Codes of North Dakota, of 1895.

Was read the first and second times, and

Referred to the committee on education.

House bill No. 109,

A bill for an act to amend section 481 of the Revised Codes of North Dakota, relating to election precincts.

Was read the first and second times, and

Referred to the committee on privileges and elections.

House bill No. 110,

A bill for an act to amend chapter 134 of the session laws of 1897.

Was read the first and second times, and

Mr. Stevens moved that

House bill No. 110,

A bill for an act to amend chapter 134 of the session laws of 1897.

Be referred to the committee on railroads.

Which motion prevailed, and

The bill was so referred.

Mr. Hare moved that

House bill No. 102,

A bill for an act to amend section 338 of the Revised Codes of

North Dakota, relating to supplies for public offices, repairs upon the capitol building and executive mansion and the public grounds and parks connected therewith, and making an annual appropriation therefor.

Be referred to the committee on appropriations.

Which motion prevailed and

The bill was so referred.

Mr. Stevens moved that

House bill No. 97,

A bill for an act to create a department of agriculture for the promotion of agriculture, stock breeding, etc., the appointment of three trustees to carry out the work of the department for the holding of a state fair at Valley City and an appropriation of money therefor.

Be referred to the committee on taxation and tax laws.

Which motion prevailed, and

The bill was so referred.

THIRD READING OF HOUSE BILLS.

Mr. McHarg asked unanimous consent to offer the following amendment to

House bill No. 79,

A bill for an act to provide for continuance of cases when an attorney in the case is a member of the state legislature or any party to the pending suit is a member of the legislature.

Insert the word "general" in line 3, after the word "succeeding."

Insert the word "general" in line 10, after the word "succeeding."

Mr. McHarg moved

That the amendment be adopted,

Which motion prevailed and

The bill was so amended.

House bill No. 79,

A bill for an act to provide for continuance of cases when an attorney in the case is a member of the state legislature or any party to the pending suit is a member of the legislature.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 53, nays none, absent and not voting 9.

Those who voted in the affirmative were :

Messrs—

Aas,
Allshouse,
Bacon,
Berger,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Deisem,
Dougherty,
Earl,
Engelter,
Erickson,
Gilbertson,
Glasgow,
Green,
Gronvold,

Messrs—

Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish
Lynch,
McHarg,
McLean,
Michels,
Nelson,
Ovind,
Peek,
Peterson,
Restenmayer.

Messrs—

Sanford,
Sargent,
Stevens,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson
Tousley,
Towle,
Tuftte,
Wallace,
Watts,
Wolbert,
Winslow,
Mr. Speaker,

Absent and not voting :

Messrs—

Allen,
Boyd,
Dwire,

Messrs—

Ferris,
Gulack,
Hale,

Messrs—

Miner,
Stewart,
Ugland,

Messrs. Allen, Boyd, Dwire, Ferris, Hale, Miner, Stewart and Ugland being excused.

So the bill as amended passed and the title was agreed to.

Mr. McHarg moved

That the vote by which house bill No. 79 was passed, be reconsidered, and the motion to reconsider be laid upon the table,
Which motion prevailed.

By unanimous consent Mr. Hare offered the following resolution, and moved its adoption:

Whereas, The protection of stock and farming interests from prairie fire is important, and there being now no sufficient law on the subject of firebrakes; therefore be it

Resolved, That the committee on agriculture be directed to prepare and present to the house a bill on the subject of firebreaks.

Which motion prevailed, and
The resolution was adopted.

House bill No. 20,

A bill for an act to amend section 1495 of the Revised Codes of the state of North Dakota, relating to the time of holding an election for the purchase of an asylum for the poor, and providing for the appointment of a superintendent for such asylum.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 53, nays none, absent and not voting 9.

Those who voted in the affirmative were :

Messrs—

Aas,
Allshouse,
Bacon,
Berger,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Delsem,
Dougherty,
Earl,
Engelter,
Erickson,
Gilbertson,
Glasgow,
Green,
Gronvold,

Messrs—

Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish
Lynch,
McHarg,
McLean,
Michels,
Nelson,
Ovind,
Peek,
Peterson,
Restemayer,

Messrs—

Sanford,
Sargent,
Stevens,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson
Tousley,
Towle,
Tuftte,
Wallace,
Watts,
Wolbert,
Winslow,
Mr. Speaker,

Absent and not voting :

Messrs—

Allen,
Boyd,
Dwire,

Messrs—

Ferris,
Gulack,
Hale,

Messrs—

Miner,
Stewart,
Ugland,

Messrs. Allen, Boyd, Dwire, Ferris, Hale, Miner, Stewart and Ugland, being excused.

So the bill passed and the title was agreed to.

Mr. Stevens moved

That the vote by which house bill No. 20 passed be reconsidered, and the motion to reconsider be laid upon the table,
Which motion prevailed.

Mr. Stevens moved

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

J. G. HAMILTON,
Chief Clerk.

THIRTY-FIRST DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 2, 1899.

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

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present excepting Messrs. Allen, Boyd, Dwire, Ferris, Hale, Miner, Stewart, Uglund and Mr. Gulack, who were excused.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

Your committee on revision and correction of the Journal respectfully report that they have carefully examined the Journal of the thirtieth day and recommend the following corrections:

On page 2, line 30, strike out the word "petitions" and insert so as to read "petition."

On page 9, line 24, correct the spelling of the word "appropriations," and correct the type in the word "with."

On page 11, line 36, change the name "E. W. Earl" so as to read "G. W. Earl."

And when so amended recommend that the Journal of the thirtieth day be approved.

JOHN KENNEDY,
Chairman.

Mr. Kennedy moved

That the report of the committee on revision and correction of the Journal be adopted,

Which motion prevailed and

The report was adopted.

REPORTS OF STANDING COMMITTEES.

The committee on engrossed bills made the following report:

Mr. Speaker:

Your committee on engrossed bills have examined

House bill No. 79,

A bill for an act to provide for continuance of cases when an attorney in the case is a member of the state legislature or any party to the pending suit is a member of the legislature.

Also,

House bill No. 64,

A bill for an act to amend section 1605 of the Revised Codes relating to the compensation and bonds of district veterinarians.

Also,

House bill No. 2,

A bill for an act to amend section 2767 of the Revised Codes of North Dakota relating to rights and capacity of husband and wife.

Also,

House bill No. 67,

A bill for an act to amend section 2612 of the Revised Codes of 1895 relating to statements of township treasurers.

Also,

House bill No. 49,

A bill for an act to amend section 1943 of the Revised Codes of North Dakota relating to balances to be kept by county treasurers in county depositories.

And find the same correctly engrossed.

A. W. THOMAS,
Chairman.

Mr. Sargent requested that the privileges of the floor be extended to W. F. Ball of Fargo.

Mr. Kennedy requested that the privileges of the floor be extended to M. P. Axtel.

Mr. Thomson requested that the privileges of the floor be extended to S. J. Brown.

Mr. Chacey requested that the privileges of the floor be extended to Charles Guncle.

There being no objections, the privileges of the floor were so extended.

REPORTS OF STANDING COMMITTEES.

Mr. Speaker:

Your joint committee on penal institutions to whom was referred

House bill No. 18,

A bill for an act entitled an act to amend section 8531 of the Revised Codes of 1895 and to repeal section 8538 of said Codes.

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

JOSEPH HARE,
Chairman.

The committee on irrigation made the following report:

Mr. Speaker:

Your committee on irrigation to whom was referred
House bill No. 71,

A bill for an act to provide for the construction and maintenance of dams across running streams for use in operating mills and for irrigation purposes.

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

DONALD STEVENSON,
Chairman.

The committee on judiciary made the following report:

Mr. Speaker

Your committee on judiciary to whom was referred
House bill No. 58,

A bill for an act to amend sections 1645 and 1648 of the Revised Codes relating to hunting permits of residents and non-residents and the disposition of fees collected therefrom.

Also,

House bill No. 60,

A bill for an act to amend sections 1643 and 1644, Revised Codes, 1895, as amended by section 1, chapter 83, laws of North Dakota, 1897, relating to protection of game and fish.

Have had the same under consideration and report the same back, and recommend that the same be referred to the joint committee on game and game laws.

R. N. STEVENS,
Chairman.

Mr. Stevens moved

That the report of the judiciary committee on
House bill No. 58,

A bill for an act to amend sections 1645 and 1648 of the Revised Codes relating to hunting permits of residents and non-residents and the disposition of fees collected therefrom.

Also,

House bill No. 60,

A bill for an act to amend sections 1643 and 1644, Revised Codes, 1895, as amended by section 1, chapter 83, laws of North Dakota, 1897, relating to protection of game and fish.

Be adopted,

Which motion prevailed, and

The reports were adopted.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

House bill No. 75,

A bill for an act to amend chapter 114, session laws of 1897, entitled "an act to amend section 76 of the Revised Codes of North Dakota, relating to accounts for printing and binding required by state officers and making an annual appropriation therefor."

Have had the same under consideration and report the bill back, and recommend that the same be referred to the committee on appropriations.

R. N. STEVENS,

Chairman.

Mr. Lynch moved

That the report of the judiciary committee on

House bill No. 75,

A bill for an act to amend chapter 114, session laws of 1897, entitled "an act to amend section 76 of the Revised Codes of North Dakota, relating to accounts for printing and binding required by state officers and making an annual appropriation therefor."

Be adopted,

Which motion prevailed and

The report was adopted.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

House bill No. 53,

A bill for an act "an act to amend sections 1880, 1881, 1883, 1886 and 1887 of the Revised Codes of the state of North Dakota of 1895 relating to the procedure for the removal of county seats."

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

By striking out all of said bill after the enacting clause and substituting in lieu thereof the following: "Amend section 1881 of the Revised Codes to read as follows:

Section 1881. If the petition is signed by qualified electors of the county equal in number to at least three-fifths of all the votes cast in the county at the last preceding general election the board must at the next general election submit the question of removal to the electors of the county."

And when so amended your committee on judiciary recommend that it do pass.

R. N. STEVENS,
Chairman.

And

House bill No. 53,

A bill for an act "an act to amend sections 1880, 1881, 1883, 1886 and 1887 of the Revised Codes of the state of North Dakota of 1895 relating to the procedure for the removal of county seats."

Was referred to general orders.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
February 2, 1899.

Mr. Speaker:

I have the honor to transmit herewith

Senate bill No. 23,

A bill for an act providing for judgment of dissolution in certain actions against corporations.

Also,

Senate bill No. 65,

A bill for an act to amend section 5226, of the Revised Codes of the state of North Dakota, relating to the appointment of a guardian ad litem, presented as a substitute bill for senate bills Nos. 7 and 32 by the committee on judiciary.

Also,

Senate bill No. 66,

A bill for an act to amend section 6731 of the Revised Codes of 1895, relating to the sale of personal property under execution,

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

Also,

I have the honor to transmit herewith

CONCURRENT RESOLUTION

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

That the senators and representatives of the state of North Dakota, in

the national congress be requested to favor and assist in securing a fair and liberal service pension to every union soldier veteran of the civil war, not already a pensioner, regardless of any disability accruing from said service or since, whenever said soldier shall have arrived at the age of sixty-two years.

Which the senate has passed unchanged.

Very respectfully yours,

J. O. SMITH,

Secretary.

PETITIONS AND COMMUNICATIONS.

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

CONCURRENT RESOLUTION.

Whereas, The state of North Dakota has an international reputation for the production of the best quality of wheat; and

Whereas, Experience has demonstrated the necessity of changing the seed in order to keep fields clear of smut and blight; and

Whereas, It has also been demonstrated that the higher the latitude where wheat is produced, the better is its quality; therefore, be it

Resolved, by the house of representatives, the senate concurring, That the congress of the United States is respectfully petitioned to so modify the tariff law of the United States as to allow the importation of wheat intended for seed, free of duty, and that such regulations be established regarding the importation thereof as to prevent the use of said wheat for any other purpose than that of seeding.

That a copy of this resolution, properly engrossed, be sent to our representatives in congress, and they are requested to use every endeavor to secure the modification herein petitioned for.

Which motion prevailed and

The resolution was adopted.

INTRODUCTION OF HOUSE BILLS.

Department of State,

House bill No. 111,

Proposed amendment to the constitution of the state of North Dakota,

Department of State,

House bill No. 112,

Concurrent resolution submitting an amendment to the constitution of the state of North Dakota.

FIRST AND SECOND READING OF HOUSE BILLS.

House bill No. 111,

Proposed amendment to the constitution of the state of North Dakota,

Was read the first and second times, and

Referred to the attorney general.

House bill No. 112,

Concurrent resolution submitting an amendment to the constitution of the state of North Dakota.

Was read the first and second times, and

Referred to the attorney general.

Mr. Stevens moved

That the two concurrent resolutions for the amendment of the constitution be submitted to the attorney general of this state and request him to answer the following questions:

First. Are the concurrent resolutions in proper form for passage by this legislative assembly?

Second. Was the vote taken upon the concurrent amendments adopted at the late election properly voted upon, and are they now proper amendments to the constitution of the state?

Third. How shall the constitutional amendments now being submitted be voted upon in case this house shall vote to submit them to the people at the next general election?

Fourth. That the attorney general be requested to return, in writing, to this house, his opinion at the earliest possible moment.

Which motion prevailed.

INTRODUCTION OF HOUSE BILLS.

Mr. Lish introduced

House bill No. 113,

A bill for an act to amend section 2059 of the Revised Codes of 1895.

Mr. Glasgow introduced

House bill No. 114,

A bill for an act to amend section "1620" of the Revised Codes of the state of North Dakota, of the revision of 1895, relating to the practice of veterinary.

Mr. Johnson of Richland introduced

House bill No. 115,

A bill for an act providing for listing of dogs by the county and township assessors for the purpose of taxation.

Mr. Tufte introduced

House bill No. 116,

A bill for an act to amend section 6847 of the Revised Codes of the state of North Dakota, relating to Sabbath breaking.

Mr. Laughlin introduced

House bill No. 117,

A bill for an act to amend chapters 67 and 68 of the penal code of the revised codes of North Dakota, relating to adulterated dairy

products, and selling adulterated and unwholesome food or medicine, and to create a deputy commissioner of agriculture with certain duties in connection therewith, and fixing his salary.

Mr. Swenson introduced

House bill No. 118,

A bill for an act to amend section 1794 of the revised codes of North Dakota relating to storage of grain.

FIRST AND SECOND READING OF HOUSE BILLS.

House bill No. 113,

A bill for an act to amend section 2059 of the Revised Codes of 1895.

Was read the first and second times, and
Referred to the committee on state affairs.

House bill No. 114,

A bill for an act to amend section "1620" of the Revised Codes of the state of North Dakota, of the revision of 1895, relating to the practice of veterinary.

Was read the first and second times, and
Referred to the committee on agriculture.

House bill No. 115,

A bill for an act providing for listing of dogs by the county and township assessors for the purpose of taxation.

Was read the first and second times, and
Referred to the committee on taxation and tax laws.

House bill No. 116,

A bill for an act to amend section 6847 of the Revised Codes of the state of North Dakota, relating to Sabbath breaking.

Was read the first and second times, and
Referred to the committee on judiciary.

House bill No. 117,

A bill for an act to amend chapters 67 and 68 of the penal code of the revised codes of North Dakota, relating to adulterated dairy products, and selling adulterated and unwholesome food or medicine, and to create a deputy commissioner of agriculture with certain duties in connection therewith, and fixing his salary.

Was read the first and second times, and
Referred to the committee on agriculture.

House bill No. 118.

A bill for an act to amend section 1794 of the revised codes of North Dakota relating to storage of grain.

Was read the first and second times, and

Referred to the committee on warehouses and grain grading.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
February 2, 1899.

Mr. Speaker:

I have the honor to transmit herewith

Senate bill No. 3,

A bill for an act to repeal section 395, Revised Codes of North Dakota, as amended by chapter 138, laws of North Dakota for the year 1897, relating to the salary of supreme court reporter and providing a compensation for the supreme court reporter

Also,

Senate bill No. 21,

A bill for an act to amend section 3119 of article 6, of the Revised Codes of North Dakota relating to the publication of annual statements of insurance companies.

Also,

Senate bill, No. 55,

A bill for an act making an appropriation for repairing and furnishing the executive mansion.

Also,

Senate bill No. 62,

A bill for an act to amend sections 245, 249 and 252 of the Revised Codes of the state of North Dakota, relating to county boards of health.

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

Also,

I have the honor to transmit herewith

House bill No. 27,

A bill for an act to amend section 6153 of the Revised Codes of the state of North Dakota.

Which the senate has passed without change.

J. O. SMITH,
Secretary.

The Speaker announced an informal recess of ten minutes.

House reassembled.

House bill No. 48,

A concurrent resolution proposing an amendment to the state

constitution providing for the establishment of a bureau of hail insurance.

Was read the second time and

Referred to the committee on insurance.

The committee on engrossed bills made the following report:

Mr. Speaker:

Your committee on engrossed bills have examined

House bill No 6,

A bill for an act to amend sections 3205 and 3209 of the Revised Codes relating to building and loan associations.

And find the same correctly engrossed.

A. W. THOMAS,

Chairman.

GENERAL ORDERS.

Mr. Stevens moved

That the house resolve itself into a committee of the whole for the consideration of general orders,

Which motion prevailed and

The house resolved itself into a committee of the whole.

The speaker called Mr. Laughlin to the chair, who presided until

House bill No. 29,

A bill for an act to provide for the giving of proper official bonds, by county treasurers, and to provide for the payment of the expense incurred in procuring the same.

Was considered when Mr. Hare was called to the chair.

When the committee rose the following report was submitted:

Mr. Speaker:

Your committee of the whole have had under consideration

House bill No. 9,

A bill for an act requiring mortgagees of personal property to prepare and furnish and read to mortgagors copies of the mortgage instruments and making the said mortgage instruments void unless so furnished and read.

And recommend that the same be amended as follows:

To strike out in line 3 of section 1 the words "full, perfect and complete."

In line 3, section 2, the words "read to, and received by."

In line 1, section 3, the words "or filed for."

In line 2, section 3, the words "record, or recorded in this state, or other person authorized."

In line 3, section 3, the words "or file for record or record."

In line 5, section 3, the words "read to, and received by."

Strike out in line 2, section 1, after the words prepare for "read."

Also that the title be amended

By striking out the words "and read" in the title of the bill.
And when so amended recommend that the same do pass.

Also,

House bill No. 29,

A bill for an act to provide for the giving of proper official bonds, by county treasurers, and to provide for the payment of the expense incurred in procuring the same.

And recommend that the bill do pass.

JOSEPH HARE,
Chairman.

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

Mr. Deisem moved
That the house do now adjourn,
Which motion prevailed, and
The house adjourned.

J. G. HAMILTON,
Chief Clerk.

THIRTY-SECOND DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 3, 1899.

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

The chief clerk called the house to order and announced that the speaker had designated Hon. J. D. Wallace of Pembina to act as speaker for the day.

The announcement was made too late to be recorded in the Journal, and in order to avoid any question the house proceeded to vote for speaker pro tem for the day.

Mr. Stevens moved

That Hon. J. D. Wallace of Pembina be elected as speaker pro tem for the day, and demanded a roll call, which resulted as follows:

The roll was called and there were, ayes 53, nays none, absent and not voting 9.

Those who voted in the affirmative were:

Messrs—

Aas,
Allshouse,
Bacon,
Berger,
Brakke,
Brotnov,
Chacey,
Clarke,
Deisem,
Dougherty,
Earl,
Engelter,
Erickson,
Ferris,
Gilbertson,
Glasgow,
Green,
Gronvold,

Messrs—

Gulack,
Hale,
Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish
Lynch,
McHarg,
McLean,
Michels,
Nelson,
Ovind,
Peek,

Messrs—

Peterson,
Restemayer,
Sanford,
Sargent,
Stevens,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson
Tousley,
Towle,
Tufte,
Watts,
Wolbert,
Winslow,

Absent and not voting:

Messrs—

Allen,
Boyd,
Cassell,

Messrs—

Dwire,
Miner,
Stewart,

Messrs—

Ugland,
Wolbert,
Mr. Speaker,

Mr. Wallace having received a majority of all the votes cast was duly declared elected speaker pro tem for the day.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Allen, Boyd, Cassell, Dwire, Miner, Stewart, Ugland and Mr. Speaker, who were excused.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

Your committee on revision and correction of the Journal respectfully report that they have carefully examined the Journal of the thirty-first day and recommend the following corrections:

On page 11, line 37, correct the spelling of the name "Sargent."

On page 3, line 4, correct the spelling of the name "Hytel" so as to read "Axtel."

And when so amended recommend that the Journal of the thirty-first day be approved.

JOHN KENNEDY,
Chairman.

Mr. Kennedy moved

That the report of the committee on revision and correction of the Journal be adopted,

Which motion prevailed and

The report was adopted.

Mr. Thomson requested that the privileges of the floor be extended to C. J. Maddox of New Rockford.

Mr. McLean requested that the privileges of the floor be extended to Hon. John F. Mears.

Mr. Lynch requested that the privileges of the floor be extended to J. R. French of Richland county,

Mr. Lish requested that the privileges of the floor be extended to E. Nicols.

There being no objections, the privileges of the floor were so extended.

REPORTS OF STANDING COMMITTEES.

The committee on state affairs made the following report:

Mr. Speaker:

Your committee on state affairs to whom was referred

House bill No. 101,

A bill for an act authorizing board of county commissioners to offer reward for the apprehension and conviction of certain criminals.

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

JOHN KENNEDY,
Chairman.

The committee on engrossed bills made the following report:

Mr. Speaker:

Your committee on engrossed bills to whom was referred

House bill No. 87,

A bill for an act to amend section 3219 of the Revised Codes of 1895, relating to building and loan associations.

Also,

House bill No. 36,

A bill for an act to amend sections 3229 and 3230 of the Revised Codes of North Dakota, relating to the powers of banking corporations organized under the laws of the state of North Dakota.

Also,

House bill No. 8,

A bill for an act to repeal chapter 53 of session laws of 1897, and

sections 4816, 4817, 4818 and 4819 of the Revised Codes of North Dakota relating to liens for sires.

Also,

House bill No. 18,

A bill for an act entitled an act to amend section 8531 of the Revised Codes of 1895 and to repeal section 8538 of said Codes.

And find the same correctly engrossed.

A. W. THOMAS,

Chairman.

Mr. Speaker:

I have the honor to comply with the request of the house and return

House bill No. 110,

A bill for an act to amend chapter 134 of the session laws of 1897.

From the committee on railroads, that the same may be referred to the committee on appropriations.

O. McHARG,

Chairman.

PETITIONS AND COMMUNICATIONS.

Mr. Berger presented the following petitions :

To the House of Representatives of the State of North Dakota :

The undersigned petition your honorable body to pass a bill to increase the penalty for Sabbath breaking, which is now but one dollar.

MRS. A. J. FARROW,
(and 40 others.)

To the House of Representatives of the State of North Dakota :

The undersigned petition your honorable body to pass a bill to create the office of temperance commissioner, whose duty it shall be to look after the enforcement of the prohibitory law.

MRS. KATIE WINMILL,
(and 64 others.)

INTRODUCTION OF HOUSE BILLS.

Mr. Peek introduced

House bill No. 119,

A bill for an act to amend section 308 of the civil codes of the laws of 1895.

Mr. Herbrandson introduced

House bill No. 120,

A bill for an act to repeal sections 1566, 1567 and 1538 of the Revised Codes of North Dakota.

Mr. Clarke introduced

House bill No. 121,

A bill for an act fixing the salaries of county auditors and for the repeal of section 2073, chapter 27 of the Revised Codes of North Dakota of 1895.

Mr. Brotnov introduced

House bill No. 122,

A bill for an act to encourage the use of certain wagons, and to allow therefor a deduction of road tax.

Mr. Brotnov introduced

House bill No. 123,

A bill for an act regulating the operation of traction engines in this state.

FIRST AND SECOND READING OF HOUSE BILLS.

House bill No. 119,

A bill for an act to amend section 308 of the civil codes of the laws of 1895.

Was read the first and second times, and

Referred to the committee on judiciary.

House bill No. 120,

A bill for an act to repeal sections 1566, 1567 and 1568 of the Revised Codes of North Dakota.

Was read the first and second times, and

Referred to the committee on judiciary.

House bill No. 121,

A bill for an act fixing the salaries of county auditors and for the repeal of section 2073, chapter 27 of the Revised Codes of North Dakota of 1895.

Was read the first and second times, and

Referred to the committee on ways and means.

House bill No. 122,

A bill for an act to encourage the use of certain wagons, and to allow therefor a deduction of road tax.

Was read the first and second times, and

Referred to the committee on agriculture.

House bill No. 123,

A bill for an act regulating the operation of traction engines in this state.

Was read the first and second times, and

Referred to the committee on judiciary.

Mr. McHarg moved that

House bill No. 97,

A bill for an act to create a department of agriculture for the promotion of agriculture, stock breeding, etc., the appointment of three trustees to carry out the work of the department for the holding of a state fair at Valley City and an appropriation of money therefor.

Be recalled from the committee on taxes and tax laws and
Referred to the committee on appropriations.

Also, that

House bill No. 110,

A bill for an act to amend chapter 134 of the session laws of 1897.

Be recalled from the committee on railroads and
Referred to the committee on appropriations.

Which motion prevailed, and
The bills were so referred.

FIRST AND SECOND READING OF SENATE BILLS AND MEMORIALS.

CONCURRENT RESOLUTION.

Resolved, That in the death of Governor Frank A. Briggs the state lost a safe executive and a patriotic citizen, loyal to his state and people.

Resolved, That Saturday, February 11th, beginning at 2 o'clock p. m., be set apart for appropriate eulogies to his memory, and that the senate and house meet in joint assembly at that time.

Resolved, That, as an additional mark of respect, the senate and house shall, at the conclusion of these ceremonies, adjourn.

Resolved, That the senate communicate these resolutions to the house.
Was read the first and second times.

Mr. McHarg moved

That the house concur in the concurrent resolution as read,
Which motion prevailed.

FIRST AND SECOND READING OF SENATE BILLS.

Senate bill No. 48,

A bill for an act to amend section 3598 of the Revised Codes, relating to the recording of certain instruments.

Was read the first and second times, and
Referred to the committee on judiciary.

Senate bill No. 49,

A bill for an act to amend section 2869 of the civil code, providing for the secretary of state making record of, and certifying to the state examiner, when charter is granted to certain corporations.

Was read the first and second times, and

Referred to the committee on corporations other than municipal.

Senate bill No. 47,

A bill for an act to amend section 5422 of the Revised Codes, relating to note of issue, notice of trial and order of trials.

Was read the first and second times, and

Referred to the committee on judiciary.

Senate bill No. 61,

A bill for an act to amend section 5574 of the Revised Codes of North Dakota of 1895 by allowing the same statutory costs in cases appealed from a justice court as in cases originally commenced in the district court.

Was read the first and second times, and

Referred to the committee on judiciary.

Senate bill No. 13,

A bill for an act in relation to making unknown parties and the unknown heirs of deceased persons, parties defendant in certain actions.

Was read the first and second times, and

Referred to the committee on judiciary.

Senate bill No. 3,

A bill for an act to repeal section 395, Revised Codes of North Dakota, as amended by chapter 138, laws of North Dakota for the year 1897, relating to the salary of supreme court reporter and providing a compensation for the supreme court reporter

Was read the first and second times, and

Referred to the committee on judiciary.

Mr. Stevens moved that

Senate bill No. 3,

A bill for an act to repeal section 395, Revised Codes of North Dakota, as amended by chapter 138, laws of North Dakota for the year 1897, relating to the salary of supreme court reporter and providing a compensation for the supreme court reporter.

Be referred to the committee on judiciary,

Which motion prevailed, and

The bill was so referred.

Senate bill No. 9.

A concurrent resolution amending section 162 of the constitution of the state of North Dakota.

Was read the first and second times, and

Referred to the committee on school and public lands.

Senate bill No. 29,

A bill for an act requiring county auditors and county treas-

urers to make out and publish quarterly statements.

Was read the first and second times, and
Referred to committee on public printing.

Senate bill No. 36,

A bill for an act to fix the compensation of the chaplain of the senate and of the house of representatives.

Was read the first and second times, and
Referred to the committee on judiciary.

Senate bill No. 23,

A bill for an act providing for judgment of dissolution in certain actions against corporations.

Was read the first and second times, and
Referred to the committee on judiciary.

Senate bill No. 65,

A bill for an act to amend section 5226, of the Revised Codes of the state of North Dakota, relating to the appointment of a guardian ad litem, presented as a substitute bill for senate bills Nos. 7 and 32 by the committee on judiciary.

Was read the first and second times, and
Referred to the committee on judiciary.

Senate bill No. 66,

A bill for an act to amend section 6731 of the Revised Codes of 1895, relating to the sale of personal property under execution.

Was read the first and second times, and
Referred to the committee on judiciary.

Senate bill, No. 55,

A bill for an act making an appropriation for repairing and furnishing the executive mansion.

Was read the first and second times, and
Referred to the committee on appropriations.

Senate bill No. 21,

A bill for an act to amend section 3119 of article 6, of the Revised Codes of North Dakota relating to the publication of annual statements of insurance companies.

Was read the first and second times, and
Referred to committee on public printing.

Senate bill No. 62,

A bill for an act to amend sections 245, 249 and 252 of the Revised Codes of the state of North Dakota, relating to county boards of health.

Was read the first and second times, and
Referred to the committee on public health.

The speaker pro tem announced that he was about to sign Senate Bill No. 1,

A bill for an act to amend section 2755 of the Revised Codes of North Dakota relating to the dissolution of marriage.

THIRD READING OF HOUSE BILLS.

House bill No. 2,

A bill for an act to amend section 2767 of the Revised Codes of North Dakota relating to rights and capacity of husband and wife.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 33, nays 10, absent and not voting 19.

Those who voted in the affirmative were :

| | | |
|-------------|--------------------|----------|
| Messrs— | Messrs— | Messrs— |
| Aas, | Green, | Nelson, |
| Allhouse, | Gronvold, | Peek, |
| Brakke, | Gulack, | Sanford, |
| Brotnov, | Hale, | Sargent, |
| Chacey, | Hare, | Stevens, |
| Clarke, | Hauan, | Taylor, |
| Deisem, | Johnson, Richland, | Thomas, |
| Dougherty, | Kennedy, | Thomson, |
| Engelter, | Laughlin, | Tousley, |
| Gilbertson, | Lee, | Wallace, |
| Glasgow, | Lynch, | Wolbert, |

Those who voted in the negative were:

| | | |
|--------------|----------|----------|
| Messrs— | Messrs— | Messrs— |
| Herbrandson, | Ovind, | Tufte, |
| McHarg, | Swenson, | Watts, |
| McLean, | Towle, | Winslow, |
| Michels, | | |

Absent and not voting :

| | | |
|----------|------------------|--------------|
| Messrs— | Messrs— | Messrs— |
| Allen, | Erickson, | Restemayer, |
| Bacon, | Ferris, | Stewart, |
| Berger, | Johnston, Walsh, | Stevenson, |
| Boyd, | Lish, | Thordarson, |
| Cassell, | Miner, | Ugland, |
| Dwire, | Peterson, | Mr. Speaker, |
| Earl, | | |

Messrs. Allen, Boyd, Cassell, Dwire, Earl, Miner, Stewart and Mr. Speaker being excused.

So the bill passed and the title was agreed to.

House bill No. 87,

A bill for an act to amend section 3219 of the Revised Codes of 1895, relating to building and loan associations.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 51, nays none, absent and not voting 11.

Those who voted in the affirmative were :

| | | |
|-------------|--------------------|-------------|
| Messrs— | Messrs— | Messrs— |
| Aas, | Hale, | Peterson, |
| Bacon, | Hare, | Restemayer, |
| Berger, | Hauan, | Sanford, |
| Brakke, | Herbrandson, | Sargent, |
| Brotnov, | Johnson, Richland, | Stevens, |
| Chacey, | Johnston, Walsh, | Stevenson, |
| Clarke, | Kennedy, | Taylor, |
| Deisem, | Laughlin, | Thomas, |
| Dougherty, | Lee, | Thomson, |
| Earl, | Lish, | Thordarson, |
| Engelter, | Lynch, | Tousley, |
| Erickson, | McHarg, | Towle, |
| Gilbertson, | McLean, | Tufte, |
| Glasgow, | Michels, | Wallace, |
| Green, | Nelson, | Watts, |
| Gronvold, | Ovind, | Wolbert, |
| Gulack, | Peek, | Winslow, |

Absent and not voting :

| | | |
|------------|----------|--------------|
| Messrs— | Messrs— | Messrs— |
| Allen, | Dwire, | Swenson, |
| Allshouse, | Ferris, | Ugland, |
| Boyd, | Miner, | Mr. Speaker, |
| Cassell, | Stewart, | |

Messrs. Allen, Boyd, Cassell, Dwire, Miner, Stewart, Ugland and Mr. Speaker being excused.

So the bill passed and the title was agreed to.

House bill No. 74,

A bill for an act to amend section sixty of the Revised Codes of 1895, relating to printing of session laws.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 53, nays none, absent and not voting 9.

Those who voted in the affirmative were :

| | | |
|------------|--------------------|-------------|
| Messrs— | Messrs— | Messrs— |
| Aas, | Gulack, | Peterson, |
| Allshouse, | Hale, | Restemayer, |
| Bacon, | Hare, | Sanford, |
| Berger, | Hauan, | Sargent, |
| Boyd, | Herbrandson, | Stevens, |
| Brakke, | Johnson, Richland, | Swenson, |
| Brotnov, | Johnston, Walsh, | Stevenson, |
| Chacey, | Kennedy, | Taylor, |
| Clarke, | Laughlin, | Thomas, |
| Deisem, | Lee, | Thomson, |
| Dougherty, | Lish, | Thordarson, |

Messrs—

Earl,
Engelter,
Erickson,
Gilbertson,
Glasgow,
Green,
Gronvold,

Messrs—

Lynch,
McHarg,
McLean,
Michels,
Nelson,
Ovind,
Peek,

Messrs—

Tousley,
Towle,
Tufte,
Wallace,
Watts,
Winslow,

Absent and not voting :

Messrs—

Allen,
Cassell,
Dwire,

Messrs—

Ferris,
Miner,
Stewart,

Messrs—

Ugland,
Wolbert,
Mr. Speaker.

Messrs. Allen, Cassell, Dwire, Miner, Stewart and Mr. Speaker being excused.

So the bill passed and the title was agreed to.

House bill No. 36,

A bill for an act to amend sections 3229 and 3230 of the Revised Codes of North Dakota, relating to the powers of banking corporations organized under the laws of the state of North Dakota.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 53, nays none, absent and not voting 9.

Those who voted in the affirmative were:

Messrs—

Aas,
Allshouse,
Bacon,
Berger,
Brakke,
Brotnov,
Chacey,
Clarke,
Deisem,
Dougherty,
Earl,
Engelter,
Erickson,
Ferris,
Gilbertson,
Glasgow,
Green,
Gronvold,

Messrs—

Gulack,
Hale,
Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish,
Lynch,
McLean,
Michels,
Nelson,
Ovind,
Peek,
Peterson,

Messrs—

Restemayer,
Sanford,
Sargent,
Stevens,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson
Tousley,
Towle,
Tufte,
Wallace,
Watts,
Wolbert,
Winslow,

Absent and not voting :

Messrs—

Allen,
Boyd,
Cassell,

Messrs—

Dwire,
McHarg,
Miner,

Messrs—

Stewart,
Ugland,
Mr. Speaker,

Messrs. Allen, Boyd, Cassell, Dwire, Miner, Stewart, Ugland and Mr. Speaker being excused.

So the bill passed and the title was agreed to.

Mr. Laughlin moved

That the vote by which House bill No. 36 passed, be reconsidered, and the motion to reconsider be laid upon the table,
Which motion prevailed.

THIRD READING OF SENATE BILLS.

Senate bill No. 5,

A bill for an act to amend section 95 of chapter 126 of the laws of 1897, being an act entitled "Revenue and Taxation."

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 54, nays none, absent and not voting 8.

Those who voted in the affirmative were:

Messrs—

Aas,
Allshouse,
Bacon,
Berger,
Brakke,
Brotnov,
Chacey,
Clarke,
Deisem,
Dougherty,
Earl,
Engelter,
Erickson,
Ferris,
Gilbertson,
Glasgow,
Green,
Gronvold,

Messrs—

Gulack,
Hale,
Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish,
Lynch,
McHarg,
McLean,
Michels,
Nelson,
Ovind,
Peek,

Messrs—

Peterson,
Restemayer,
Sanford,
Sargent,
Stevens,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson,
Tousley,
Towle,
Turfte,
Wallace,
Watts,
Wolbert,
Winslow,

Absent and not voting:

Messrs—

Allen,
Boyd,
Cassell,

Messrs—

Dwire,
Miner,
Stewart,

Messrs—

Ugland,
Mr. Speaker,

Messrs. Allen, Boyd, Cassell, Dwire, Miner, Stewart Ugland, and Mr. Speaker, who were excused.

So the bill as amended passed and the title was agreed to.

Mr. Tousley moved

That the vote by which Senate bill No. 5 was passed, be reconsidered, and the motion to reconsider be laid upon the table,
Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
February 3, 1899.

Mr. Speaker:

I have the honor to return herewith

A concurrent resolution asking for the admittance of wheat for seed free of duty,

Which the senate has concurred in.

Also,

Senate bill No. 15,

A bill for an act to appropriate the sum of \$500 as a reward for the capture of the murderers of the Spicer family in Emmons county.

Also,

Senate bill No. 24,

A bill for an act to define the duties of the commissioner of agriculture and labor.

Also,

Senate bill No. 69,

A bill for an act to amend section 237 of article 4, of chapter 4, of the Political Code.

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

Very respectfully yours,

J. O. SMITH,

Secretary.

GENERAL ORDERS.

Mr. Stevens moved

That the house resolve itself into a committee of the whole for the consideration of general orders,

Which motion prevailed and

The house resolved itself into a committee of the whole.

The speaker pro tem called Mr. Sargent to the chair.

When the committee arose it submitted the following report:

Mr. Speaker:

Your committee of the whole have had under consideration House bill No. 80,

A bill for an act to suppress and punish trespassing and stealing

rides upon cars, engines and trains, and authorizing trainmen to arrest and prosecute offenders against this act.

And recommend that the bill be amended as follows:

After the word "months" in line 3, section 3, insert the words "at hard labor."

In line 2, section 3, insert the word "ten" in place of the word "thirty" in the printed bill.

In line 3, section 3, strike out the word "twenty-five" and insert in place thereof the word "ten."

Also amend section 3, line 3, by striking out the words "three months" and inserting in lieu thereof the words "thirty days."

And when so amended recommend that the same do pass.

Also,

House bill No. 53,

A bill for an act "an act to amend sections 1880, 1881, 1883, 1886 and 1887 of the Revised Codes of the state of North Dakota of 1895 relating to the procedure for the removal of county seats."

And recommend that the bill be amended as follows:

By striking out all of said bill after the enacting clause and substituting in lieu thereof the following: "Amend section 1881 of the Revised Codes to read as follows:

Section 1881. If the petition is signed by qualified electors of the county equal in number to at least three-fifths of all the votes cast in the county at the last preceding general election the board must at the next general election submit the question of removal to the electors of the county."

And when so amended recommend that the same do pass.

Also,

House bill No. 51,

A bill for an act entitled an act to amend section 75 of chapter 126, of the session laws of 1897, entitled "an act prescribing the mode of making assessments of property, the equalization of and the levy and collection of taxes and for all other purposes relative thereto, and the repealing of sections 1176 to 1198 inclusive, 1200 to 1229 inclusive, 1231, 1234, 1237 to 1240 inclusive, 1242 to 1247 inclusive, 1250 to 1253 inclusive, 1255 to 1290 inclusive, 1294, 1296, 1309, 1321, 1325 to 1330 inclusive, 1336 to 1339 inclusive, and 1346 of the Revised Codes of North Dakota of 1895, and all other sections and parts of sections of said codes, and of all acts and parts of acts inconsistent with the provisions of this act."

And when so amended recommend that the same do pass.

Also,

House bill No. 83,

A bill for an act requiring county auditors to furnish transcripts of real and personal property to township clerks.

And recommend that the bill be amended by adding to the bill the following:

Provided the civil township shall pay all necessary expenses in procuring the same, to be paid to the county auditor."

Also to amend the bill by striking out the word "February" and inserting in lieu thereof the word "December."

And when so amended recommend that the same do pass.

Also,

Senate bill No. 39,

A bill for an act to amend section 82 of chapter 126 of the laws of 1897 relating to revenue and taxation.

Report progress thereon and ask leave to sit again,

E. C. SARGENT,

Chairman.

Mr. Tousley moved

That the report of the committee of the whole be adopted,

Which motion prevailed, and

The report was adopted.

Mr. Stevens moved

That the house do now adjourn,

Which motion prevailed, and

The house adjourned.

J. G. HAMILTON,

Chief Clerk.

THIRTY-THIRD DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 4, 1899.

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

The chief clerk called the house to order and announced that the speaker was absent and it would be necessary to vote for a speaker pro tem for the day.

Mr. Laughlin moved

That Hon. J. D. Wallace of Pembina be elected as speaker pro tem for the day, and demanded a roll call, which resulted as follows :

The roll was called and there were ayes 51, nays none, absent and not voting 11.

Those who voted in the affirmative were :

Messrs—

Aas,
Allshouse,
Bacon,
Berger,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Delsen,
Dougherty,
Engelter,
Erickson,
Ferris,
Gilbertson,
Glasgow,
Green,

Messrs—

Gronvold,
Hale,
Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish
Lynch,
McHarg,
McLean,
Michels,
Nelson,
Ovind,

Messrs—

Peck,
Peterson,
Restemayer,
Sanford,
Sargent,
Stevens,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson
Tousley,
Fowle,
Ugland,
Watts,
Winslow,

Absent and not voting:

Messrs—

Allen,
Boyd,
Dwive,
Earl,

Messrs—

Gulack,
Miner,
Stewart,
Tufte,

Messrs—

Wallace,
Wolbert,
Mr. Speaker,

Messrs. Allen, Boyd, Dwire, Miner, Stewart, Wolbert and Mr. Speaker being excused.

Mr. Wallace having received a majority of all the votes cast, was duly declared elected speaker pro tem for the day.

The chief clerk appointed Mr. Laughlin as a committee of one to escort Mr. Wallace to the chair.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Allen, Boyd, Dwire, Earl, Miner, Stewart, Wolbert and Mr. Speaker, who were excused.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

Your committee on revision and correction of the Journal respectfully report that they have carefully examined the Journal of the thirty-second day and recommend the following corrections:

On page 4, line 29, correct the spelling of the word "look."

On page 14, line 17, correct the spelling of the word "relating."

On page 12, line 12, correct the spelling of the word "absent."

And when so amended recommend that the Journal of the thirty-second day be approved.

JOHN KENNEDY,
Chairman.

Mr. Kennedy moved

That the report of the committee on revision and correction of the Journal be adopted,

Which motion prevailed, and

The report was adopted.

Mr. Bacon requested that the privileges of the floor be extended to Messrs. J. C. Burns, Edwin Braddock and J. Carroll.

Mr. Sanford requested that the privileges of the floor be extended to John F. Venum.

Mr. Gronvold requested that the privileges of the floor be extended to Hon. Thomas H. Oksendahl of Rugby.

Mr. Laughlin requested that the privileges of the floor be extended to W. S. Parker of Lisbon, secretary of the North Dakota Pharmaceutical association.

There being no objections, the courtesies of the floor were so extended.

COMMUNICATION FROM STATE OFFICERS.

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

I respectfully call your attention to the following facts that you may see the absolute necessity of passing such laws as may remedy the evils:

It is very evident the annual consumption of wood material in North Dakota is far in excess of the yearly growth of the native and domestic woods and trees of the state. This is an economic question worthy of the best attention and wisest action of all the members of your honorable body.

The Indians of our state are cutting trees in large quantities, many of which, according to my personal knowledge, are young, sound and growing. The trees, in form of fire wood, are being sold in the market. Leading prominent men of our state are very emphatic in their denunciation of this practice, and have earnestly urged that I take some action whereby these facts may come before your honorable body, that suitable laws may be passed at this session to prevent this wholesale destruction of our woods, which practice has been carried on for years in our state.

As the Indians are supported mainly by the general government, it would seem right to restrict their use of wood to only their natural demands in the way of fuel and other domestic purposes, and not be allowed to destroy the woods and groves of North Dakota, and thus produce wild, barren wastes for the sake of additional gains.

For years it has been contended by reliable citizens of the Turtle Mountain region that the Indians living there, many of whom are aliens, set fires to the timber for the express purpose of killing the trees in order that they may cut the same as dead timber, which they sell in the market under sanction of a sort of common consent practice, without warrant or law.

This is a very serious matter, and influential and leading citizens at the Turtle Mountains respectfully ask, through the writer, that you may enact such measures as will guard against such useless and ruinous destruction, of our woods.

I know by observation and through investigation of the destruction by fire of thousands of acres of the timber or woods at the Turtle Mountains, much of which belonged to the state or its citizens. Thus millions of dollars worth of the property or natural

production of the state are destroyed without benefit to any one. Besides burning and destroying this wood material, so much needed by the residents of our commonwealth for domestic purposes, the fires destroy all young trees and seeds, and much of the soil of the mountains, thus removing the elements favorable for the growth of trees or grain.

It is safe to say that at least three-quarters of the timber raised at the Turtle in the past has been destroyed by fire. A prominent man of excellent judgment, living there and engaged in cutting timber on his own land for the market, told me this, to-wit: "The destruction of the wood material by fire at the Turtle Mountain is enormous. For every cord of wood produced at that point, and consumed by the people in the way of fuel, or used for building purposes, nine cords are destroyed by fire."

The state has selected in the past quite an amount of wooded or timbered land in behalf of and for the benefit of our various state institutions and much of the timber thereon has not only been destroyed by fires, but very large proportions of the same have been cut off for speculative purposes. Thus these lands, which on account of the timber should be of the highest value, are, in fact, when thus denuded of the woods, among some of the least valuable in possession of our state. The cause of this lamentable condition of affairs is owing to the fact that there are no laws, or at least adequate laws, upon the statute books for the proper protection of such valuable property. This is a matter of serious importance and should, in my opinion, receive a thorough investigation and suitable enactments made to protect the rights of our state for and in the interest of the people at large.

This appalling destruction of our woods has continued for long years even before North Dakota became a state, and yet no proper laws have been passed to remedy this evil. Hence there is an imperative necessity for suitable laws to be enacted by this session of the legislative assembly for the protection of timber and trees, native and domestic, of our state from destruction by prairie and other fires or the work of men, etc.

It has come to my knowledge that numerous groves of young thrifty trees have been destroyed by fires originating from the sparks of railroad engines, causing great loss and depreciation of values to those owning such trees. Hence, should not some fair and adequate law be passed to guard against such destruction, or providing for a compensation to those thus losing property

Many trees are wantonly destroyed or injured in our state—these are found upon the prairies, in our native woods, along our city streets, highways, in our schools and churchyards, and upon the farm. In the nursery, in the village and city lots and in our public and private parks. And numerous leading citizens of our state have urged that the writer bring your attention to the necessity of suitable laws whereby all trees of our state, native, private or public, shall be suitably protected from wanton destruction or injury.

Yours truly,

W. W. BARRETT,

State Superintendent of Irrigation and Forestry.

Dated this 3rd day of February, A. D. 1899.

REPORTS OF STANDING COMMITTEES.

HOUSE COMMITTEE REPORT.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

House bill No. 66,

A bill for an act entitled, an act to provide for mortgaging the real estate of a deceased person, of a minor, or of an incompetent person.

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

By striking out all after the enacting clause and inserting in lieu thereof the following:

Section 1. When it is shown to the satisfaction of the court at a hearing upon an application for the sale of real estate or upon a petition praying that the same may be mortgaged as provided in the next section after all the parties interested have been duly cited to appear, not less than ten nor more than thirty days from the date of filing such petition, which notice shall be given to all parties in interest in such manner as the court shall direct, that it will be for the benefit of the estate, the county court may direct an executor, administrator or guardian to mortgage any real estate of a decedent, or incompetent person for the purpose of paying an existing lien or mortgage on the property or for any other purpose for which a sale may be ordered or it may authorize him to make a removal of an existing mortgage, but the homestead

shall not be mortgaged without the consent of the person entitled thereto.

Sec. 2. A petition for the purpose specified in the preceding section must specify the amount of money necessary to be raised and the purpose for which the same is required with such further particulars as are required in a petition for the sale of real property. The decree must fix the amount for which the mortgage may be given and the rate of interest that may be paid thereon, and may order the whole or any part of the money so secured to be paid from time to time out of the income of the mortgaged property. The mortgage or other contract executed by the executor, administrator or guardian, in pursuance thereof may be approved upon his report in the same manner as a sale.

Sec. 3. Emergency. Whereas an emergency exists, in that there is now no law of the state of North Dakota providing for the mortgaging of the real estate of decedents, or of minors, or incompetent persons; therefore, this act shall take effect and be in force from and after its passage and approval.

And when so amended recommend that the same do pass.

Also,

House bill No. 50,

A bill for an act to amend section 5230 of the Revised Codes of North Dakota relating to who may be made parties defendant in actions to quiet title to real property.

Have had the same under consideration and recommend the same be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Section 1. That Sec. 5907 of the Revised Codes of North Dakota be amended to read as follows:

Sec. 5907. In an action commenced by a person, in or out of possession or real property to determine an adverse claim, interest or estate therein, the person making such adverse claim and persons in possession under him may be joined as defendants, and the plaintiff may include as defendant or defendants in said action, and insert in the title thereof, in addition to the names of such persons or parties as appear of record to have, and other persons or parties whether known or unknown, who may have some estate or interest in the lands in controversy, the following, to-wit: "Also all other persons or parties unknown, claiming any estate or interest in the

real estate described in the complaint on file in said action, or "The unknown heir of _____, deceased," in case the unknown parties are heirs. And service of the summons may be had upon all such unknown persons or parties defendant, by publication as provided by law in the case of non-residents.

And all such unknown persons or parties so served shall have the same rights as are provided by law in case of all other defendants upon whom service is made by publication, and the action shall proceed against such unknown person or parties in the same manner as against the defendants who are named, upon whom service is made by publication, and with like effect; and any such unknown persons or parties who have any estate or interest in said property in controversy at the time of the commencement of said action, duly served as aforesaid, shall be bound and concluded by the judgment in such case, if the same is in favor of plaintiff therein, as effectually as if the action was brought against such defendant in his or her name, and personal service of the summons obtained; provided, further, that such judgment shall not bind such unknown persons or parties defendants unless the plaintiff shall file a notice of lis pendens in the office of the register of deeds, as provided by law, before commencing the publication of the summons; and, provided, further, that this provision shall apply to all actions now pending wherein unknown persons or unknown heirs are made parties in the manner herein provided. If the judgment is for the plaintiff, he may have a writ for the possession of the premises as against the defendants in the action against whom the judgment is rendered.

Also amend said bill by striking out in the title of said bill the figures 5230 and inserting in lieu thereof the figures 5907.

And when so amended recommend that the same do pass.

R. N. STEVENS,
Chairman.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
February 4, 1899.

Mr. Speaker:

I have the honor to transmit herewith

CONCURRENT RESOLUTION.

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

Whereas, From the treasurer's report it appears that \$22,700 of 4 per cent. interest bearing bonds, issued for the University of North Dakota, dated May 1, 1889, and due May 1, 1909, with payment optional May 1, 1899; and

Whereas, The board of university and school lands has money enough on hand at all times to take up said bonds; therefore, be it

Resolved, That the board of university and school lands is hereby requested to bid for said bonds, part to bear interest at the rate of 4 per cent per annum, payable semi annually, and that the treasurer of the state of North Dakota be and he is hereby instructed to redeem said bonds, May 1, 1899, and re-issue them to the board of university and school lands at 4 per cent interest, payable semi-annually, to run twenty years from date of issue, providing said board bids in compliance with this resolution; and be it further

Resolved, That a copy of this resolution be presented to the secretary of said board and another to the state treasurer.

Which the senate has passed and your favorable concurrence therein is respectfully requested.

Very respectfully yours,
J. O. SMITH,
Secretary.

REPORTS OF STANDING COMMITTEES.

The committee on judiciary made the following report:

Mr. Speaker

Your committee on judiciary to whom was referred

House bill No. 107,

A bill for an act entitled an act to amend section 6847 of chapter 4 of the penal code of the state of North Dakota, relating to the punishment of Sabbath breaking.

Also,

House bill No. 116,

A bill for an act to amend section 6847 of the Revised Codes of the state of North Dakota, relating to Sabbath breaking.

Have had the same under consideration and recommend that the same be indefinitely postponed.

Mr. Stevens moved that

House bill No. 116,

A bill for an act to amend section 6847 of the Revised Codes of the state of North Dakota, relating to Sabbath breaking.

Be made a special order for Wednesday, February 8, at 3 o'clock.

Which motion prevailed.

Also,

Senate bill No. 36,

A bill for an act to fix the compensation of the chaplain of the senate and of the house of representatives.

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

R. N. STEVENS,
Chairman.

The committee on banking made the following report:

Mr. Speaker:

Your committee on banking to whom was referred

House bill No. 21,

A bill for an act relating to negotiable instruments and providing for their interpretation, utterance, collection and construction.

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

Also,

House bill No. 22,

A bill for an act to amend section 3209 of the Revised Codes of 1895 relating to Building and Loan Associations.

Have had the same under consideration and recommend that the same be indefinitely postponed for the reason that

House bill No. 87,

A bill for an act to amend section 3219 of the Revised Codes of 1895, relating to building and loan associations.

Reported with recommendation that it do pass covers the same subject matter of

House bill No. 22,

A bill for an act to amend section 3209 of the Revised Codes of 1895 relating to Building and Loan Associations.

J. D. WALLACE,
Chairman.

Mr. Stevens moved

That the report of the committee be adopted,

Which motion prevailed and

The further consideration of
House bill No. 22,

A bill for an act to amend section 3209 of the Revised Codes of 1895 relating to Building and Loan Associations.

Was indefinitely postponed.

The committee on banks and banking made the following report:

Mr. Speaker:

Your committee on banks and banking to whom was referred
House bill No. 69,

A bill for an act to amend section 3203 of the Revised Codes relating to building and loan associations.

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

J. D. WALLACE,
Chairman.

Mr. Stevens moved

That the report of the committee on
House bill No. 69,

A bill for an act to amend section 3203 of the Revised Codes relating to building and loan associations.

Be adopted,

Which motion prevailed.

Mr. Stevens moved that

House bill No. 21,

A bill for an act relating to negotiable instruments and providing for their interpretation, utterance, collection and construction.

Be made a special order for February 18th, at 3 o'clock.

Which motion prevailed.

HOUSE COMMITTEE REPORT.

The committee on banks and banking made the following report:

Mr. Speaker:

A majority of your committee on banks and banking to whom was referred

House bill No. 12.

A bill for an act to amend section 4064 of the Revised Codes of North Dakota relating to usury.

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

By inserting in line 1 of section 1, before the word "no," the words "except as otherwise especially provided by law," in the printed bill.

Also, strike out all in lines 5, 6, 7 and 8, in the printed bill, after the word "compounded" in line 5.

And when so amended recommend that the same do pass.

J. D. WALLACE,
Chairman.

A minority of your committee on banks and banking make the following report:

Mr. Speaker:

A minority of your committee on banks and banking to whom was referred

House bill No. 12,

A bill for an act to amend section 4064 of the Revised Codes of North Dakota relating to usury.

Have had the same under consideration, and believing it to be unwise to legislate on the value of grain, money, cattle, horses or other like commodity, we respectfully recommend that the bill be indefinitely postponed.

J. J. DOUGHERTY,
J. D. WALLACE.

The committee on agriculture made the following report:

Mr. Speaker:

Your committee on agriculture to whom was referred

House bill No. 114,

A bill for an act to amend section "1620" of the Revised Codes of the state of North Dakota, of the revision of 1895, relating to the practice of veterinary.

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

O. C. HAUN,
Chairman.

Mr. Stevens moved that

House bill No. 114,

A bill for an act to amend section "1620" of the Revised Codes of the state of North Dakota, of the revision of 1895, relating to the practice of veterinary.

Be re-referred to the committee on agriculture, and that the veterinary surgeons in town be given an opportunity to be heard, Which motion was lost.

The committee on engrossed bills made the following report.

Mr. Speaker:

Your committee on engrossed bills have examined

House bill No. 29,

A bill for an act to provide for the giving of proper official bonds, by county treasurers, and to provide for the payment of the expense incurred in procuring the same.

Also,

House bill No. 101,

A bill for an act authorizing board of county commissioners to offer reward for the apprehension and conviction of certain criminals.

Also,

House bill No. 71,

A bill for an act to provide for the construction and maintenance of dams across running streams for use in operating mills and for irrigation purposes.

And find the same correctly engrossed.

A. W. THOMAS,
Chairman.

The committee on enrolled bills made the following report:

Mr. Speaker:

Your committee on enrolled bills have examined

A concurrent resolution relating to the importation of seed wheat,

Also,

House bill No. 27,

A bill for an act to amend section 6153 of the Revised Codes of the state of North Dakota.

And find the same correctly enrolled.

M. B. CASSELL,
Chairman.

MOTIONS AND RESOLUTIONS.

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

Resolved by the House of Representatives of the Sixth Legislative Assembly of the State of North Dakota:

That in consideration of the long service to the party, and his eminent character and ability to do honor to our state in any position given him, and in accordance with the general sentiment of the republican party and citizens of this state, we do request and respectfully urge the senators and member of congress from this state to see that some place pleasing to his wishes be given to Gen. Harrison Allen as a fitting tribute and return for his long and useful devotion to the great principles of the republican party ever since its organization; and

Resolved, That a copy of this resolution be sent to each of the senators and the representative acting for this state in the national congress.

Which motion prevailed, and

The resolution was adopted

The speaker announced that he was about to sign

The concurrent resolution regarding the importation of seed wheat.

Also,

House bill No. 27,

A bill for an act to amend section 6153 of the Revised Codes of the state of North Dakota.

Also,

The concurrent resolution relating to the death of Gov. F. A. Briggs.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
February 4, 1899.

Mr. Speaker:

I have the honor to transmit herewith

House bill No. 46,

A bill for an act to amend sections 1447, 1448, 1450, 1452, 1453, 1454, 1457, and 1466 of the revised codes, relating to the establishment, construction and maintenance of drains.

Which the senate has passed unchanged.

Also,

Senate bill No. 10,

A bill for an act to amend sections 1 and 2, of chapter 37 of the laws of 1897, providing a bounty on certain stock-destroying animals.

Also,

Senate bill No. 73,

A joint memorial of the senate and house of representatives of the state of North Dakota to the senate and house of representatives of the United States, praying for an act to encourage the shipment of grain to China and Japan by granting subsidies to steamship companies.

Also,

Senate bill, No. 54,

A bill for an act to amend section 5887 of the revised codes.

Also,

Senate bill No. 41,

A bill for an act amending sections sixty and seventy-one of chapter one hundred and twenty-four of the session laws of 1897.

Also,

Senate bill No. 68,

A bill for an act to amend section 55, chapter 126, of the session laws of 1897, relating to revenue and taxation.

Also,

Senate bill No. 86,

A bill for an act to amend section 432 of the Revised Codes of North Dakota relating to the revocation of the license of attorneys.

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

Very respectfully,

J. O. SMITH,
Secretary.

INTRODUCTION OF HOUSE BILLS.

Mr. Kennedy introduced

House bill No. 124,

A bill for an act to prohibit the use of repeating shotguns in this state.

Mr. Winslow introduced

House bill No. 125,

A bill for an act entitled "An act providing a method for the nomination of candidates of the different political parties, and placing the names of such nominees on the official ballot."

FIRST AND SECOND READING OF HOUSE BILLS.

House bill No. 124,

A bill for an act to prohibit the use of repeating shotguns in this state.

Was read the first and second times, and

Referred to committee on game and game laws.

House bill No. 125,

A bill for an act entitled "An act providing a method for the nomination of candidates of the different political parties, and placing the names of such nominees on the official ballot."

Was read the first and second times, and

Referred to the committee on privileges and elections.

Mr. Nelson moved that the vote by which House bill No. 2 was passed be reconsidered.

Roll call demanded.

The question being upon the reconsideration of the vote by which

House bill No. 2,

A bill for an act to amend section 2767 of the Revised Codes of North Dakota relating to rights and capacity of husband and wife.

Passed.

The roll was called and there were, ayes 38; nays 16; absent and not voting 8.

Those voting in the affirmative were:

Messrs—

Aas,
Bacon,
Berger,
Brakke,
Cassell,
Chacey,
Deisem,
Erickson,
Ferris,
Gilbertson,
Glasgow,
Green,
Hare,

Messrs—

Hauan,
Herbrandson,
Johnson, Richland,
Lee,
Lynch,
McHarg,
McLean,
Michels,
Nelson,
Ovind,
Peek,
Peterson,
Restemayer,

Messrs—

Sanford,
Sargent,
Swenson,
Taylor,
Thomson,
Thordarson
Tousley,
Towle,
Tufte,
Ugland,
Watts,
Winslow,

Those voting in the negative were:

Messrs—

Allshouse,
Brotnov,
Clarke,
Dougherty,
Engelter,
Gronvold,

Messrs—

Gulack,
Hale,
Johnston, Walsh,
Kennedy,
Laughlin,
Lish

Messrs—

Stevens,
Stevenson,
Thomas,
Wallace,

Absent and not voting were:

Messrs—

Allen,
Boyd,
Dwire,

Messrs—

Earl,
Miner,
Stewart,

Messrs—

Wolbert,
Mr. Speaker,

Messrs. Allen, Boyd, Dwire, Earl, Miner, Stewart and Mr. Speaker being excused.

So the motion prevailed.

INTRODUCTION OF HOUSE BILLS.

By unanimous consent Mr. Sanford introduced House bill No. 126,

A bill for an act relating to physical culture in state educational institutions and in state high schools.

FIRST AND SECOND READING OF HOUSE BILLS.

House bill No. 126,

A bill for an act relating to physical culture in state educational institutions and in state high schools.

Was read the first and second times, and
Referred to the committee on education.

Mr. Sargent moved that

House bill No. 2,

A bill for an act to amend section 2767 of the Revised Codes of
North Dakota relating to rights and capacity of husband and wife.

Be recommitted to the judiciary committee for further consid-
eration.

Roll call demanded.

Mr. Stevens moved a call of the house.

The call was sustained.

Mr. Stevens moved

That further proceedings under the call of the house be dis-
penssed with,

Which motion prevailed.

The question recurred on the motion of Mr. Sargent to have
House bill No. 2,

A bill for an act to amend section 2767 of the Revised Codes of
North Dakota relating to rights and capacity of husband and wife.

Recommitted to the judiciary committee.

The question being upon the motion to recommit

House bill No. 2,

A bill for an act to amend section 2767 of the Revised Codes of
North Dakota relating to rights and capacity of husband and wife.

To the judiciary committee.

The roll was called and there were, ayes, 38; nays, 16; absent
and not voting, 8.

Those who voted in the affirmative were:

Messrs—

Aas,
Berger,
Cassell,
Chacey,
Deisem,
Erickson,
Ferris,
Glasgow,
Green,
Gronvold,
Hare,
Hauan,
Johnson, Richland,

Messrs—

Laughlin,
Lee,
Lynch,
McHarg,
McLean,
Michels,
Nelson,
Peek,
Peterson,
Restemayer,
Sanford,
Sargent,
Stevens,

Messrs—

Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson
Tousley,
Towle,
Tufte,
Ugland,
Watts,
Winslow,

Those voting in the negative were:

Messrs—

Allshouse,
Bacon,
Brakke,
Brotnov,
Clarke,
Dougherty,

Messrs—

Engelter,
Gilbertson,
Gulack,
Hale,
Herbrandson,

Messrs—

Johnston, Walsh,
Kennedy,
Lish,
Ovind,
Wallace,

Absent and not voting:

Messrs—

Allen,
Boyd,
Dwire,

Messrs—

Earl,
Miner,
Stewart,

Messrs—

Wolbert,
Mr. Speaker,

Messrs. Allen, Boyd, Dwire, Earl, Miner Stewart, Wolbert and Mr. Speaker being excused.

So the motion prevailed, and

House bill No. 2,

A bill for an act to amend section 2767 of the Revised Codes, relating to the rights and capacity of husband and wife.

Was referred to the judiciary committee.

GENERAL ORDERS.

Mr. Stevens moved

That the house resolve itself into a committee of the whole for the consideration of general orders,

Which motion prevailed and

The house so resolved itself.

The speaker called Mr. Bacon to the chair.

When the committee rose it submitted the following report:

Mr. Speaker:

Your committee of the whole have had under consideration

Senate bill No. 39,

A bill for an act to amend section 82 of chapter 126 of the laws of 1897 relating to revenue and taxation.

And recommend that the same be amended as follows, with the following amendments:

In printed bill after the word "sale" in line 7, the words insert "with the penalty of five per cent."

In line 9 by striking out the words "with a penalty of five per cent on the original amount of such taxes."

By striking out on line 10 the term "15 per cent" and substituting therefor the words "two per cent."

On the same line the word "annum," substituting in lieu thereof the word "month."

By striking out on lines 10, 11 and 12, after the word "annum" in the original bill, commencing with the word "together" and ending with the word "redemption," on lines 23 and 24 inclusive.

And when so amended recommend that the same do pass.

Also,

House bill No. 66,

A bill for an act entitled, an act to provide for mortgaging the real estate of a deceased person, of a minor, or of an incompetent person.

And recommend that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Section 1. When it is shown to the satisfaction of the court at a hearing upon an application for the sale of real estate or upon a petition praying that the same may be mortgaged as provided in the next section after all the parties interested have been duly cited to appear, not less than ten nor more than thirty days from parties in interest in such manner as the court shall direct that it will be for the benefit of the estate the county court may direct an executor, administrator or guardian to mortgage any real estate of a decedent, or incompetent person, for the purpose of paying an existing lien or mortgage on the property or for any other purpose for which a sale may be ordered or it may authorize him to make a renewal of an existing mortgage, but the homestead shall not be mortgaged without the consent of the persons entitled thereto.

Sec. 2. A petition for the purpose specified in the preceding section must specify the amount of money necessary to be raised and the purposes for which the same is required with such further particulars as are required in a petition for the sale of real property. The decree must fix the amount for which the mortgage may be given and the rate of interest that may be paid thereon, and may order the whole or any part of the money so secured to be paid from time to time out of the income of the mortgaged property. The mortgage or other contract executed by the executor, administrator or guardian, in pursuance thereof may be approved upon his report in the same manner as a sale.

Sec. 3. Emergency. Whereas, An emergency exists, in that there is now no law of the state of North Dakota providing for the mortgaging of the real estate of decedents, or of minors, or incompetent persons therefore this act shall take effect and be in force from and after its passage and approval.

And when so amended recommend that the same do pass.

Also,

House bill No. 50,

A bill for an act to amend section 5230 of the Revised Codes of

North Dakota relating to who may be made parties defendant in actions to quiet title to real property.

And recommend that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Section 1. That Sec. 5907 of the Revised Codes of North Dakota be amended to read as follows:

Sec. 5907. In an action commenced by a person in or out of possession of real property to determine an adverse claim, interest or estate therein, the person making such adverse claim and persons in possession under him may be joined as defendants, and the plaintiff may include as defendant or defendants in said action, and insert in the title thereof, in addition to the names of such persons or parties as appear of record to have, and other persons or parties, whether known or unknown, who may have some estate or interest in the lands in controversy, the following, to-wit: "Also all other persons or parties unknown, claiming any estate or interest in the real estate described in the complaint on file in said action," or, "the unknown heirs of _____, deceased," in case the unknown parties are heirs. And service of the summons may be had upon all such unknown persons or parties defendant, by publication as provided by law in the case of non-residents. And all such unknown persons or parties so served shall have the same rights as are provided by law in case of all other defendants upon whom service is made by publication, and the action shall proceed against such unknown persons or parties in the same manner as against the defendants who are named, upon whom service is made by publication, and with like effect; and any such unknown persons or parties who have any estate or interest in said property in controversy at the time of the commencement of said action, duly served as aforesaid, shall be bound and concluded by the judgment in such case, if the same is in favor of plaintiff therein, as effectually as if the action was brought against such defendant in his or her name, and personal service of the summons obtained; provided, further, that such judgment shall not bind such unknown persons or parties defendants unless the plaintiff shall file a notice of lis pendens in the office of the register of deeds, as provided by law, before commencing the publication of the summons; and provided, further that this provision shall apply to all actions now pending wherein unknown persons or unknown heirs are made parties in the manner herein provided. If the judgment is for the plaintiff, he may have a writ for the possession of the premises as against the defendants in the action against whom the judgment is rendered.

Also amend said bill by striking out in the title of said bill the figures 5230 and inserting in lieu thereof the figures 5907.

And when so amended recommend that the same do pass.

Also,

House bill No. 12,

A bill for an act to amend section 4064 of the Revised Codes of North Dakota relating to usury.

By inserting in line 1 of section 1, before the word "no" the words "except as otherwise especially provided by law," in the printed bill.

Strike out all in lines 5, 6, 7 and 8 in the printed bill after the word "compounded" in line 5.

Strike out in lines 9 and 10, page 2, printed, commencing with the word provided "all the remainder of the section, and insert "provided that the taking of any greater rate of interest shall work a forfeiture of both principal and interest and make the instrument on which usury has been collected void."

And when so amended recommend that the same do pass.

J. D. BACON,

Chairman.

Mr. Lynch moved

That the report of the committee of the whole be adopted,

Which motion prevailed, and

The report was adopted.

Mr. Stevens moved that

Senate bill No. 36,

A bill for an act to fix the compensation of the chaplain of the senate and of the house of representatives.

Be placed upon its third reading and final passage,

Which motion prevailed.

Senate bill No. 36,

A bill for an act to fix the compensation of the chaplain of the senate and of the house of representatives.

Was read the third time.

The question being upon the final passage of the bill.

The roll was call and there were, ayes, 41; nays, 11; absent and not voting, 10.

Those who voted in the affirmative were:

Messrs—

Bacon,
Berger,
Brakke,
Cassell,
Chacey,
Clarke,
Deisem,
Dougherty,

Messrs—

Hale,
Hare,
Johnston, Walsh,
Laughlin,
Lish,
Lynch,
McHarg,
McLean,

Messrs—

Sargent,
Stevens,
Swenson,
Stevenson,
Taylor,
Thomson,
Thordarson,
Tousley,

Messrs—
Engelter,
Ferris,
Glasgow,
Green,
Gronvold,
Gulack,

Messrs—
Michels,
Nelson,
Ovind,
Peek,
Restemayer,
Sarford,

Messrs—
Towle,
Ugland,
Wallace,
Watts,
Winslow,

Those who voted in the negative were:

Messrs—
Allshouse,
Brotnov,
Erickson,
Gilbertson,

Messrs—
Hauan,
Herbrandson,
Johnson, Richland,
Kennedy,

Messrs—
Lee,
Thomas,
Tufte,

Absent and not voting:

Messrs—
Aas,
Allen,
Boyd,
Dwire,

Messrs—
Earl,
Miner,
Peterson,

Messrs—
Stewart,
Wolbert,
Mr. Speaker,

Messrs. Aas, Allen, Boyd, Dwire, Earl, Miner, Stewart, Wolbert and Mr. Speaker being excused.

So the bill passed and the title was agreed to.

Mr. Stevens moved

That the vote by which Senate bill No. 36 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Dougherty moved

That the house do now adjourn,

Which motion prevailed, and

The house adjourned.

J. G. HAMILTON,
Chief Clerk.

THIRTY-FIFTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 6, 1899.

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

The chief clerk called the house to order and announced that the speaker was absent and it would be necessary to vote for a speaker pro tem for the day.

Mr. Laughlin moved

That Hon. J. D. Wallace of Pembina be elected as speaker pro tem for the day, and demanded a roll call, which resulted as follows :

The roll was called and there were ayes 51, nays none, absent and not voting 11.

Those who voted in the affirmative were:

| | | |
|-------------|--------------------|-------------|
| Messrs— | Messrs— | Messrs— |
| Aas, | Green, | Restemayer, |
| Allshouse, | Gronvold, | Sanford, |
| Bacon, | Gulack, | Sargent, |
| Berger, | Hale, | Stevens, |
| Brakke, | Hare, | Swenson, |
| Brotnov, | Hauan, | Stevenson, |
| Cassell, | Herbrandson, | Taylor, |
| Chacey, | Johnson, Richland, | Thomas, |
| Clarke, | Kennedy, | Thomson, |
| Deisem, | Laughlin, | Thordarson |
| Dougherty, | Lee, | Tousley, |
| Dwire, | Lynch, | Towle. |
| Engelter, | McLean, | Tufte, |
| Erickson, | Michels, | Ugland, |
| Ferris, | Nelson, | Wolbert, |
| Gilbertson, | Ovind, | Winslow, |
| Glasgow, | Peterson, | |

Absent and not voting:

| | | |
|------------------|---------|--------------|
| Messrs— | Messrs— | Messrs— |
| Allen, | Lish | Stewart, |
| Boyd, | McHarg, | Wallace, |
| Earl, | Miner, | Watts, |
| Johnston, Walsh, | Peek, | Mr. Speaker, |

Messrs. Allen, Boyd, Earl, Lish, McHarg, Miner, Stewart and Mr. Speaker, being excused.

Mr. Wallace having received a majority of all the votes cast, was duly declared elected speaker pro tem for the day.

The chief clerk appointed Mr. Kennedy as a committee of one to escort Mr. Wallace to the chair.

Mr. Wallace assumed the chair.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Allen, Boyd, Dwire, Earl, Lish, McHarg, Miner, Stewart and Mr. Speaker, who were excused, and also Mr. Johnston of Walsh.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

Your committee on revision and correction of the Journal respectfully report that they have carefully examined the Journal of the thirty-third day, and recommend the following corrections:

On page 2, line 19, strike out the words "Those voting in the negative were" and insert in lieu thereof the words "Absent and not voting," and also add the names of Messrs. Gulack, Tufte and Wallace."

On page 5, line 8, correct the spelling of the word "depreciation."

- On page 5, line 11, add interrogation mark (?) at end of line.
 On page 10, line 39, correct the spelling of the word "section."
 On page 12, line 17, correct the spelling of the word "to."
 On page 15, line 35, correct the type in the name "Miner."
 On page 16, line 16, correct the spelling of the word "motion."
 On page 17, line 19, strike out the word "referred" and substitute the word "recommitted."
 On page 17, line 22, correct the spelling of the word "committee."
 On page 18, line 37, strike out semicolon after the word "competent" and insert comma after the words "persons" and "therefore."
 On page 20, line 28, correct the spelling of the word "placed."
 On page 9, after line 4, insert the words:
 "Also,
 "House bill No. 107,
 "A bill for an act entitled an act to amend section 6847 of chapter 4 of the penal code of the state of North Dakota, relating to the punishment of Sabbath breaking."
 On page 20, line 13, place quotation marks after the first word, "provided," and strike out quotation marks after the word "section."

And when so amended recommend that the Journal of the thirty-third day be approved.

Also,

Your committee on revision and correction of the Journal respectfully report that they have carefully examined the Journal of the thirty-second day and further recommend the following:

On page 14, line 41, strike out the words "when so amended."

And when so amended recommend that the Journal of the thirty-second day be approved.

JOHN KENNEDY,
 Chairman.

Mr. Kennedy moved

That the reports of the committee on revision and correction of the Journal be adopted,

Which motion prevailed and

The reports were adopted.

PETITIONS AND COMMUNICATIONS.

Mr. Kennedy moved

To reconsider the vote by which the resolution recommending General Harrison Allen for an appointment, passed,

Which motion prevailed.

Mr. Kennedy moved

To amend the resolution by adding thereto the words "the senate concurring" after the word Dakota,

Which motion prevailed, and

The amendment was adopted.

The question recurring on the adoption of the original resolution as amended, the same was adopted.

Mr. Johnson of Richland presented the following petition:

To the Members of the House and Senate of the Sixth Legislative Assembly, in Session at Bismarck, North Dakota:

We, the undersigned, citizens and taxpayers of Richland county, North Dakota, do hereby respectfully petition that the salaries now paid to county officers have become burdensome for the taxpayers, and that we respectfully ask you to reduce the present salaries in accordance with schedule prepared by the committee on ways and means of the fifth legislative assembly, or lower if possible.

Signed by county commissioners of Richland county and 25 others.

Mr. Kennedy requested that the privileges of the floor be extended to Joseph Reynolds of Oakes.

Mr. Thomson requested that the privileges of the floor be extended to George Brynjulson of Wells county.

There being no objections, the privileges of the floor were so extended.

REPORTS OF STANDING COMMITTEES.

The committee on engrossed bills made the following report:

Mr. Speaker:

Your committee on engrossed bills have examined

House bill No. 80,

A bill for an act to suppress and punish trespassing and stealing rides upon cars, engines and trains, and authorizing teammen to arrest and prosecute offenders against this act.

Also,

House bill No. 83,

A bill for an act requiring county auditors to furnish transcripts of real and personal property to township clerks.

Also,

House bill No. 51,

A bill for an act entitled an act to amend section 75 of chapter 126, of the session laws of 1897, entitled "an act prescribing the mode of making assessments of property, the equalization of and the levy and collection of taxes and for all other purposes relative thereto, and the repealing of sections 1176 to 1198 inclusive, 1200 to 1229 inclusive, 1231, 1234, 1237 to 1240 inclusive, 1242 to 1247 inclusive, 1250 to 1253 inclusive, 1255 to 1290 inclusive, 1294, 1296, 1309, 1321, 1325 to 1330 inclusive, 1336 to 1339 inclusive, and 1346 of the Revised Codes of North Dakota of 1895, and all other sections and parts of sections of said codes, and of all acts and parts of acts inconsistent with the provisions of this act."

Also,

House bill No. 69,

A bill for an act to amend section 3203 of the Revised Codes relating to building and loan associations.

Also,

House bill No. 114,

A bill for an act to amend section "1620" of the Revised Codes of the state of North Dakota, of the revision of 1895, relating to the practice of veterinary.

Also,

House bill No. 53,

A bill for an act "an act to amend sections 1880, 1881, 1883, 1886 and 1887 of the Revised Codes of the state of North Dakota of 1895 relating to the procedure for the removal of county seats."

And find the same correctly engrossed.

A. W. THOMAS,

Chairman.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

House bill No. 120,

A bill for an act to repeal sections 1566, 1567 and 1568 of the Revised Codes of North Dakota.

Have had the same under consideration and recommend that the same be indefinitely postponed.

Also,

Senate bill No. 65,

A bill for an act to amend section 5226, of the Revised Codes of the state of North Dakota, relating to the appointment of a guardian ad litem, presented as a substitute bill for senate bills Nos. 7 and 32 by the committee on judiciary.

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

Also,

House bill No. 70,

A bill for an act to amend section 527 of the Revised Codes of 1895 relating to the canvass and publication of election returns and issuing of certificates of election.

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

That on page 2 of the printed bill, in line 25, after the words "county treasury" there be added the words "at a rate not exceeding the rate paid for publishing the county commissioners' proceedings."

That in line 28 of the printed bill after the words "published in" add the words "at least one of."

That in line 28 of the printed bill the word "official" be stricken out.

That in line 10 of the printed bill after the word "congress" there be added the words "governor, state auditor, commissioner of insurance, commissioner of agriculture and labor, state treasurer, secretary of state, attorney general, commissioners of railroads, superintendent of public instruction, lieutenant governor."

And when so amended recommend that the same do pass.

Also,

Senate bill No. 47,

A bill for an act to amend section 5422 of the Revised Codes, relating to note of issue, notice of trial and order of trials.

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

Also,

Senate bill No. 61,

A bill for an act to amend section 5574 of the Revised Codes of North Dakota of 1895 by allowing the same statutory costs in cases appealed from a justice court as in cases originally commenced in the district court.

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

Also,

Senate bill No. 48,

A bill for an act to amend section 3598 of the Revised Codes, relating to the recording of certain instruments.

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

Also,

Senate bill No. 23,

A bill for an act providing for judgment of dissolution in certain actions against corporations.

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

Also,

House bill No. 77,

A bill for an act to amend section 2724 of the Revised Codes of the state of North Dakota, of the revision of 1895, relating to the licensing and solemnizing of marriages and authority of celebrants.

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

That the words "or any official of that institution acquainted" in line 7 of the printed bill be stricken out.

Also the words "with the sign language used by the patients of that and like institutions" in line 8 of the printed bill be stricken out.

Also amend by striking out the words "of some county in this state which" in line 22 of the printed bill, and all of line 23 of the printed bill, and the words "in any place in this state" in line 24 of the printed bill, and insert in lieu thereof after the word "of" in line 22 of the printed bill the words "the county in which such ceremony is to be performed."

Also amend by striking out the words "who issued such license" in line 28 of the printed bill and inserting in lieu thereof after the word "judge" in line 28 of the printed bill the words "of the county."

And when so amended recommend that the same do pass.

R. N. STEVENS,

Chairman.

INTRODUCTION OF HOUSE BILLS.

Mr. Ferris introduced

House bill No. 127,

A bill for an act to provide for the cutting or removing of weeds along the public highways, streets and alleys.

Mr. Hale introduced

House bill No. 128,

A bill for an act prescribing the manner of voting at nominating conventions and at the election of delegates thereto.

The special committee appointed to investigate the Minnesota state prison twine and cordage plant introduced

House bill No. 129,

A bill for an act entitled an act establishing a hard fibre twine and cordage plant at the state penitentiary near Bismarck, and authorizing the board of trustees of the said state penitentiary to construct and operate said plant on the state's account, and prescribing certain duties for the state auditor and state treasurer in connection therewith.

Mr. Stevenson introduced

House bill No. 130,

A bill for an act requiring the burial of animals that die from disease.

Mr. Laughlin introduced

House bill No. 131,

A bill for an Act to regulate the taking up of estrays and for the disposition of the same and for the recovery of damages resulting therefrom.

Mr. Herbrandson introduced

House bill No. 132,

A bill for an act amending section 2540 of chapter 31 of the Revised Codes of North Dakota, relating to annual township meetings.

Mr. Gulack introduced

House bill No. 133,

A bill for an act to amend section 32 of chapter 126, session laws of 1897 relating to payment of district assessors.

Mr. Gulack introduced

House bill No. 134,

A bill for an act to amend section 1609 of the Revised Codes of North Dakota relating to appointment of sheep inspectors.

FIRST AND SECOND READING OF HOUSE BILLS.

House bill No. 127,

A bill for an act to provide for the cutting or removing of weeds along the public highways, streets and alleys.

Was read the first and second times, and

Referred to the committee on highways, roads and bridges.

House bill No. 128,

A bill for an act prescribing the manner of voting at nominating conventions and at the election of delegates thereto.

Was read the first and second times, and

Referred to the committee on privileges and elections.

House bill No. 129,

A bill for an act entitled an act establishing a hard fibre twine and cordage plant at the state penitentiary near Bismarck, and authorizing the board of trustees of the said state penitentiary to construct and operate said plant on the state's account, and prescribing certain duties for the state auditor and state treasurer in connection therewith.

Was read the first and second times, and

Referred to the committee on state affairs.

House bill No. 130,

A bill for an act requiring the burial of animals that die from disease.

Was read the first and second times, and

Referred to the committee on public health.

House bill No. 131,

A bill for an act to regulate the taking up of estrays and for the disposition of the same and for the recovery of damages resulting therefrom.

Was read the first and second times, and
Referred to the committee on judiciary.

House bill No. 132,

A bill for an act amending section 2540 of chapter 31 of the Revised Codes of North Dakota, relating to annual township meetings.

Was read the first and second times, and

Referred to the committee on state affairs.

By request of Mr. Herbrandson.

House bill No. 133,

A bill for an act to amend section 32 of chapter 126, session laws of 1897 relating to payment of district assessors.

Was read the first and second times, and

Referred to the committee on taxation and tax laws.

House bill No. 134,

A bill for an act to amend section 1609 of the Revised Codes of North Dakota relating to appointment of sheep inspectors.

Was read the first and second times, and

Referred to the committee on sheep industry.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,

February 6, 1899.

Mr. Speaker:

I have the honor to transmit herewith

Senate bill No. 78,

A bill for an act to amend sections 625, 707, 751, and 757 of the Revised Codes, as amended by chapter 75 of the laws of 1897, and sections 703, 704, 755, 868, 869, 870, 871, 872, and 873 of the Revised Codes, relating to education.

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

Very respectfully yours,

J. O. SMITH,

Secretary.

The speaker announced an informal recess of fifteen minutes.

The house reassembled.

THIRD READING OF HOUSE BILLS.

House bill No. 18,

A bill for an act entitled an act to amend section 8531 of the Revised Codes of 1895 and to repeal section 8538 of said Codes.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 53, nays none, absent and not voting 9.

Those who voted in the affirmative were :

| | | |
|-------------|--------------------|------------|
| Messrs— | Messrs— | Messrs— |
| Aas, | Gulack, | Sanford, |
| Allshouse, | Hale, | Sargent, |
| Bacon, | Hare, | Stevens, |
| Berger, | Hauan, | Swenson, |
| Brakke, | Herbrandson, | Stevenson, |
| Brotnov, | Johnson, Richland, | Taylor, |
| Cassell, | Johnston, Walsh, | Thomas, |
| Chacey, | Kennedy, | Thomson, |
| Clarke, | Laughlin, | Thordarson |
| Deisem, | Lee, | Tousley, |
| Dougherty, | Lynch, | Towie, |
| Engelter, | McLean, | Tufte, |
| Erickson, | Michels, | Ugland, |
| Ferris, | Nelson, | Wallace, |
| Gilbertson, | Ovind, | Watts, |
| Glasgow, | Peek, | Wolbert, |
| Green, | Peterson, | Winslow, |
| Gronvold, | Restemayer. | |

Absent and not voting:

| | | |
|--|---------|--------------|
| Messrs— | Messrs— | Messrs— |
| Allen, | Earl, | Miner, |
| Boyd, | Lish, | Stewart, |
| Dwire, | McHarg, | Mr. Speaker, |
| Messrs. Allen, Boyd, Dwire, Earl, Lish, McHarg, Miner, | | |
| Stewart and Mr. Speaker being excused. | | |

So the bill passed.

The question being upon the approval of the title of the bill,

Mr. Bacon moved

To amend the title of

House bill No. 18,

A bill for an act entitled an act to amend section 8531 of the Revised Codes of 1895 and to repeal section 8538 of said Codes.

By adding thereto the words "relating to the officers and trustees of the state penitentiary,"

Which motion prevailed, and

The amendment was adopted.

The question recurring on the approval of the title,

The title as amended was approved.

Mr. Stevens, by unanimous consent, offered the following amendment to

House bill No. 101,

A bill for an act authorizing board of county commissioners to offer reward for the apprehension and conviction of certain criminals.

And moved its adoption :

Amend by inserting in line 5 of the printed bill, after the word "grain," "or any other property,"

Which motion prevailed and
The amendment was adopted.

House bill No. 101,

A bill for an act authorizing board of county commissioners to offer reward for the apprehension and conviction of certain criminals.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 51, nays 2, absent and not voting 9.

Those who voted in the affirmative were :

| | | |
|-------------|--------------------|-------------|
| Messrs— | Messrs— | Messrs— |
| Aas, | Green, | Peterson, |
| Allhouse, | Gronvold, | Restemayer, |
| Bacon, | Gulack, | Sanford, |
| Berger, | Hale, | Stevens, |
| Brakke, | Hare, | Swenson, |
| Brotnov, | Hauan, | Stevenson, |
| Cassell, | Herbrandson, | Taylor, |
| Chacey, | Johnson, Richland, | Thomson, |
| Clarke, | Johnston, Walsh, | Thordarson, |
| Deisen, | Kennedy, | Tousley, |
| Dougherty, | Laughlin, | Towle, |
| Dwire, | Lynch, | Tufte, |
| Engelter, | McLean, | Ugland, |
| Erickson, | Michels, | Wallace, |
| Ferris, | Nelson, | Watts, |
| Gilbertson, | Ovind, | Wolbert, |
| Glasgow, | Peek, | Winslow, |

Absent and not voting:

| | | |
|---------|---------|--------------|
| Messrs— | Messrs— | Messrs— |
| Allen, | Lee, | Miner, |
| Boyd, | Lish, | Stewart, |
| Earl, | McHarg, | Mr. Speaker, |

Messrs. Sargent and Thomson voting in the negative.

Messrs. Allen, Boyd, Earl, Lish, McHarg, Miner, Stewart and Mr. Speaker being excused.

So the bill as amended passed and the title was agreed to.

Upon request of Mr. Stevens, the further consideration of House bill No. 80,

A bill for an act to suppress and punish trespassing and stealing rides upon cars, engines and trains, and authorizing trainmen to arrest and prosecute offenders against this act.

Was deferred.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the governor:

EXECUTIVE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 6, 1899.

To the House of Representatives:

Gentlemen: I have the honor to inform you that I have this day approved and filed with the honorable secretary of state

House bill No. 27,

A bill for an act to amend section 6153 of the Revised Codes of the state of North Dakota.

F. B. FANCHER,
Governor.

Mr. Watts moved that the further consideration of
House bill No. 83,

A bill for an act requiring county auditors to furnish transcripts of real and personal property to township clerks.

Be indefinitely postponed,

Which motion prevailed.

House bill No. 51,

A bill for an act entitled an act to amend section 75 of chapter 126, of the session laws of 1897, entitled "an act prescribing the mode of making assessments of property, the equalization of and the levy and collection of taxes and for all other purposes relative thereto, and the repealing of sections 1176 to 1198 inclusive, 1200 to 1229 inclusive, 1231, 1234, 1237 to 1240 inclusive, 1242 to 1247 inclusive, 1250 to 1253 inclusive, 1255 to 1290 inclusive, 1294, 1296, 1309, 1321, 1325 to 1330 inclusive, 1336 to 1339 inclusive, and 1346 of the Revised Codes of North Dakota of 1895, and all other sections and parts of sections of said codes, and of all acts and parts of acts inconsistent with the provisions of this act."

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 54, nays none, absent and not voting 8.

Those who voted in the affirmative were:

Messrs—

Aas,
Allshouse,
Bacon,
Berger,
Brakke,
Brotnov,

Messrs—

Gronvold,
Gulack,
Hale,
Hare,
Hauan,
Herbrandson,

Messrs—

Restemayer,
Sanford,
Sargent,
Stevens,
Swenson,
Stevenson,

Messrs—

Cassell,
Chacey,
Clarke,
Deisem,
Dougherty,
Dwire,
Engelter,
Erickson,
Ferris,
Gilbertson,
Glasgow,
Green,

Messrs—

Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lynch,
McLean,
Michels,
Nelson,
Ovind,
Peek,
Peterson,

Messrs—

Taylor,
Thomas,
Thomson,
Thordarson
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Watts,
Wolbert,
Winslow,

Absent and not voting :

Messrs—

Allen,
Boyd,
Earl,

Messrs—

Lish
McHarg,
Miner,

Messrs—

Stewart,
Mr. Speaker,

Messrs. Allen, Boyd, Earl, Lish, McHarg, Miner, Stewart and Mr. Speaker being excused.

So the bill passed and the title was agreed to.

Mr. Winslow moved

That the vote by which House bill No. 51 passed; be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Stevens moved

That the vote by which House bill No. 101 was passed, be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

House bill No. 69,

A bill for an act to amend section 3203 of the Revised Codes relating to building and loan associations.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 53, nays none, absent and not voting 9.

Those who voted in the affirmative were :

Messrs—

Aas,
Allshouse,
Bacon,
Berger,
Brakke,
Cassell,
Chacey,
Clarke,
Deisem,
Dougherty,
Dwire,
Engelter,
Erickson,

Messrs—

Gulack,
Hale,
Hare,
Hauan,
Herbrandson,
Johnson, Richland
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lynch,
McLean,
Michels,

Messrs—

Sanford,
Sargent,
Stevens,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson
Tousley,
Towle,
Tufte,
Ugland,

Messrs—

Ferris,
Gilbertson,
Glasgow,
Green,
Gronvold,

Messrs—

Nelson,
Ovind,
Peek,
Peterson,
Restemayer,

Messrs—

Wallace,
Watts,
Wolbert,
Winslow,

Absent and not voting :

Messrs—

Allen,
Boyd,
Brotnov,

Messrs—

Earl,
Lish,
McHarg,

Messrs—

Miner,
Stewart,
Mr. Speaker.

Messrs. Allen, Boyd, Earl, Lish, McHarg, Miner, Stewart and Mr. Speaker being excused.

So the bill passed and the title was agreed to.

House bill No. 114,

A bill for an act to amend section 1620 of the Revised Codes of the state of North Dakota, of the revision of 1895, relating to the practice of veterinary.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 53, nays 1, absent and not voting 8.

Those who voted in the affirmative were :

Messrs—

Aas,
Allshouse,
Bacon,
Berger,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Deisem,
Dougherty,
Dwire,
Engelter,
Erickson,
Ferris,
Gilbertson,
Glasgow,
Green,

Messrs—

Gronvold,
Gulack,
Hale,
Hare,
Huan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lynch,
McLean,
Nelson,
Ovind,
Peek,
Peterson,
Restemayer,

Messrs—

Sanford,
Sargent,
Stevens,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson,
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Watts,
Wolbert,
Winslow,

Absent and not voting :

Messrs—

Allen,
Boyd,
Earl,

Messrs—

Lish,
McHarg,
Miner,

Messrs—

Stewart,
Mr. Speaker,

Mr. Michels voted in the negative.

Messrs. Allen, Boyd, Earl, Lish, McHarg, Miner, Stewart and Mr. Speaker being excused.

So the bill passed and the title was agreed to.

House bill No. 29,

A bill for an act to provide for the giving of proper official bonds, by county treasurers, and to provide for the payment of the expense incurred in procuring the same.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 27, nays 27, absent and not voting 8.

Those voting in the affirmative were:

Messrs—
 Aas,
 Allshouse,
 Bacon,
 Cassell,
 Clarke,
 Deisem,
 Dwire,
 Glasgow,
 Green,

Messrs—
 Gulack,
 Hale,
 Hare,
 Kennedy,
 Laughlin,
 Lee,
 Peek,
 Peterson,
 Sanford,

Messrs—
 Sargent,
 Stevens,
 Stevenson,
 Thomson,
 Thordarson,
 Tousley,
 Wallace,
 Woltbert,
 Winslow,

Those who voted in the negative were:

Messrs—
 Berger,
 Brakke,
 Brotnov,
 Chacey,
 Dougherty,
 Engelter,
 Erickson,
 Ferris,
 Gilbertson,

Messrs—
 Gronvold,
 Hauan,
 Herbrandson,
 Johnson, Richland,
 Johnston, Walsh,
 Lynch,
 McLean,
 Michels,
 Nelson,

Messrs—
 Ovind,
 Restemayer,
 Swenson,
 Taylor,
 Thomas,
 Towle,
 Tufte,
 Ugland,
 Watts,

Absent and not voting were:

Messrs—
 Allen,
 Boyd,
 Earl,

Messrs—
 Lish,
 McHarg,
 Miner,

Messrs—
 Stewart,
 Mr. Speaker,

Messrs. Allen, Boyd, Earl, Lish, McHarg, Miner, Stewart and Mr. Speaker being excused.

So the bill was lost.

Mr. Laughlin gave notice of intention to reconsider the vote by which

House bill No. 29,

A bill for an act to provide for the giving of proper official bonds, by county treasurers, and to provide for the payment of the expense incurred in procuring the same.

Was lost.

Mr. Thomas moved that

House bill No. 9,

A bill for an act requiring mortgagees of personal property to

prepare and furnish and read to mortgagors copies of the mortgage instruments and making the said mortgage instruments void unless so furnished and read.

Be recalled from the engrossment committee and referred to general orders,

Which motion prevailed, and
House bill No. 9,

A bill for an act requiring mortgagees of personal property to prepare and furnish and read to mortgagors copies of the mortgage instruments and making the said mortgage instruments void unless so furnished and read.

Was so referred.

Mr. Laughlin moved that
House bill No. 71,

A bill for an act to provide for the construction and maintenance of dams across running streams for use in operating mills and for irrigation purposes.

Be referred to the attorney general for his opinion as to the constitutionality of the same before its final passage,

Which motion prevailed.

Mr. Gilbertson moved
That the motion to refer
House bill No. 71,

A bill for an act to provide for the construction and maintenance of dams across running streams for use in operating mills and for irrigation purposes.

To the attorney general be laid upon the table,
Which motion prevailed.

House bill No. 71,

A bill for an act to provide for the construction and maintenance of dams across running streams for use in operating mills and for irrigation purposes.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were, ayes 38, nays 8, absent and not voting 16.

Those who voted in the affirmative were:

Messrs—

Aas,
Berger,
Brotnov,
Engelter,
Erickson,
Ferris,
Gilbertson,

Messrs—

Johnson, Richland,
Johnston, Walsh,
Lee,
Lynch,
McLean,
Michels,
Nelson,

Messrs—

Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson
Tousley,

Messrs—

Glasgow,
Green,
Gronvold,
Hare,
Hauan,
Herbrandson,

Messrs—

Ovind,
Peek,
Restemayer,
Sanford,
Sargent,
Stevens,

Messrs—

Towle.
Tufte,
Ugland,
Watts,
Wolbert,

Those voting in the negative were:

Messrs—

Bacon,
Brakke,
Cassell,

Messrs—

Chacey,
Deisem,
Dwire,

Messrs—

Laughlin,
Wallace,

Absent and not voting:

Messrs—

Allen,
Allshouse,
Boyd,
Clarke,
Dougherty,
Earl.

Messrs—

Gulack,
Hale,
Kennedy,
Lish
McHarg,
Miner,

Messrs—

Peterson,
Stewart,
Winslow,
Mr. Speaker,

Messrs. Allen, Boyd, Earl, Lish, Miner, McHarg, Stewart and Mr. Speaker being excused,

So the bill passed and the title was agreed to.

Mr. Restemayer moved that

House bill No. 63,

A bill for an act providing for the publication of reports of school districts by the superintendent of schools, where the board fail to do so.

Be re-referred to the committee on engrossment,

Which motion prevailed and

House bill No. 63,

A bill for an act providing for the publication of reports of school districts by the superintendent of schools, where the board fail to do so.

Was so re-referred.

Mr. Herbrandson moved

That the vote by which House bill No. 71 passed, be reconsidered and that the motion to reconsider be laid upon the table,

Which motion prevailed.

FIRST AND SECOND READING OF SENATE BILLS.

CONCURRENT RESOLUTION.

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

Whereas, From the treasurer's report it appears that \$22,700 of 4 per cent. interest bearing bonds, issued for the University of North Dakota, dated May 1, 1889, and due May 1, 1909, with payment optional May 1, 1899; and

Whereas, The board of university and school lands has money enough on hand at all times to take up said bonds; therefore, be it

Resolved, That the board of university and school lands is hereby requested to bid for said bonds, part to bear interest at the rate of 4 per cent per annum, payable semi annually, and that the treasurer of the state of North Dakota be and he is hereby instructed to redeem said bonds, May 1, 1899, and re-issue them to the board of university and school lands at 4 per cent interest, payable semi-annually, to run twenty years from date of issue, providing said board bids in compliance with this resolution; and be it further

Resolved, That a copy of this resolution be presented to the secretary of said board and another to the state treasurer.

Was read the first time.

Mr. Stevens moved

That the concurrent resolution relating to university and school lands, be referred to committee on school and public lands,

Which motion prevailed, and

The concurrent resolution was so referred.

Senate bill No. 73,

A joint memorial of the senate and house of representatives of the state of North Dakota to the senate and house of representatives of the United States, praying for an act to encourage the shipment of grain to China and Japan by granting subsidies to steamship companies.

Was read the first time.

Mr. Stevens moved that

Senate bill No. 73,

A joint memorial of the senate and house of representatives of the state of North Dakota to the senate and house of representatives of the United States, praying for an act to encourage the shipment of grain to China and Japan by granting subsidies to steamship companies.

Be referred back to the senate with a request that it be sent to the house in the form of a concurrent resolution and not in the form of a bill,

Which motion prevailed.

Senate bill No. 68,

A bill for an act to amend section 55, chapter 126, of the session laws of 1897, relating to revenue and taxation.

Was read the first and second times, and

Referred to the committee on taxation and tax laws.

Senate bill No. 86,

A bill for an act to amend section 432 of the Revised Codes of North Dakota relating to the revocation of the license of attorneys

Was read the first and second times, and

Referred to the committee on judiciary.

Senate bill No. 15,

A bill for an act to appropriate the sum of \$500 as a reward for

the capture of the murderers of the Spicer family in Emmons county.

Was read the first and second times, and
Referred to the committee on judiciary.

Senate bill No. 24,

A bill for an act to define the duties of the commissioner of agriculture and labor.

Was read the first and second times, and
Referred to the committee on agriculture.

Senate bill No. 69,

A bill for an act to amend section 237 of article 4, of chapter 4, of the Political Code.

Was read the first and second times, and
Referred to the committee on judiciary.

Mr. Stevens moved that

Senate bill No. 69,

A bill for an act to amend section 237 of article 4, of chapter 4, of the Political Code.

Be indefinitely postponed,
Which motion was withdrawn.

The speaker called Mr. Peterson to the chair.

The speaker resumed the chair.

Senate bill No. 10,

A bill for an act to amend sections 1 and 2. of chapter 37 of the laws of 1897, providing a bounty on certain stock-destroying animals.

Was read the first and second times, and
Referred to the committee on sheep and sheep industry.

Senate bill No. 54,

A bill for an act to amend section 5887 of the revised codes.

Was read the first and second times, and
Referred to the committee on judiciary.

Senate bill No. 41,

A bill for an act amending sections sixty and seventy-one of chapter one hundred and twenty-four of the session laws of 1897.

Was read the first and second times, and
Referred to the committee on taxation and tax laws.

Mr. Hale moved that

House bill No. 94,

A bill for an act to provide for the granting of the right of way by municipal corporations for telephone lines, on and over public grounds, streets, alleys and highways, and making valid such grants heretofore made.

Be recalled from the judiciary committee and be referred to the committee on municipal corporations,

Which motion prevailed and
House bill No. 94,

A bill for an act to provide for the granting of the right of way by municipal corporations for telephone lines, on and over public grounds, streets, alleys and highways, and making valid such grants heretofore made.

Was so referred.

Mr. Tousley moved
That the house do now adjourn,
Which motion prevailed, and
The house adjourned.

J. G. HAMILTON,
Chief Clerk.

THIRTY-SIXTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 7, 1899.

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

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present excepting Messrs. Allen, Boyd, Dwire, Miner and Stewart, who were excused.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

Your committee on revision and correction of the Journal respectfully report that they have carefully examined the Journal of the thirty-fifth day and recommend the following corrections:

On page 8, line 35, correct the spelling of the word "die."

On page 10, line 32, correct the spelling of the word "passed."

And when so amended recommend that the Journal of the thirty-fifth day be approved.

Also,

Your committee on revision and correction of the Journal further recommend the following corrections in the Journal of the thirty-third day :

On page 18, insert after the word "from," in line 14, the words "the date of filing such petition, which notice shall be given to all."

On page 7, line 1, strike out the word "heir" and insert so as to read "heirs."

And when so amended recommend that the Journal of the thirty-third day be approved.

JOHN KENNEDY,
Chairman.

Mr. Kennedy moved

That the reports of the committee on revision and correction of the Journal be adopted,

Which motion prevailed, and

The reports were adopted.

Mr. Speaker requested that the privileges of the floor be extended to Thomas Baker, Sr., and M. E. Wilson.

Mr. Lish requested that the privileges of the floor be extended to L. A. Simpson.

There being no objections, the courtesies of the floor were so extended.

PETITIONS AND COMMUNICATIONS.

Mr. Berger presented the following petition :

To the House of Representatives of the State of North Dakota:

The undersigned petition your honorable body to pass a bill to prohibit the manufacture and sale of cigarettes or cigarette paper in the state.

Mrs. KATIE WINMILL,
(and 44 others.)

REPORTS OF STANDING COMMITTEES.

The committee on engrossed bills made the following report:

Mr. Speaker

Your committee on engrossed bills have examined

House bill No. 9,

A bill for an act requiring mortgagees of personal property to prepare and furnish and read to mortgagors copies of the mort-

gage instruments and making the said mortgage instruments void unless so furnished and read.

And report the same back to the house for further action.

A. W. THOMAS,

Chairman.

And

House bill No. 9,

A bill for an act requiring mortgagees of personal property to prepare and furnish and read to mortgagors copies of the mortgage instruments and making the said mortgage instruments void unless so furnished and read.

Was referred to general orders.

The committee on engrossed bills made the following report.

Mr. Speaker:

Your committee on engrossed bills have examined

House bill No. 12.

A bill for an act to amend section 4064 of the Revised Codes of North Dakota relating to usury.

Also,

House bill No. 18,

A bill for an act entitled an act to amend section 8531 of the Revised Codes of 1895 and to repeal section 8538 of said Codes.

Also,

House bill No. 50,

A bill for an act to amend section 5230 of the Revised Codes of North Dakota relating to who may be made parties defendant in actions to quiet title to real property.

Also,

House bill No. 29,

A bill for an act to provide for the giving of proper official bonds, by county treasurers, and to provide for the payment of the expense incurred in procuring the same.

And find the same correctly engrossed.

A. W. THOMAS,

Chairman.

The committee on state affairs made the following report:

Mr. Speaker:

Your committee on state affairs to whom was referred

House bill No. 113,

A bill for an act to amend section 2059 of the Revised Codes of 1895.

Have had the same under consideration and recommend that the same be indefinitely postponed.

JOHN KENNEDY,
Chairman.

Mr. Kennedy moved

That the report of the committee on state affairs on
House bill No. 113,

A bill for an act to amend section 2059 of the Revised Codes of 1895.

Be adopted.

Mr. Stevens offered the substitute motion,

That the report of the committee on state affairs on
House bill No. 113,

A bill for an act to amend section 2059 of the Revised Codes of 1895.

That it lie on the table,

Which substitute motion prevailed.

The committee on public health made the following report:

Mr. Speaker:

Your committee on public health to whom was referred

Senate bill No. 62,

A bill for an act to amend sections 245, 249 and 252 of the Revised Codes of the state of North Dakota, relating to county boards of health.

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

T. L. TAYLOR,
Chairman.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

House bill No. 123,

A bill for an act regulating the operation of traction engines in this state.

Have had the same under consideration and recommend that the same be indefinitely postponed.

R. N. STEVENS,
Chairman.

Mr. Brotnov moved that

House bill No. 123,

A bill for an act regulating the operation of traction engines in this state.

Be referred to the committee on agriculture,
Which motion prevailed and
The bill was so referred.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred
House bill No. 94,

A bill for an act to provide for the granting of the right of way by municipal corporations for telephone lines, on and over public grounds, streets, alleys and highways, and making valid such grants heretofore made.

Have had the same under consideration, and recommend that the same be referred to the committee on municipal corporations.

R. N. STEVENS,
Chairman.

Mr. Stevens moved that
House bill No. 94,

A bill for an act to provide for the granting of the right of way by municipal corporations for telephone lines, on and over public grounds, streets, alleys and highways, and making valid such grants heretofore made.

Be referred to the committee on municipal corporations,
Which motion prevailed, and

House bill No. 94,

A bill for an act to provide for the granting of the right of way by municipal corporations for telephone lines, on and over public grounds, streets, alleys and highways, and making valid such grants heretofore made.

Was so referred.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred
Senate bill No. 12,

A bill for an act to amend section 2761 of the Revised Codes of the state of North Dakota, of the revision of 1895, relating to the granting of alimony in divorce cases.

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

R. N. STEVENS,
Chairman.

The committee on public printing made the following report:

Mr. Speaker:

Your committee on public printing to whom was referred
Senate bill No. 21,

A bill for an act to amend section 3119 of article 6, of the Revised Codes of North Dakota relating to the publication of annual statements of insurance companies.

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

Also,

Senate bill No. 29,

A bill for an act requiring county auditors and county treasurers to make out and publish quarterly statements.

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

T. W. ALLSHOUSE,
Chairman.

The committee on engrossed bills made the following report:

Mr. Speaker:

Your committee on engrossed bills have examined
House bill No. 66,

A bill for an act entitled, an act to provide for mortgaging the real estate of a deceased person, of a minor, or of an incompetent person.

Also,

House bill No. 53,

A bill for an act "an act to amend sections 1880, 1881, 1883, 1886 and 1887 of the Revised Codes of the state of North Dakota of 1895 relating to the procedure for the removal of county seats."

And find the same correctly engrossed.

A. W. THOMAS,
Chairman.

The speaker announced that he was about to sign

Senate bill No. 36,

A bill for an act to fix the compensation of the chaplain of the senate and of the house of representatives.

COMMUNICATIONS FROM STATE OFFICERS.

The following communications were received from the attorney general:

BISMARCK, February 7, 1899.

To the House of Representatives, State of North Dakota, Bismarck, N. D.:

GENTLEMEN: In reply to your communication of February 3,

1899, transmitting House bills Nos. 111 and 112 to me, together with a resolution from your honorable body, for my official opinion upon said bills relative to the questions involved in said resolution, I would say with reference to your first inquiry, that in my opinion the concurrent resolutions submitted as House bills Nos. 111 and 112 are not in proper form for passage by this legislative assembly, and I would respectfully suggest to your honorable body that all of House bill No. 111 preceding the amendment proper be stricken out, and in lieu thereof the following words be inserted:

CONCURRENT RESOLUTION.

Be it 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, agreed to by the fifth legislative assembly of the state of North Dakota, be and the same is hereby agreed to, and said amendment shall be submitted to the people at the next general election.

With reference to House bill No. 112, I would also suggest that all of said bill up to and including the words "Section 2" be stricken out, and in lieu thereof the following words be inserted:

CONCURRENT RESOLUTION.

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

That the following proposed amendment of section 179 of the constitution of the state of North Dakota, relating to the assessment of railroads, express companies, freight line companies, car equipment companies, sleeping car companies, dining car companies, telegraph companies, and telephone companies, agreed to by the fifth legislative assembly of the state of North Dakota, be and the same is hereby agreed to, and said amendment shall be submitted to the people at the next general election.

With reference to your second inquiry, I am of the opinion that only one amendment to the constitution was submitted by the fifth legislative assembly to the people, and that it was properly voted upon.

With reference to your third inquiry, I would say that House bills Nos. 111 and 112, if amended as I have suggested, will themselves fix the time when such amendment shall be submitted to the people, as required by section 202 of the constitution. As to the manner of submitting the proposed amendment, I am of the opinion that the matter is already fully covered by sections 505, 509 and 516 of the Revised Codes of 1895, and by chapter 76 of the laws of 1897.

Yours truly,
 JOHN F. COWAN,
 Attorney General.

Also,

BISMARCK, February 7, 1899.

To the House of Representatives, State of North Dakota, Bismarck, N. D.:

GENTLEMEN: In reply to your communication January 11, 1899, in which you ask my opinion as to whether the constitutional amendment voted upon at the general election in 1898 was properly submitted to a vote of the people, I have to say that in my opinion upon an examination of the amendment as proposed by the legislative assembly that it was properly submitted to a vote of the people; and I am further of the opinion that the legislative assembly in preparing the amendment referred to, indicated by their action that only one amendment to the constitution of the state was intended.

From the resolution of inquiry submitted by your honorable body to me, it would seem that you assumed that two amendments to the constitution were submitted to the people as one question. I cannot agree with this assumption, as I believe it to be contrary to fact.

Yours truly,
JOHN F. COWAN,
Attorney General.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
February 7, 1899.

Mr. Speaker:

I have the honor to return herewith

Senate bill No. 73,

A joint memorial of the senate and house of representatives of the state of North Dakota to the senate and house of representatives of the United States, praying for an act to encourage the shipment of grain to China and Japan by granting subsidies to steamship companies.

With the request that the house act thereon.

Also,

CONCURRENT RESOLUTION

Resolved by the House of Representatives of the Sixth Legislative Assembly of the State of North Dakota:

That in consideration of the long service to the party, and his eminent character and ability to do honor to our state in any position given him,

and in accordance with the general sentiment of the republican party and citizens of this state, we do request and respectfully urge the senators and member of congress from this state to see that some place pleasing to his wishes be given to Gen. Harrison Allen as a fitting tribute and return for his long and useful devotion to the great principles of the republican party ever since its organization; and

Resolved, That a copy of this resolution be sent to each of the senators and the representative acting for this state in the national congress.

Which the senate has concurred in.

Very respectfully,

J. O. SMITH,
Secretary.

MOTIONS AND RESOLUTIONS.

Mr. Taylor moved that the vote by which

House bill No. 29,

A bill for an act to provide for the giving of proper official bonds, by county treasurers, and to provide for the payment of the expense incurred in procuring the same.

Was lost be reconsidered,

Which motion prevailed.

Mr. Laughlin moved that the consideration of

House bill No. 29,

A bill for an act to provide for the giving of proper official bonds, by county treasurers, and to provide for the payment of the expense incurred in procuring the same.

Be made a special order for February 15 at 3 o'clock p. m.,

Which motion prevailed and

House bill No. 29 was made a special order for February 15 at 3 o'clock p. m.

INTRODUCTION OF HOUSE BILLS.

Mr. Gulack introduced

House bill No. 135,

A bill for an act providing for the manner of the disposition of lands acquired by the state or the several counties of the state under the provisions of chapter 67, laws of 1897.

Mr. Towle introduced

House bill No. 136,

A bill for an act requiring the owners or occupants of lands within the state to fill or cover securely any and all wells situated thereon.

FIRST AND SECOND READING OF HOUSE BILLS.

House bill No. 135,

A bill for an act providing for the manner of the disposition of lands acquired by the state or the several counties of the state under the provisions of chapter 67, laws of 1897.

Was read the first and second times, and

Referred to the committee on taxation and tax laws.

House bill No. 136,

A bill for an act requiring the owners or occupants of lands within the state to fill or cover securely any and all wells situated thereon.

Was read the first and second times, and

Referred to the committee on judiciary.

Mr. Stevens moved that the vote by which

House bill No. 29,

A bill for an act to provide for the giving of proper official bonds, by county treasurers, and to provide for the payment of the expense incurred in procuring the same.

Be made a special order for February 15, be reconsidered,

Which motion prevailed.

Mr. Stevens moved that

House bill No. 29,

A bill for an act to provide for the giving of proper official bonds, by county treasurers, and to provide for the payment of the expense incurred in procuring the same.

Be referred to general orders,

Which motion prevailed, and House bill No. 29 was so referred.

GENERAL ORDERS.

Mr. Stevens moved

That the House resolve itself into a committee the whole for the consideration of

House bill No. 29,

A bill for an act to provide for the giving of proper official bonds, by county treasurers, and to provide for the payment of the expense incurred in procuring the same.

Which motion prevailed, and

The house resolved itself into a committee of the whole.

The speaker called Mr. Stevens to the chair.

When the committee of the whole rose it submitted the following report:

Mr. Speaker:

Your committee of the whole have had under consideration
House bill No. 29,

A bill for an act to provide for the giving of proper official
bonds, by county treasurers, and to provide for the payment of
the expense incurred in procuring the same.

And recommend that the same be amended as follows:

After the word "county" in line 3 of section 2 of the printed bill:
"Provided, however, that in all counties where the county treasurer shall
receive an annual salary of eighteen hundred dollars or more, he shall be
compelled to pay all expenses of procuring bonds, as provided in section 1
of this act."

And when so amended recommend that the same do pass.

R. N. STEVENS,
Chairman.

Mr. Stevens moved

That the report of the committee of the whole be adopted,
Which motion prevailed, and
The report was adopted.

Mr. Stevens moved

That the rules of the house be suspended and that
House bill No. 29,

A bill for an act to provide for the giving of proper official
bonds, by county treasurers, and to provide for the payment of
the expense incurred in procuring the same.

Be considered engrossed, and the same be passed to its third
reading and final passage,

Which motion prevailed, and

House bill No. 29,

A bill for an act to provide for the giving of proper official
bonds, by county treasurers, and to provide for the payment of
the expense incurred in procuring the same.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 51, nays 4, absent
and not voting 7.

Those who voted in the affirmative were:

Messrs—

Aas,
Allhouse,
Bacon,
Brakke,
Brotnov,
Cassell,

Messrs—

Gulack,
Hale,
Hare,
Huan,
Herbrandson,
Johnson, Richland,

Messrs—

Peterson,
Restemayer,
Sanford,
Stevens,
Swenson,
Stevenson,

Messrs—

Chacey,
Clarke,
Delsen,
Dougherty,
Earl,
Engelter,
Ferris,
Gilbertson,
Glasgow,
Green,
Gronvold,

Messrs—

Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish
Lynch,
McHarg,
Michels,
Nelson,
Ovind,
Peek,

Messrs—

Taylor,
Thomson,
Thordarson
Tousley,
Towle.
Tufte,
Ugland,
Wallace,
Watts,
Winslow,
Mr. Speaker,

Those voting in the negative were:

Messrs—

Berger,
McLean,

Messrs—

Thomas,

Messrs—

Wolbert,

Absent and not voting:

Messrs—

Allen,
Boyd,
Dwire,

Messrs—

Erickson,
Miner,

Messrs—

Sargent,
Stewart.

Messrs. Allen, Boyd, Dwire, Miner and Stewart being excused.

So the bill as amended passed and the title was agreed to.

Mr. Laughlin moved

That the vote by which House bill No. 29 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed

INTRODUCTION OF HOUSE BILLS.

Mr. Herbrandson introduced

House bill No. 137,

A bill for an act amending section 2969 of chapter 12 of the Revised Codes of North Dakota, relating to the running of trains.

Mr. Erickson introduced

House bill No. 138,

A bill for an act to define the liabilities of railroad companies in relation to damages sustained by their employes.

Mr. Wolbert introduced

House bill No. 139,

A bill for an act to amend sections 797 and 846 of the Revised Codes, 1895, relating to the powers and duties of boards of education in special and independent school districts.

Mr. Wolbert introduced

House bill No. 140,

A bill for an act entitled "an act to prevent the adulteration of, and deception in the manufacture and sale of, flaxseed or linseed oil."

Mr. Hare introduced

House bill No. 141,

A bill for an act to fix the compensation of the door-keepers and janitors of the senate and house of representatives.

Mr. Ovind introduced

House bill No. 142,

A bill for an act to amend chapter 119 of the session laws of 1897, relating to the salary and expenses of the state board of railroad commissioners.

Mr. Lee introduced

House bill No. 143,

A bill for an act to amend section 696 of article 6 of chapter 9 entitled education of the Revised Codes of North Dakota, of 1895.

FIRST AND SECOND READING OF HOUSE BILLS.

House bill No. 137,

A bill for an act amending section 2969 of chapter 12 of the Revised Codes of North Dakota, relating to the running of trains.

Was read the first and second times, and

Referred to the committee on railroads.

House bill No. 138,

A bill for an act to define the liabilities of railroad companies in relation to damages sustained by their employes.

Was read the first and second times, and

Referred to the committee on railroads.

House bill No. 139,

A bill for an act to amend sections 797 and 846 of the Revised Codes, 1895, relating to the powers and duties of boards of education in special and independent school districts.

Was read the first and second times, and

Referred to the committee on education.

House bill No. 140,

A bill for an act entitled "an act to prevent the adulteration of, and deception in the manufacture and sale of, flaxseed or linseed oil."

Was read the first and second times, and

Referred to the committee on judiciary.

House bill No. 141,

A bill for an act to fix the compensation of the door-keepers and janitors of the senate and house of representatives.

Was read the first and second times.

Mr. Hare moved that the consideration of

House bill No. 141,

A bill for an act to fix the compensation of the door-keepers and janitors of the senate and house of representatives.

Be referred to general orders,

Which motion prevailed and

House bill No. 141,

A bill for an act to fix the compensation of the door-keepers and janitors of the senate and house of representatives.

Was referred to general orders.

House bill No. 142,

A bill for an act to amend chapter 119 of the session laws of 1897, relating to the salary and expenses of the state board of railroad commissioners.

Was read the first and second times, and

Referred to the committee on railroads.

House bill No. 143,

A bill for an act to amend section 696 of article 6 of chapter 9 entitled education of the Revised Codes of North Dakota, of 1895.

Was read the first and second times, and

Referred to the committee on education.

The speaker announced an informal recess of fifteen minutes.

The house reassembled.

THIRD READING OF HOUSE BILLS.

House bill No. 50,

A bill for an act to amend section 5230 of the Revised Codes of North Dakota relating to who may be made parties defendant in actions to quiet title to real property.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 51, nays none, absent and not voting 11.

Those who voted in the affirmative were :

Messrs—

Aas,
Bacon,
Berger,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,

Messrs—

Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Kennedy,
Laughlin,
Lee,
Lish

Messrs—

Sanford,
Sargent,
Stevens,
Svenson,
Stevenson,
Taylor,
Thomas,
Thomson,

Messrs—

Deisem,
Dougherty,
Earl,
Engelter,
Ferris,
Glasgow,
Green,
Gronvold,
Hale.

Messrs—

Lynch,
McHarg,
McLean,
Michels,
Nelson,
Ovind,
Peek,
Peterson,
Restemayer.

Messrs—

Thordarson
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Watts,
Wolbert,
Mr. Speaker,

Absent and not voting:

Messrs—

Allen,
Allshouse,
Boyd,
Dwire.

Messrs—

Erickson,
Gilbertson,
Gulack,
Johnston, Walsh,

Messrs—

Miner,
Stewart,
Winslow,

Messrs. Allen, Boyd, Dwire, Miner and Stewart being excused.

So the bill passed and the title was agreed to.

Mr. Thomas moved

That the vote by which House bill No. 50 passed be reconsidered, and that the motion to reconsider be laid upon the table, Which motion prevailed.

House bill No. 80,

A bill for an act to suppress and punish trespassing and stealing rides upon cars, engines and trains, and authorizing trainmen to arrest and prosecute offenders against this act.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 54, nays none, absent and not voting 8.

Those who voted in the affirmative were:

Messrs—

Aas,
Bacon,
Berger,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Deisem,
Dougherty,
Earl,
Engelter,
Erickson,
Ferris,
Gilbertson,
Glasgow,
Green,
Gronvold,

Messrs—

Hale,
Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish,
Lynch,
McHarg,
McLean,
Michels,
Nelson,
Ovind,
Peek,
Peterson,

Messrs—

Restemayer,
Sanford,
Sargent,
Stevens,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Watts,
Wolbert,
Mr. Speaker,

Absent and not voting:

Messrs—

Allen,
Allshouse,
Boyd,

Messrs—

Dwire,
Gulack,
Miner,

Messrs—

Stewart,
Winslow,

Messrs. Allen, Boyd, Dwire, Miner and Stewart being excused.

So the bill passed and the title was agreed to.

Mr. McHarg moved

That the vote by which House bill No. 80 passed be reconsidered, and that the motion to reconsider be laid upon the table

Which motion prevailed

House bill No. 53,

A bill for an act "an act to amend sections 1880, 1881, 1883, 1886 and 1887 of the Revised Codes of the state of North Dakota of 1895 relating to the procedure for the removal of county seats."

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes, 56, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs—

Aas,
Allshouse,
Bacon,
Berger,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Deisem,
Dougherty,
Earl,
Engelter,
Erickson,
Ferris,
Gilbertson,
Glasgow,
Green,
Gronvold,

Messrs—

Hale,
Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish,
Lynch,
McHarg,
McLean,
Michels,
Nelson,
Ovind,
Peek,
Peterson,
Restemayer.

Messrs—

Sanford,
Sargent,
Stevens,
Swenson,
Stevenson.
Taylor,
Thomas,
Thomson,
Thordarson
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Watts,
Wolbert,
Winslow,
Mr. Speaker,

Absent and not voting:

Messrs—

Allen,
Boyd,

Messrs—

Dwire,
Gulack,

Messrs—

Miner,
Stewart.

Messrs. Allen, Boyd, Dwire, Miner and Stewart being excused.

So the bill passed and the title was agreed to.

Mr. Restemayer moved

That the vote by which House bill No. 53 passed be reconsidered, and that the motion to reconsider be laid upon the table, which motion prevailed.

House bill No. 12,

A bill for an act to amend section 4064 of the Revised Codes of North Dakota relating to usury.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were, ayes, 38; nays, 19; absent and not voting, 5.

Those who voted in the affirmative were:

Messrs—

Aas,
Berger,
Brakke,
Brotnov,
Cassell,
Chacey,
Deisem,
Earl,
Erickson,
Ferris,
Green,
Gronvold,
Gulack,

Messrs—

Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Lynch,
McLean,
Michels,
Nelson,
Ovind,
Peek,
Peterson,
Restemayer,

Messrs—

Sanford,
Stevens,
Swenson,
Taylor,
Thomas,
Thomson,
Thordarson
Tousley,
Towle,
Tuftte,
Watts,
Winslow,

Those voting in the negative were:

Messrs—

Allshouse,
Bacon,
Clarke,
Dougherty,
Engelter,
Gilbertson,
Glasgow,

Messrs—

Hale,
Hare,
Laughlin,
Lee,
Lish
McHarg,

Messrs—

Sargent,
Stevenson,
Ugland,
Wallace,
Wolbert,
Mr. Speaker.

Absent and not voting:

Messrs—

Allen,
Boyd,

Messrs—

Dwire,
Miner,

Messrs—

Stewart,

Messrs. Allen, Boyd, Dwire, Miner and Stewart being excused.
So the bill passed and the title was agreed to.

Mr. Stevens moved

That the vote by which House bill No. 12 passed be reconsidered, and the motion to reconsider be laid upon the table, which motion prevailed

Mr. Laughlin moved that the further consideration of House bill No. 8,

A bill for an act to repeal chapter 53 of session laws of 1897, and

sections 4816, 4817, 4818 and 4819 of the Revised Codes of North Dakota relating to liens for sires.

Be referred to the committee on agriculture,

Which motion prevailed, and

House bill No. 8.

A bill for an act to repeal chapter 53 of session laws of 1897, and sections 4816, 4817, 4818 and 4819 of the Revised Codes of North Dakota relating to liens for sires.

Was so referred.

House bill No. 66,

A bill for an act entitled, an act to provide for mortgaging the real estate of a deceased person, of a minor, or of an incompetent person.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 56, nays none, absent and not voting 6.

Those who voted in the affirmative were:

| | | |
|-------------|--------------------|--------------|
| Messrs— | Messrs— | Messrs— |
| Aas, | Gulack, | Sanford, |
| Allshouse, | Hale, | Sargent, |
| Bacon, | Hare, | Stevens, |
| Berger, | Hauan, | Swenson, |
| Brakke, | Herbrandson, | Stevenson, |
| Brotnov, | Johnson, Richland, | Taylor, |
| Cassell, | Johnston, Walsh, | Thomas, |
| Chacey, | Kennedy, | Thomson, |
| Clarke, | Laughlin, | Thordarson, |
| Deisem, | Lee, | Tousley, |
| Dougherty, | Lish, | Towle, |
| Earl, | Lynch, | Tufte, |
| Engelter, | McHarg, | Ugland, |
| Erickson, | McLean, | Wallace, |
| Ferris, | Michels, | Watts, |
| Gilbertson, | Nelson, | Wolbert, |
| Glasgow, | Ovind, | Winslow, |
| Green, | Peek, | Mr. Speaker, |
| Gronvold, | Peterson, | |

Absent and not voting:

| | | |
|---------|---------|----------|
| Messrs— | Messrs— | Messrs— |
| Allen, | Dwire, | Stewart, |
| Boyd, | Miner, | |

Messrs. Allen, Boyd, Dwire, Miner and Stewart being excused.

So the bill passed and the title was agreed to.

Mr. Stevens moved

That the vote by which House bill No. 66 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

GENERAL ORDERS.

Mr. Stevens moved

That the house resolve itself into a committee of the whole for the consideration of general orders,

Which motion prevailed and

The house resolved itself into a committee of the whole.

The speaker called Mr. Taylor to the chair.

When the committee rose it submitted the following report:

Mr. Speaker:

Your committee of the whole have had under consideration House bill No. 70,

A bill for an act to amend section 527 of the Revised Codes of 1895 relating to the canvass and publication of election returns and issuing of certificates of election.

And recommend the following amendments:

That on page 2 of the printed bill, in line 25, after the words "county treasury" there be added the words "at a rate not exceeding the rate paid for publishing the county commissioners' proceedings."

That in line 28 of the printed bill after the words "published in" add the words "at least one of."

That in line 28 of the printed bill the word "official" be stricken out.

That in line 10 of the printed bill after the word "congress" there be added the words "governor, state auditor, commissioner of insurance, commissioner of agriculture and labor, state treasurer, secretary of state, attorney general, commissioners of railroads, superintendent of public instruction, lieutenant governor."

And when so amended recommend that the same do pass.

Also,

House bill No. 77,

A bill for an act to amend section 2724 of the Revised Codes of the state of North Dakota, of the revision of 1895, relating to the licensing and solemnizing of marriages and authority of celebrants.

And recommend that the bill be amended as follows:

That the words "or any official of that institution acquainted" in line 7 of the printed bill be stricken out.

Also the words "with the sign language used by the patients of that and like institutions" in line 8 of the printed bill be stricken out.

Also amend by striking out the words "of some county in this state which" in line 22 of the printed bill, and all of line 23 of the printed bill, and the words "in any place in this state" in line 24 of the printed bill, and insert in lieu thereof after the word "of" in line 22 of the printed bill the words "the county in which such ceremony is to be performed."

Also amend by striking out the words "who issued such license" in line 28 of the printed bill and inserting in lieu thereof after the word "judge" in line 28 of the printed bill the words "of the county."

And when so amended recommend that the same do pass.

Also,

House bill No. 120,

A bill for an act to repeal sections 1566, 1567 and 1568 of the Revised Codes of North Dakota.

And recommend that the further consideration of the bill be indefinitely postponed.

Also,

Senate bill No. 23,

A bill for an act providing for judgment of dissolution in certain actions against corporations.

And recommend that the same do pass.

Also,

Senate bill No. 47,

A bill for an act to amend section 5422 of the Revised Codes, relating to note of issue, notice of trial and order of trials.

And recommend that the same do pass.

Also,

Senate bill No. 48,

A bill for an act to amend section 3598 of the Revised Codes, relating to the recording of certain instruments.

And recommend that the same do pass.

Also,

Senate bill No. 61,

A bill for an act to amend section 5574 of the Revised Codes of North Dakota of 1895 by allowing the same statutory costs in cases appealed from a justice court as in cases originally commenced in the district court.

And recommend that the same do pass.

Also,

Senate bill No. 65,

A bill for an act to amend section 5226, of the Revised Codes of the state of North Dakota, relating to the appointment of a guardian ad litem, presented as a substitute bill for senate bills Nos. 7 and 32 by the committee on judiciary.

And recommend that the same do pass.

T. L. TAYLOR,
Chairman.

Mr. Tufte moved

That the report of the committee of the whole be adopted,

Which motion prevailed, and

The report of the committee of the whole was adopted.

MOTIONS AND RESOLUTIONS.

Mr. Stevens moved that
Senate bill No. 73,

A joint memorial of the senate and house of representatives of the state of North Dakota to the senate and house of representatives of the United States, praying for an act to encourage the shipment of grain to China and Japan by granting subsidies to steamship companies.

Being a concurrent resolution, be referred to the committee on printing,

Which motion prevailed.

The speaker administered the oath of office to T. H. Oksendahl as assistant enrolling and engrossing clerk.

Mr. Stevens moved
That the house do now adjourn,
Which motion prevailed, and
The house adjourned.

J. G. HAMILTON,
Chief Clerk.

THIRTY-SEVENTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 8, 1899.

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

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present excepting Messrs. Allen, Earl, Erickson, Dwire, Miner and Stewart, who were excused.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

Your committee on revision and correction of the Journal respectfully report that they have carefully examined the Journal of the thirty-sixth day and recommend the following correction:

On page 2, line 30, correct the spelling of the word "prohibit."

And when so amended recommend that the Journal of the thirty-sixth day be approved.

JOHN KENNEDY,
Chairman.

Mr. Kennedy moved

That the report of the committee on revision and correction of the Journal be adopted,

Which motion prevailed and

The report was adopted.

The speaker announced that he was about to sign

Senate bill No. 5,

A bill for an act to amend section 95 of chapter 126 of the laws of 1897, being an act entitled "Revenue and Taxation."

EXECUTIVE SESSION.

The house resolved itself into an executive session.

The house reassembled.

The house took an informal recess for fifteen minutes.

The house reassembled.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
February 8, 1899.

Mr. Speaker:

I have the honor to return herewith

House bill No. 6,

A bill for an act to amend sections 3205 and 3209 of the Revised Codes relating to building and loan associations.

Which the senate has passed unchanged.

Also,

Senate bill No. 74,

A bill for an act to amend section 3549 of the Revised Codes of North Dakota relating to incumbrances.

Also,

Senate bill No. 92,

A bill for an act to repeal section 4718 of the Revised Codes of North Dakota relating to the discharge by entry in the margin of the record thereof.

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

Also,

House bill No. 79,

A bill for an act to provide for continuance of cases when an attorney in the case is a member of the state legislature or any party to the pending suit is a member of the legislature.

Which the senate has passed unchanged.

Also,

Senate bill No. 94,

A joint resolution of the senate and house of representatives of the Sixth Legislative Assembly of the state of North Dakota, authorizing and instructing the governor, auditor and treasurer of the state of North Dakota to issue and dispose of certificates of indebtedness to cover the cost of establishing and operating a twine and cordage plant at the state penitentiary.

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

Very respectfully yours,

J. O. SMITH,

Secretary.

The speaker announced that he was about to sign

CONCURRENT RESOLUTION.

Resolved by the House of Representatives of the Sixth Legislative Assembly of the State of North Dakota, the Senate Concurring:

That in consideration of the long service to the party, and his eminent character and ability to do honor to our state in any position given him, and in accordance with the general sentiment of the Republican party and citizens of this state, we do request and respectfully urge the senators and member of congress from this state to see that some place pleasing to his wishes be given to Gen. Harrison Allen as a fitting tribute and return for his long and useful devotion to the great principles of the Republican party ever since its organization; and

Resolved, That a copy of this resolution be sent to each of the senators and the representative acting for this state in the national congress.

The speaker called Mr. Sargent to the chair.

Mr. Tousley moved that

House bill No. 107,

A bill for an act entitled an act to amend section 6847 of chapter 4 of the penal code of the state of North Dakota, relating to the punishment of Sabbath breaking.

And

House bill No. 116,

A bill for an act to amend section 6847 of the Revised Codes of the state of North Dakota, relating to Sabbath breaking.

Be referred to general orders,

Which motion prevailed, and

House bill No. 107,

A bill for an act entitled an act to amend section 6847 of chapter 4 of the penal code of the state of North Dakota, relating to the punishment of Sabbath breaking.

And

House bill No. 116,

A bill for an act to amend section 6847 of the Revised Codes of the state of North Dakota, relating to Sabbath breaking.

Were so re-referred.

REPORTS OF STANDING COMMITTEES.

The committee on enrolled bills made the following report:

Mr. Speaker:

Your committee on enrolled bills have examined

Resolved by the House of Representatives of the Sixth Legislative Assembly of the State of North Dakota, the Senate Concurring:

That in consideration of the long service to the party, and his eminent character and ability to do honor to our state in any position given him, and in accordance with the general sentiment of the republican party and citizens of this state, we do request and respectfully urge the senators and member of congress from this state to see that some place pleasing to his wishes be given to Gen. Harrison Allen as a fitting tribute and return for his long and useful devotion to the great principles of the republican party ever since its organization; and

Resolved, That a copy of this resolution be sent to each of the senators, and the representative acting for this state in the national congress.

And find the same correctly enrolled.

M. B. CASSELL,

Chairman.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

Senate bill No. 15,

A bill for an act to appropriate the sum of \$500 as a reward for the capture of the murderers of the Spicer family in Emmons county.

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

Strike out the words "were duly tried by the district court, and one of the said defendants found guilty and sentenced to be hung," and the words "confessed to the crime" be inserted in lieu thereof.

And also amend by striking out the words "such parties as shall by the governor be found to be entitled to receive the same," and inserting in lieu thereof the words "Peter Shier, of Emmons county."

And when so amended recommend that the same do pass.

R. N. STEVENS,

Chairman.

Mr. Stevens moved

That the rules be suspended and that

Senate bill No. 15,

A bill for an act to appropriate the sum of \$500 as a reward for the capture of the murderers of the Spicer family in Emmons county.

Be placed upon its third reading and final passage subject to amendment,

Which motion prevailed.

Mr. Stevens moved

That the report of the judiciary committee on

Senate bill No. 15,

A bill for an act to appropriate the sum of \$500 as a reward for the capture of the murderers of the Spicer family in Emmons county.

Be adopted,

Which motion prevailed, and

The report was adopted.

The speaker resumed the chair.

Senate bill No. 15.

A bill for an act to appropriate the sum of \$500 as a reward for the capture of the murderers of the Spicer family in Emmons county.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 54, nays none, absent and not voting 8.

Those who voted in the affirmative were :

Messrs—

Aas,
Allshouse,
Bacon,
Berger,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Deisem,
Dougherty,
Engelter,
Gilbertson,
Glasgow,
Green,
Gronvold,
Gulack,
Hale,

Messrs—

Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish
McHarg,
McLean,
Michels,
Nelson,
Ovind,
Peek,
Peterson,
Restemayer,
Sanford,

Messrs—

Sargent,
Stevens,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Warts,
Wolbert,
Winslow,
Mr. Speaker,

Absent and not voting :

Messrs—

Allen,
Boyd,
Dwire,

Messrs—

Earl,
Ferris,
Lynch,

Messrs—

Miner,
Stewart,

Messrs. Allen, Boyd, Dwire, Earl, Ferris, Miner and Stewart being excused.

So the bill as amended passed and the title was agreed to.

Mr. Stevens moved

That the vote by which Senate bill No. 15 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

PETITIONS AND COMMUNICATIONS.

Mr. Restemayer presented the following petition:

To the Legislative Assembly of the State of North Dakota:

We, the undersigned, residents of Hamilton, N. D., petition your honorable body to pass the bill to prohibit the manufacture of cigarettes or cigarette paper in the state. Also the bill to increase the penalty for Sabbath breaking.

Mrs. M. SARVER,
(and 16 others.)

Mr. Johnston of Walsh presented the following petitions:

To Hon. W. R. Johnston:

We, the undersigned, citizens and freeholders of Walsh county, North Dakota, urgently petition you to use your influence for the enactment of a bill looking to the protection by the state of the farmers against loss by hail.

JOS. SCHAEFER,
(and 37 others.)

To Hon. W. R. Johnston:

We, the undersigned, citizens and freeholders of Walsh county, North Dakota, urgently petition you to use your influence for the enactment of

a bill looking to the protection by the state of the farmers against loss by hail.

JAS. STEVENSON,
(and 29 others.)

Mr. Ferris presented the following petition:

To Hon. Henry Ferris:

We, the undersigned, citizens and freeholders of Walsh county, North Dakota, urgently petition you to use your influence for the enactment of a bill looking to the protection by the state of the farmers against loss by hail.

T. J. HEDDLE,
(and 17 others.)

REPORTS OF STANDING COMMITTEES.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred
Senate bill No. 86,

A bill for an act to amend section 432 of the Revised Codes of North Dakota relating to the revocation of the license of attorneys.

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

G. W. WOLBERT,
Chairman Pro Tem.

The committee on insurance made the following report:

Mr. Speaker:

Your committee on insurance to whom was referred
House bill No. 24,

A bill for an act to amend section 2464 of the Revised Codes.

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

Also,

House bill No. 25,

A bill for an act in relation to reinsurance and the transaction of business by fire insurance companies or associations otherwise than through resident agents.

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

In line 8, section 1, between the words "the" and "commission," insert the word "full."

In line 17, section 1, between the words "the" and "commission," insert the word "full."

At the end of section 1, after the word "passengers," in line 25, add the words "or grain in elevators and warehouses, stored in the same for the purpose of shipment."

Strike out all of sections 2 and 4.

And when so amended recommend that the same do pass.

J. D. BACON,
Chairman.

The committee on agriculture made the following report:

Mr. Speaker:

Your committee on agriculture to whom was referred

House bill No. 122,

A bill for an act to encourage the use of certain wagons, and to allow therefor a deduction of road tax.

Have had the same under consideration, and recommend that the same be indefinitely postponed.

O. C. HAUAN,
Chairman.

Mr. Wallace moved

That the report of the committee on agriculture on

House bill No. 122,

A bill for an act to encourage the use of certain wagons, and to allow therefor a deduction of road tax.

Be adopted,

Which motion prevailed, and

The report was adopted.

And the further consideration of

House bill No. 122,

A bill for an act to encourage the use of certain wagons, and to allow therefor a deduction of road tax.

Was indefinitely postponed.

The committee on agriculture made the following report:

Mr. Speaker:

Your committee on agriculture to whom was re-referred

House bill No. 64,

A bill for an act to amend section 1605 of the Revised Codes relating to the compensation and bonds of district veterinarians.

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

That in line 6 the word "ten" be stricken out, and insert the word "five."

In line 8, after the word "compensation," insert the words "and mileage."

In line 9 strike out the word "four" and insert the word "five."

And when so amended recommend that the same do pass.

O. C. HAUAN,
Chairman.

Also.

A majority of your committee on agriculture to whom was referred

House bill No. 96,

A bill for an act for the purpose of authorizing the commissioner of university and school lands to lease cultivated land to clear the same of noxious weeds.

Have had the same under consideration and recommend that the same be indefinitely postponed.

(Signed),

S. C. SWENSON,
K. O. BROTNOV,
C. WINSLOW,
C. J. OVIND,
O. GILBERTSON,
E. H. RESTEMAYER,

A minority of your committee on agriculture to whom was referred

House bill No. 96,

A bill for an act for the purpose of authorizing the commissioner of university and school lands to lease cultivated land to clear the same of noxious weeds.

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

In line 4, after the word "state," insert "for the period of two years."

(Signed),

O. C. HAUAN,
A. H. LAUGHLIN,
G. O. GULACK,
D. STEVENSON,
E. B. THOMSON,
D. N. GREEN.

Mr. Hauan moved

That the report of the minority of the committee on agriculture on

House bill No. 96,

A bill for an act for the purpose of authorizing the commissioner of university and school lands to lease cultivated land to clear the same of noxious weeds.

Be adopted.

Mr. Stevens moved as a substitute that

House bill No. 96,

A bill for an act for the purpose of authorizing the commissioner of university and school lands to lease cultivated land to clear the same of noxious weeds.

Be referred to general orders,

Which substitute motion prevailed, and

House bill No. 96,

A bill for an act for the purpose of authorizing the commissioner of university and school lands to lease cultivated land to clear the same of noxious weeds.

Was so referred.

The committee on ways and means made the following report:

Mr. Speaker

Your committee on ways and means to whom was referred

House bill No. 91,

A bill for an act to amend section 2068 of the Revised Codes of the state of North Dakota, providing for the salary of county judges.

Have had the same under consideration, and recommend and report herewith a substitute bill therefor, and recommend that the substitute bill do pass.

J. S. JOHNSON,

Chairman.

The committee on ways and means substitute for

House bill No. 91,

A bill for an act to amend section 2068 of the Revised Codes of the state of North Dakota, providing for the salary of county judges.

Section 1. Salary of county judge.] As compensation for his services the county judge shall be paid in all counties an annual salary based on the assessed valuation as follows: In counties having a valuation under five hundred thousand dollars, three hundred dollars; over five hundred thousand and under one million dollars, four hundred dollars; over one million dollars and under two million dollars, five hundred dollars; over two million dollars and under three million dollars, seven hundred dollars; over three million dollars and under five million dollars, one thousand dollars; over five million dollars and under eight million dollars, twelve hundred dollars; over eight million dollars and under ten million dollars, fifteen hundred dollars; and in all counties having a valuation over ten million dollars, eighteen hundred dollars, and no more for his personal services. Provided, that the salary of the county judge in counties having increased jurisdiction shall not be affected by the provisions of this act.

Sec. 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Mr. Hare moved

That the rules be suspended and that

Senate bill No. 94,

A joint resolution of the senate and house of representatives of the Sixth Legislative Assembly of the state of North Dakota, authorizing and instructing the governor, auditor and treasurer of the state of North Dakota to issue and dispose of certificates of indebtedness to cover the cost of establishing and operating a twine and cordage plant at the state penitentiary.

Be placed upon its first and second readings and referred to general orders,

Which motion prevailed, and

Senate bill No. 94,

A joint resolution of the senate and house of representatives of the Sixth Legislative Assembly of the state of North Dakota, authorizing and instructing the governor, auditor and treasurer of the state of North Dakota to issue and dispose of certificates of indebtedness to cover the cost of establishing and operating a twine and cordage plant at the state penitentiary.

Was so referred.

The committee on elections and privileges made the following report:

Mr. Speaker:

Your committee on elections and privileges to whom was referred

House bill No. 13,

A bill for an act to provide for printing on the official county ballot, in language other than English, the names of persons duly nominated for county offices.

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

J. THORDARSON,
Chairman.

Mr. Stevens moved that

House bill No. 13,

A bill for an act to provide for printing on the official county ballot, in language other than English, the names of persons duly nominated for county offices.

Be referred to general orders,

Which motion prevailed, and

House bill No. 13,

A bill for an act to provide for printing on the official county ballot, in language other than English, the names of persons duly nominated for county offices.

Was so referred.

The committee on elections and privileges made the following report:

Mr. Speaker:

Your committee on elections and privileges to whom was referred

House bill No. 109,

A bill for an act to amend section 481 of the Revised Codes of North Dakota, relating to election precincts.

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

In line 15 of the printed bill strike out the words beginning with "inspector" and ending with the word "the" in line 16 of the printed bill.

And when so amended recommend that the same do pass.

J. THORDARSON,

Chairman.

The committee on ways and means made the following report:

Mr. Speaker:

Your committee on ways and means to whom was referred

House bill No. 105,

A bill for an act to amend Sec. 2069 of the Revised Codes of the state of North Dakota, providing for clerk hire in the office of county judge.

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

Insert after the word "fund," in line 8 of the printed bill, "when the salary fund is exhausted, then out of the general fund."

And when so amended recommend that the same do pass.

J. S. JOHNSON,

Chairman.

The committee on appropriations made the following report:

Mr. Speaker:

Your committee on appropriations to whom was referred

House bill No. 75,

A bill for an act to amend chapter 114, session laws of 1897, entitled "an act to amend section 76 of the Revised Codes of North Dakota, relating to accounts for printing and binding required by state officers and making an annual appropriation therefor."

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

Also,

House bill No. 102,

A bill for an act to amend section 338 of the Revised Codes of North Dakota, relating to supplies for public offices, repairs upon the capitol building and executive mansion and the public grounds and parks connected therewith, and making an annual appropriation therefor.

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

That in line 9, section 1, the word "twenty-five" be stricken out and the word "twenty-three" be inserted in lieu thereof.

And when so amended recommend that the same do pass.

C. A. SANFORD,
Chairman pro tem.

Mr. Sanford moved

That the rules be suspended and that

House bill No. 75,

A bill for an act to amend chapter 114, session laws of 1897, entitled "an act to amend section 76 of the Revised Codes of North Dakota, relating to accounts for printing and binding required by state officers and making an annual appropriation therefor."

Be placed upon its third reading and final passage,

Which motion prevailed and

House bill No. 75,

A bill for an act to amend chapter 114, session laws of 1897, entitled "an act to amend section 76 of the Revised Codes of North Dakota, relating to accounts for printing and binding required by state officers and making an annual appropriation therefor."

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 52, nays none, absent and not voting 10.

Those who voted in the affirmative were:

Messrs—

Aas,
Bacon,
Berger,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Deisem,
Dougherty,
Erickson,
Ferris,

Messrs—

Hale,
Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Kennedy,
Laughlin,
Lee,
Lish
Lynch,
McLean,
Michels,

Messrs—

Sanford,
Sargent,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson
Tousley,
Towle,
Tufte,
Ugland,

Messrs—
 Gilbertson,
 Glasgow,
 Green,
 Gronvold,
 Gulack,

Messrs—
 Nelson,
 Ovind,
 Peek,
 Peterson,
 Restemayer,

Messrs—
 Wallace,
 Watts,
 Wolbert,
 Winslow,
 Mr. Speaker.

Absent and not voting:

Messrs—
 Allen,
 Allhouse,
 Boyd,
 Dwire,

Messrs—
 Earl,
 Engelter,
 Johnston, Walsh,
 McHarg,

Messrs—
 Miner,
 Stevens,
 Stewart,

Messrs. Allen, Boyd, Dwire, Earl, Miner and Stewart being excused.

So the bill passed and the title was agreed to.

Mr. Sanford moved

That the vote by which House bill No. 75 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Sanford moved

That the report of the committee on House bill No. 102,

A bill for an act to amend section 338 of the Revised Codes of North Dakota, relating to supplies for public offices, repairs upon the capitol building and executive mansion and the public grounds and parks connected therewith, and making an annual appropriation therefor.

Be adopted,

Which motion prevailed, and

The report was adopted.

Mr. Sanford moved

That the rules be suspended and that House bill No. 102,

A bill for an act to amend section 338 of the Revised Codes of North Dakota, relating to supplies for public offices, repairs upon the capitol building and executive mansion and the public grounds and parks connected therewith, and making an annual appropriation therefor.

As amended, be placed upon its third reading and final passage,

Which motion prevailed, and

House bill No. 102,

A bill for an act to amend section 338 of the Revised Codes of North Dakota, relating to supplies for public offices, repairs upon the capitol building and executive mansion and the public grounds and parks connected therewith, and making an annual appropriation therefor.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 51, nays none, absent and not voting 11.

Those who voted in the affirmative were :

| | | |
|-------------|--------------------|--------------|
| Messrs— | Messrs— | Messrs— |
| Aas, | Hare, | Sargent, |
| Bacon, | Hauan, | Stevens, |
| Berger, | Herbrandson, | Swenson, |
| Brakke, | Johnson, Richland, | Stevenson, |
| Cassell, | Johnston, Walsh, | Taylor, |
| Chacey, | Kennedy, | Thomas, |
| Clarke, | Laughlin, | Thomson, |
| Deisent, | Lee, | Thordarson |
| Dougherty, | Lynch, | Tousley, |
| Engelter, | McLean, | Towle. |
| Ferris, | Michels, | Ugland, |
| Gilbertson, | Nelson, | Wallace, |
| Glasgow, | Ovind, | Watts, |
| Green, | Peek, | Wolbert, |
| Gronvold, | Peterson, | Winslow, |
| Gulack, | Restemayer, | Mr. Speaker, |
| Hale, | Sanford, | |

Absent and not voting :

| | | |
|------------|-----------|----------|
| Messrs— | Messrs— | Messrs— |
| Allen, | Dwire, | McHarg, |
| Allshouse, | Earl, | Miner, |
| Boyd, | Erickson, | Stewart, |
| Brotnov, | Lish | Tufte, |

Messrs. Allen, Boyd, Dwire, Earl, Erickson, Miner and Stewart being excused.

So the bill as amended passed and the title was agreed to.

Mr. Tousley moved

That the vote by which House bill No. 102 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

Senate bill, No. 54,

A bill for an act to amend section 5887 of the revised codes.

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

By inserting in the title, after the word "Dakota," the words "relating to the foreclosure of mortgages upon personal property."

And when so amended recommend that the same do pass.

R. N. STEVENS,

Chairman.

The committee on charitable institutions made the following report:

Mr. Speaker:

Your committee on charitable institutions to whom was referred House bill No. 35,

A bill for an act to amend section 970 of the Revised Codes of North Dakota, relating to the compensation and meetings of the board of trustees of the North Dakota blind asylum, and empowering the governor to contract with the state of South Dakota or the state of Minnesota for the education of blind children of school age until such time as the state of North Dakota shall have suitable facilities of its own for this purpose.

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

W. J. WATTS,

Chairman.

The committee on state affairs made the following report:

Mr. Speaker:

Your committee on state affairs to whom was referred House bill No. 129,

A bill for an act entitled an act establishing a hard fibre twine and cordage plant at the state penitentiary near Bismarck, and authorizing the board of trustees of the said state penitentiary to construct and operate said plant on the state's account, and prescribing certain duties for the state auditor and state treasurer in connection therewith.

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

JOHN KENNEDY,

Chairman.

And,

House bill No. 129,

A bill for an act entitled an act establishing a hard fibre twine and cordage plant at the state penitentiary near Bismarck, and authorizing the board of trustees of the said state penitentiary to construct and operate said plant on the state's account, and prescribing certain duties for the state auditor and state treasurer in connection therewith.

Was referred to general orders.

MOTIONS AND RESOLUTIONS.

The committee on state affairs offered the following resolution:

Whereas, It is made the duty of the state oil inspector, by section 1764 of the Revised Statutes, at the end of each year to make a report to the secretary of state of the number of barrels of oil inspected and the names of the persons for whom inspected; also the amount of inferior or unsafe oils for illuminating purposes, with the name of the dealer in whose hands found and from whom received by such dealer; and

Whereas, The state oil inspector has failed and neglected to make the reports required by law, or any reports whatever; and

Whereas, By section 1772 of the Revised Statutes such omission is declared to be a misdemeanor and punishable by a fine not exceeding five hundred dollars or by imprisonment in the county jail for a period not exceeding six months, or by both; therefore,

Resolved, That the state oil inspector be and he is hereby directed to forthwith comply with the provisions of the statute hereinbefore referred to.

Mr. Sargent moved

That the resolution be adopted,

Mr. Stevens moved

That the resolution be amended to read as follows:

Whereas, The oil inspectors of the state have not complied with the provisions of section 1764, relating to their report; therefore, be it

Resolved, That the governor is respectfully requested to require the state oil inspector to furnish a report as the law provides, and when such report is made, that a copy thereof be forwarded to this house for its information.

Which motion prevailed, and

The resolution, as amended was adopted.

INTRODUCTION OF HOUSE BILLS.

Mr. Deisem introduced

House bill No. 144,

A bill for an act fixing the rate of passenger fare to be charged on railroads within the state and providing a penalty for a violation thereof.

The committee on state affairs introduced

House bill No. 145,

A bill for an act to provide for the compensation of the state oil inspector and his deputies and to define the duties thereof.

Mr. Thordarson introduced

House bill No. 146,

A bill for an act to amend sections 4823 and 4824 of the Revised Codes of the state of North Dakota of 1895 relating to threshing liens, providing who shall be entitled to such liens and the procedure necessary to obtain said liens.

Mr. Gronvold, by request introduced

House bill No. 147,

A bill for an act to repeal section 7674 of the Revised Codes of North Dakota relating to fraudulently obtaining food or accommodations at inns.

Mr. Uglund introduced

House bill No. 148,

A bill for an act to amend section 2669 of the Revised Codes of North Dakota, 1895, relating to township road tax and road work.

FIRST AND SECOND READING OF HOUSE BILLS.

House bill No. 144,

A bill for an act fixing the rate of passenger fare to be charged on railroads within the state and providing a penalty for a violation thereof.

Was read the first and second times, and

Referred to the committee on railroads.

House bill No. 145,

A bill for an act to provide for the compensation of the state oil inspector and his deputies and to define the duties thereof.

Was read the first and second times, and

Referred to general orders.

House bill No. 146,

A bill for an act to amend sections 4823 and 4824 of the Revised Codes of the state of North Dakota of 1895 relating to threshing liens, providing who shall be entitled to such liens and the procedure necessary to obtain said liens.

Was read the first and second times, and

Referred to the committee on judiciary.

House bill No. 147,

A bill for an act to repeal section 7674 of the Revised Codes of North Dakota relating to fraudulently obtaining food or accommodations at inns.

Was read the first and second times, and

Referred to the committee on state affairs.

House bill No. 148,

A bill for an act to amend section 2669 of the Revised Codes of North Dakota, 1895, relating to township road tax and road work.

Was read the first and second times, and

Referred to the committee on municipal corporations.

Mr. Stevens moved

That the house do now adjourn until tomorrow 10 o'clock a. m

Which motion prevailed, and

The house adjourned.

J. G. HAMILTON,
Chief Clerk.

THIRTY-EIGHTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 9, 1899.

The house assembled at 10 o'clock a. m. pursuant to adjournment.

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Allen, Bacon, Boyd, Dwire, Stewart and Wallace, who were excused.

PETITIONS AND COMMUNICATIONS.

By unanimous consent, Mr. McHarg withdrew the resolution introduced by him on February 8, which was considered in executive session.

Mr. Laughlin offered a resolution.

Mr. Stevens moved

That the house do now resolve itself into an executive session for the purpose of considering the resolution offered by Mr. Laughlin,

Which motion prevailed and
The house resolved itself into an executive session.
The house reassembled.

PETITIONS AND COMMUNICATIONS.

Mr. McHarg presented the following petition:

To the Honorable Speaker and Members of the House of Representatives of the Sixth Legislative Assembly of the State of North Dakota ;

Your petitioner, Samuel L. Glaspell, represents and shows to your honorable body that he is now, and since January 1, 1897, has been the duly elected, qualified and sitting judge of the Fifth judicial district of the state of North Dakota.

That on or about January 24, 1899, there appeared in certain newspapers printed in this state, and in Minnesota, articles sent out from Bismarck, making serious charges against the character of your petitioner as a judicial officer. It was in effect stated that your honorable body was about to prefer articles of impeachment against your petitioner.

Some fourteen days have elapsed since these rumors and charges were placed in circulation, and while your petitioner has anxiously looked for some action tending to bring the matter to an issue, he is now forced to the conclusion that no such action will be taken by those making the accusations.

The charges thus publicly made are serious, and not only affect the name and fame of your petitioner, but are calculated to bring the judiciary into disrepute.

If the charges are true, then your petitioner submits that some notice thereof should be taken, and if they are false and malicious, as your petitioner asserts, then it is respectfully submitted that your petitioner is entitled to a hearing and to a judgment.

That action will be taken looking to that end is the prayer of your petitioner.

SAMUEL L. GLASPELL.

Mr. McHarg asked that he be permitted to read the petition.

Mr. Laughlin rose to a point of order that the petition should be sent to the desk and read by the clerk.

The speaker ruled that Mr. McHarg could read the petition.

Mr. Laughlin objected to the reading or reception of the petition for the reason that the subject matter had been considered and disposed of in executive session of the house.

Objection overruled and the petition was read, when

Mr. Stevens moved

That the prayer of the petition be granted and that a committee of five be appointed to investigate the subject matter of the petition.

Mr. McHarg and ten others demanded a roll call on the adoption of the motion to appoint a committee to investigate the rumors and charges.

The roll was called and there were ayes 40, nays 14, absent and not voting 8.

Those who voted in the affirmative were:

Messrs—

Aas,
Allshouse,
Berger,
Brotnov,
Cassell,
Chacey,
Clarke,
Earl,
Engelter,
Ferris,
Gilbertson,
Glasgow,
Green,

Messrs—

Gronvold,
Gulack,
Hare,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Lee,
Lish,
Lynch,
McHarg,
McLean,
Michels,
Miner,

Messrs—

Ovind,
Peterson,
Restemayer,
Sargent,
Stevens,
Stevenson,
Thomson,
Thordarson
Tousley,
Ugland,
Watts,
Wolbert.
Mr. Speaker,

Those voting in the negative were:

Messrs—

Brakke,
Deisem,
Dougherty,
Hale,
Hauan,

Messrs—

Herbrandson,
Laughlin,
Nelson,
Sanford,
Swenson,

Messrs—

Taylor,
Thomas,
Towle,
Winslow,

Absent and not voting:

Messrs—

Allen,
Bacon,
Boyd,

Messrs—

Dwire,
Erickson,
Peek,

Messrs—

Stewart,
Wallace,

Messrs. Allen. Bacon. Boyd, Dwire, Stewart and Wallace being excused.

So the motion prevailed.

Mr. Stevens moved

That a committee of three be appointed by the speaker to draft a formal resolution conferring upon the committee to investigate ample authority to send for persons and papers and to carry out the intention of the house.

The speaker announced an informal recess of five minutes.

The house reassembled.

The speaker announced that he was about to sign
House bill No. 79,

A bill for an act to provide for continuance of cases when an attorney in the case is a member of the state legislature or any party to the pending suit is a member of the legislature.

Also,

House bill No. 6,

A bill for an act to amend sections 3205 and 3209 of the Revised Codes relating to building and loan associations.

REPORTS OF STANDING COMMITTEES.

The committee on enrolled bills made the following report:

Mr. Speaker:

Your committee on enrolled bills to whom was referred

House bill No. 79,

A bill for an act to provide for continuance of cases when an attorney in the case is a member of the state legislature or any party to the pending suit is a member of the legislature.

Also,

House bill No. 6,

A bill for an act to amend sections 3205 and 3209 of the Revised Codes relating to building and loan associations.

And find the same correctly enrolled.

M. B. CASSELL,

Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Earl offered the following resolution, and moved its adoption:

Resolved, That the Governor Briggs memorial services, set for Saturday of this week, be postponed until Wednesday, the 22nd day of February, and that the senate be requested to concur in this arrangement.

Mr. Wolbert moved

As an amendment that when the house and senate adjourn, they do adjourn until Tuesday, February 14,

Which motion prevailed

The question recurring on the resolution as amended,

The motion prevailed, and

The resolution as amended was adopted.

REPORTS OF STANDING COMMITTEES.

The committee on engrossed bills made the following report:

Mr. Speaker:

Your committee on engrossed bills have examined

House bill No. 77,

A bill for an act to amend section 2724 of the Revised Codes of the state of North Dakota, of the revision of 1895, relating to the licensing and solemnizing of marriages and authority of celebrants.

Also,

House bill No. 70,

A bill for an act to amend section 527 of the Revised Codes of

1895 relating to the canvass and publication of election returns and issuing of certificates of election.

Also,

House bill No. 75,

A bill for an act to amend chapter 114, session laws of 1897, entitled "an act to amend section 76 of the Revised Codes of North Dakota, relating to accounts for printing and binding required by state officers and making an annual appropriation therefor."

Also,

House bill No. 102,

A bill for an act to amend section 338 of the Revised Codes of North Dakota, relating to supplies for public offices, repairs upon the capitol building and executive mansion and the public grounds and parks connected therewith, and making an annual appropriation therefor.

Also,

House bill No. 35,

A bill for an act to amend section 970 of the Revised Codes of North Dakota, relating to the compensation and meetings of the board of trustees of the North Dakota blind asylum, and empowering the governor to contract with the state of South Dakota or the state of Minnesota for the education of blind children of school age until such time as the state of North Dakota shall have suitable facilities of its own for this purpose.

And find the same correctly engrossed.

A. W. THOMAS,
Chairman.

The speaker announced as the committee on investigation of the matter discussed in executive session: Messrs. Stevens, Allshouse, Bacon, Wallace and Allen.

The speaker called Mr. Sargent to the chair.

REPORTS OF STANDING COMMITTEES.

The committee on municipal corporations made the following report:

Mr. Speaker:

Your committee on municipal corporations to whom was referred

House bill No. 94,

A bill for an act to provide for the granting of the right of way by municipal corporations for telephone lines, on and over public grounds, streets, alleys and highways, and making valid such grants heretofore made.

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

Also,

House bill No. 82,

A bill for an act to provide for the granting of the right of way by municipal corporations for telephone lines, on and over public grounds, streets, alleys and highways.

Have had the same under consideration and recommend that the same be laid upon the table, the subject matter being covered by this committee's report on House bill No. 94.

HENRY HALE,
Chairman.

Mr. Hale moved

That the report of the committee on

House bill No. 82,

A bill for an act to provide for the granting of the right of way by municipal corporations for telephone lines, on and over public grounds, streets, alleys and highways.

Be adopted,

Which motion prevailed, and

The report was adopted.

The committee on state affairs made the following report:

Mr. Speaker:

Your committee on state affairs to whom was re-referred

House bill No. 124,

A bill for an act to prohibit the use of repeating shotguns in this state.

Have had the same under consideration and recommend that the same be returned without recommendation.

Also,

House bill No. 132,

A bill for an act amending section 2540 of chapter 31 of the Revised Codes of North Dakota, relating to annual township meetings.

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

JOHN KENNEDY,
Chairman.

The committee on agriculture made the following report:

Mr. Speaker:

Your committee on agriculture to whom was referred

House bill No. 8.

A bill for an act to repeal chapter 53 of session laws of 1897, and sections 4816, 4817, 4818 and 4819 of the Revised Codes of North Dakota relating to liens for sires.

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

In line 2 of section 3, insert after the word "sire" the words "and upon the female served."

In line 6 of same section the word "two" be changed to "three."

In line 8 of the same section, after the word "offspring," add the words "and the female served."

And when so amended recommend that the same do pass.

Also,

Senate bill No. 24,

A bill for an act to define the duties of the commissioner of agriculture and labor.

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

By inserting the following:

"Sec. 3. He shall have charge of any exhibit of the products and resources of the state which may be made at any fair or exposition held at any point in the United States, and shall have authority to co-operate with any railroad company doing business within the state, and with any persons interested, with a view of securing such an exhibit at any fair or exposition held as aforesaid."

And when so amended recommend that the same do pass.

Also,

House bill No. 123,

A bill for an act regulating the operation of traction engines in this state.

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

In line 5, after the word "highway," add as follows: "Provided, that the provisions of this act shall in no way conflict with the laws and regulations of any incorporated town, village or city."

And by striking out all of section 5.

And when so amended recommend that the same do pass.

O. C. HAUAN,
Chairman.

INTRODUCTION OF HOUSE BILLS.

Mr. Stevens introduced

House bill No. 149,

A bill for an act to reimburse the county of Burleigh for expenses incurred in prosecuting W. H. Leonard for obtaining wolf

bounty from the state treasury under false pretenses.

Mr. Winslow introduced

House bill No. 150,

A bill for an act to amend section 3062 of the Revised Codes of 1895 relating to the building of platforms by railroad companies for the transfer of live stock, grain and other commodities from wagons or otherwise to cars, prescribing the duties of the railroad commissioners in regard thereto and the notice of the necessity of such platforms to be served upon railroad companies together with the manner of making service of notices or orders of said commissioners.

Mr. Kennedy introduced

House bill No. 151,

A bill for an act to amend section 2075, article 5, chapter 27. of the Revised Codes of North Dakota, regulating salary of register of deeds.

Mr. Kennedy introduced

House bill No. 152,

A bill for an act to amend subdivision 4 of section 2079 of the Revised Codes of North Dakota, regulating the fees of register of deeds.

FIRST AND SECOND READING OF HOUSE BILLS.

House bill No. 149,

A bill for an act to reimburse the county of Burleigh for expenses incurred in prosecuting W. H. Leonard for obtaining wolf bounty from the state treasury under false pretenses.

Was read the first and second times, and

Referred to the committee on judiciary.

House bill No. 150,

A bill for an act to amend section 3062 of the Revised Codes of 1895 relating to the building of platforms by railroad companies for the transfer of live stock, grain and other commodities from wagons or otherwise to cars, prescribing the duties of the railroad commissioners in regard thereto and the notice of the necessity of such platforms to be served upon railroad companies together with the manner of making service of notices or orders of said commissioners.

Was read the first and second times, and

Referred to the committee on railroads.

House bill No. 151,

A bill for an act to amend section 2075, article 5, chapter 27. of

the Revised Codes of North Dakota, regulating salary of register of deeds.

Was read the first and second times, and

Referred to the committee on ways and means.

House bill No. 152,

A bill for an act to amend subdivision 4 of section 2079 of the Revised Codes of North Dakota, regulating the fees of register of deeds.

Was read the first and second times, and

Referred to the committee on ways and means.

The speaker resumed the chair.

THIRD READING OF HOUSE BILLS.

House bill No. 70,

A bill for an act to amend section 527 of the Revised Codes of 1895 relating to the canvass and publication of election returns and issuing of certificates of election.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 47, nays 6, absent and not voting 9.

Those who voted in the affirmative were:

Messrs—

Aas,
Allhouse,
Berger,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Delsem,
Dougherty,
Earl,
Engelter,
Erickson,
Ferris,
Gilbertson,
Glasgow,

Messrs—

Green,
Gronvold,
Gulack,
Hale,
Hare,
Hauan,
Johnson, Richland,
Kennedy,
Laughlin,
Lee,
Lish
McHarg,
McLean,
Michels,
Miner,
Nelson,

Messrs—

Ovind,
Peek,
Sanford,
Sargent,
Stevens,
Swenson,
Stevenson,
Taylor,
Thomson,
Tousley,
Tufte,
Ugland,
Wolbert,
Winslow,
Mr. Speaker,

Those voting in the negative were:

Messrs—

Herbrandson,
Restemayer,

Messrs—

Thomas,
Thordarson

Messrs—

Towle,
Watts,

Absent and not voting:

Messrs—

Allen,
Bacon,
Boyd,

Messrs—

Dwire,
Johnston, Walsh,
Lynch,

Messrs—

Peterson,
Stewart,
Wallace,

Messrs. Allen, Bacon, Boyd, Dwire, Stewart and Wallace being excused.

So the bill passed and the title was agreed to.

The speaker called Mr. Hare to the chair.

House bill No. 77,

A bill for an act to amend section 2724 of the Revised Codes of the state of North Dakota, of the revision of 1895, relating to the licensing and solemnizing of marriages and authority of celebrants.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 53, nays none, absent and not voting 9.

Those who voted in the affirmative were :

Messrs—

Aas,
Allshouse,
Berger,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Deisem,
Dougherty,
Earl,
Engelter,
Erickson,
Ferris,
Gilbertson,
Glasgow,
Green,
Gronvoid,

Messrs—

Gulack,
Hale,
Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Kennedy,
Laughlin,
Lee,
Lish,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Ovind,
Peek,
Restemayer.

Messrs—

Sanford,
Sargent,
Stevens,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson,
Tousley,
Towle,
Tuftte,
Ugland,
Watts,
Wolbert,
Winslow,
Mr. Speaker,

Absent and not voting:

Messrs—

Allen,
Bacon,
Boyd,

Messrs—

Dwire,
Johnston, Walsh,
Lynch,

Messrs—

Peterson,
Stewart,
Wallace,

Messrs. Allen, Bacon, Boyd, Dwire, Lynch, Stewart and Wallace being excused.

So the bill passed and the title was agreed to.

Mr. Nelson moved

That the vote by which House bill No. 77 passed be reconsidered, and that the motion to reconsider be laid upon the table,

Which motion prevailed.

MOTIONS AND RESOLUTIONS.

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

Be it Resolved, That none of the expenses of the Glaspell investigation be paid out of the state treasury.

No action taken.

The special committee appointed to draft resolutions for the committee appointed to investigate the Glaspell matter offered the following resolution, and Mr. Thomas moved its adoption:

Resolved, That the committee selected to investigate matters related in the petition of Hon. S. L. Glaspell, be and they are hereby authorized to use the process of this house for compelling the attendance of witnesses or the production of papers or records required for a full and complete investigation of the prayer of the petitioner and that they be entitled to an official stenographer of this house with the assistance of such assistant stenographers as the committee deem sufficient; also that they be entitled to the assistance of the sergeant at arms for the purpose of preserving order and enforcing the directions of the committee in the service of such process as may be issued requiring the presence of persons and papers. That said committee report all proceedings back at as early a day as can be done with justice to all parties concerned.

ORMSBY MCHARG
A. W. THOMAS,
G. W. WOLBERT.

Which motion prevailed and
The resolution was adopted.

THIRD READING OF HOUSE BILLS.

House bill No. 35,

A bill for an act to amend section 970 of the Revised Codes of North Dakota, relating to the compensation and meetings of the board of trustees of the North Dakota blind asylum, and empowering the governor to contract with the state of South Dakota or the state of Minnesota for the education of blind children of school age until such time as the state of North Dakota shall have suitable facilities of its own for this purpose.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 53, nays none, absent and not voting 9.

Those who voted in the affirmative were:

Messrs—

Aas,
Berger,
Brakke,
Brotnov,
Cassell,

Messrs—

Hale,
Hare,
Havan,
Herbrandson,
Johnson, Richland,

Messrs—

Sanford,
Sargent,
Stevens,
Swenson,
Stevenson.

Messrs—

Chacey,
Clarke,
Deisem,
Dougherty,
Earl,
Engelter,
Erickson,
Ferris,
Gilbertson,
Glasgow,
Green,
Gronvold,
Gulack,

Messrs—

Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish
McHarg,
McLean,
Michels,
Miner,
Nelson,
Ovind,
Peek,
Restemayer.

Messrs—

Taylor,
Thomas,
Thomson,
Thordarson
Tousley,
Towle,
Tufté,
Ugland,
Watts,
Wolbert,
Winslow,
Mr. Speaker,

Absent and not voting:

Messrs—

Allen,
Allshouse,
Bacon,

Messrs—

Boyd,
Dwire,
Lynch,

Messrs—

Peterson,
Stewart,
Wallace,

Messrs: Allen, Bacon, Boyd, Dwire, Lynch, Stewart and Wallace being excused.

So the bill passed and the title was agreed to.

Mr. Laughlin asked unanimous consent to consider

Senate bill No. 86,

A bill for an act to amend section 432 of the Revised Codes of North Dakota relating to the revocation of the license of attorneys.

Which consent was granted.

Senate bill No. 86,

A bill for an act to amend section 432 of the Revised Codes of North Dakota relating to the revocation of the license of attorneys.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 50, nays none, absent and not voting 12.

Those who voted in the affirmative were:

Messrs—

Aas,
Berger,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Deisem,
Dougherty,
Earl,
Engelter,
Erickson,
Ferris,
Gilbertson,
Glasgow,
Green,
Gronvold,

Messrs—

Gulack,
Hale,
Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Kennedy,
Laughlin,
Lee,
Lish
McHarg,
McLean,
Miner,
Nelson,
Ovind,
Peek,
Restemayer,

Messrs—

Sanford,
Sargent,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson
Tousley,
Towle,
Tufté,
Ugland,
Watts,
Wolbert,
Winslow,
Mr. Speaker,

Absent and not voting:

Messrs—

Allen,
Allshouse,
Bacon,
Boyd,

Messrs—

Dwire,
Johnston, Walsh,
Lynch,
Michels,

Messrs—

Peterson,
Stevens,
Stewart,
Wallace,

Messrs. Allen, Bacon, Boyd, Dwire, Lynch, Stewart and Wallace being excused.

So the bill passed and the title was agreed to.

Mr. Laughlin moved

That the vote by which Senate bill No. 86 passed be reconsidered, and that the motion to reconsider be laid upon the table, Which motion prevailed.

Mr. Gronvold moved

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

J. G. HAMILTON,
Chief Clerk.

THIRTY-NINTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 10, 1899.

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

The chief clerk called the house to order and announced that the speaker was absent and it would be necessary to vote for a speaker pro tem for the day.

Mr. Stevens moved

That Hon. Henry Hale of Ramsey be elected as speaker pro tem for the day, and demanded a roll call, which resulted as follows:

The roll was called and there were ayes 24, nays none, absent and not voting 38.

Those who voted in the affirmative were :

| | | |
|----------------|--------------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Brakke, | Herbrandson, | Stevens, |
| Chacey, | Johnson, Richland, | Stewart, |
| Clarke, | Laughlin, | Stevenson, |
| Earl, | McHarg, | Thomas, |
| Erickson, | McLean, | Thordarson |
| Green, | Ovind, | Tousley, |
| Gulack, | Peek, | Tufte, |
| Hauan, | Sanford, | Watts, |

Absent and not voting :

| | | |
|----------------|------------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Aas, | Gilbertson, | Peterson, |
| Allen, | Glasgow, | Restemayer, |
| Allshouse, | Gronvold, | Sargent, |
| Bacon, | Hale, | Swenson, |
| Berger, | Hare, | Taylor, |
| Boyd, | Johnston, Walsh, | Thomson, |
| Brotnov, | Kennedy, | Towle, |
| Cassell, | Lee, | Ugland, |
| Deisem, | Lish, | Wallace, |
| Dougherty, | Lynch, | Wolbert, |
| Dwire, | Michels, | Winslow, |
| Engelter, | Miner, | Mr. Speaker, |
| Ferris, | Nelson, | |

Messrs. Allen, Bacon, Boyd, Cassell, Dwire, Engelter, Lish, Lynch, Miner, Wallace and Wolbert being excused.

Mr. Hale, having received a majority of all the votes cast, was duly declared elected speaker pro tem for the day.

The chief clerk appointed Mr. Stevens a committee of one to escort Mr. Hale to the chair.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Allen, Bacon, Boyd, Cassell, Dwire, Engelter, Lish, Miner, Ugland, Wallace, Wolbert and Winslow, who were excused, and also Messrs. Aas, Allshouse, Berger, Brotnov, Deisem, Dougherty, Ferris, Gilbertson, Glasgow, Gronvold, Hare, Johnston of Walsh, Kennedy, Lee, Lynch, Michels, Nelson, Peterson, Restamayer, Sargent, Swenson, Taylor, Thomson, Towle and Mr. Speaker.

There being no quorum present,

Mr. Laughlin moved

That the house do now adjourn,

Which motion prevailed, and

The house adjourned.

J. G. HAMILTON,

Chief Clerk.

FORTIETH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 11, 1899.

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

The chief clerk called the house to order and announced that the speaker was absent and it would be necessary to vote for a speaker pro tem for the day.

Mr. Stevens moved

That Hon. A. H. Laughlin of Ransom be elected as speaker pro tem for the day, and demanded a roll call, which resulted as follows:

The roll was called and there were ayes 20, nays none, absent and not voting 42.

Those who voted in the affirmative were:

| Messrs— | Messrs— | Messrs— |
|------------|-------------------|------------|
| Allshouse, | Hare, | Stevenson, |
| Brakke, | Johnson, Richland | Thomas, |
| Chacey, | McLean, | Thordarson |
| Clarke, | Ovind, | Tousley, |
| Dwire, | Peek, | Tufte, |
| Green, | Stevens, | Watts, |
| Hale, | Stewart, | |

Absent and not voting:

| | | |
|-------------|------------------|--------------|
| Aas, | Glasgow, | Nelson, |
| Allen, | Gronvold, | Peterson, |
| Bacon, | Gulack, | Restemayer, |
| Berger, | Hauan, | Sanford, |
| Boyd, | Herbrandson, | Sargent, |
| Brotnov, | Johnston, Walsh, | Swenson, |
| Cassell, | Kennedy, | Taylor, |
| Deisem, | Laughlin, | Thomson, |
| Dougherty, | Lee, | Towle, |
| Earl, | Lish, | Ugland, |
| Engelter, | Lynch, | Wallace, |
| Erickson, | McHarg, | Wolbert, |
| Ferris, | Michels, | Winslow, |
| Gilbertson, | Miner, | Mr. Speaker. |

Messrs. Allen, Bacon, Boyd, Cassell, Engelter, Lish, Miner, Ugland, Wolbert and Winslow being excused.

Mr. Laughlin having received a majority of all the votes cast, was duly declared elected speaker pro tem for the day.

The chief clerk appointed Messrs. Stevens and Dwire a committee to escort Mr. Laughlin to the chair.

Prayer by the chaplain.

Roll called.

All members present excepting Messrs. Allen, Bacon, Boyd, Cassell, Engelter, Lish, Miner, Uglan, Wallace, Wolbert and Winslow, who were excused, and also Messrs. Ass, Berger, Brotnov, Diesem, Dougherty, Earl, Erickson, Ferris, Gilbertson, Glasgow, Gronvold, Gulack, Hauan, Herbrandson, Johnston of Walsh, Kennedy, Lee, Lynch, McHarg, Michels, Nelson, Peterson, Restemayer, Sanford, Sargent, Swenson, Taylor, Thomson, Towle and Mr. Speaker.

There being no quorum present,

Mr. Johnson of Richland moved

That the house do now adjourn,

Which motion prevailed and

The house adjourned to meet Tuesday, at 2 o'clock p. m., February 14th—Monday, the 13th, being a legal holiday.

J. G. HAMILTON,

Chief Clerk.

FORTY-THIRD DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 14, 1899.

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

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Brotnov, Herbrandson, Johnston of Walsh, Lynch, Michels, Miner, Restemayer and Thompson, who were excused, and also Mr. Gulack.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

Your committee on revision and correction of the Journal respectfully report that they have carefully examined the Journal of the thirty-seventh day and recommend the following corrections:

On page 3, line 44, strike out the word "referred" and insert so as to read "re-referred."

Strike out lines 20 to 33 on page 4, and insert same after line 16 on page 6.

And when so amended recommend that the Journal of the thirty-seventh day be approved.

WM. CLARKE,
Chairman Pro Tem.

Also,

Your committee on revision and correction of the Journal further recommend the following corrections in the Journal of the thirty-eighth day be corrected as follows:

On page 5, line 30, after the name "Allen" insert

"The speaker announced as a committee of three to draft a formal resolution conferring upon the committee to investigate the matters con-

tained in the petition of Samuel Glaspell, Messrs. Thomas McHarg and Wolbert."

And when so amended recommend that the Journal of the thirty-eighth day be approved.

Also,

Your committee on revision and correction of the Journal respectfully report that they have carefully examined the Journal of the thirty-ninth day and find the same correct and recommend that the same be approved.

JOHN KENNEDY,
Chairman.

Mr. Kennedy moved

That the reports of the committee on revision and correction of the Journal be adopted,

Which motion prevailed and

The reports were adopted.

Mr. Laughlin requested that the privileges of the floor be extended to Hon. P. H. Rourke of Lisbon, United States district attorney.

Mr. Stevenson requested that the privileges of the floor be extended to Mr. Boley.

Mr. Johnson of Richland requested that the privileges of the floor be extended to Hon. J. B. Power and J. F. Shay.

Mr. Tousley requested that the privileges of the floor be extended to Rev. B. H. Brasted.

Mr. Kennedy requested that the privileges of the floor be extended to Mr. L. Biggs.

The speaker requested that the privileges of the floor be extended to Messrs. E. E. May, W. P. Miller and S. J. Hill.

There being no objections, the courtesies of the floor were so extended.

COMMUNICATIONS FROM STATE OFFICERS.

To the Legislative Assembly :

In compliance with your request, I have the honor to transmit herewith a copy of the report of the state inspector of oils, which was filed in my office on February 9, 1899, as follows :

MANDAN, N. D., Feb. 8, 1899.

To Hon. Fred Falley, Secretary of State, Bismarck, North Dakota :

Dear Sir: Herewith I submit my report of illuminating oils

inspected in North Dakota from April 1, 1897, to December 31, 1897, viz :

| | Barrels. |
|-----------------------------------|----------|
| April, For Standard Oil Co..... | 10 |
| For Northwestern Star Oil Co..... | 14 |
| For Cornplanter Oil Co..... | 10 |
| May, For Standard Oil Co..... | 71 |
| For Northwestern Star Oil Co..... | 14 |
| June, For Standard Oil Co..... | 1,423 |
| For Northwestern Star Oil Co..... | 21 |
| July, For Standard Oil Co..... | 656 |
| Aug., For Standard Oil Co..... | 2,890 |
| Sept., For Standard Oil Co..... | 2,990 |
| For Northwestern Star Oil Co..... | 95 |
| For Cornplanter Oil Co..... | 324 |
| Oct., For Standard Oil Co..... | 5,505 |
| For Cornplanter Oil Co..... | 124 |
| Nov., For Standard Oil Co..... | 5,217 |
| For Northwestern Star Oil Co..... | 70 |
| For Cornplanter Oil Co..... | 60 |
| Dec., For Standard Oil Co..... | 3,605 |
| For Northwestern Oil Co..... | 62 |
| Total..... | 22,161 |

Very respectfully,

WM. C. BADGER.

MANDAN, N. D., Feb. 8, 1899.

To Hon. Fred Fally, Secretary of State, Bismarck, North Dakota :

Dear Sir: Herewith I submit my report of illuminating oils inspected in North Dakota from January 1, 1898, to December 31, 1898, viz :

| | Barrels. |
|---|----------|
| Jan., For Standard Oil Co..... | 3,096 |
| Feb., For Standard Oil Co..... | 2,421 |
| For Northwestern Star Oil Co..... | 70 |
| For Cornplanter Oil Co..... | 15 |
| March, For Standard Oil Co..... | 2,109 |
| For Northwestern Star Oil Co..... | 125 |
| April, For Standard Oil Co..... | 760 |
| May, For Standard Oil Co..... | 538 |
| For Northwestern Oil Co..... | 6 |
| For Cornplanter Oil Co..... | 2 |
| June and July, For Standard Oil Co..... | 2,628 |
| For Northwestern Star Oil Co..... | 5 |
| Aug. For Standard Oil Co..... | 1,272 |
| Sept. For Standard Oil Co..... | 4,509 |
| Oct. For Standard Oil Co..... | 6,229 |
| For Northwestern Star Oil Co..... | 136 |
| For Cornplanter Oil Co..... | 58 |
| Nov. For Standard Oil Co..... | 4,080 |
| For Northwestern Star Oil Co..... | 63 |
| For Cornplanter Oil Co..... | 60 |

| | | |
|------|--------------------------|--------|
| Dec. | For Standard Oil Co..... | 2,631 |
| | Total..... | 30,813 |

Very respectfully,
WM. C. BADGER.

Very truly yours,
FRED FALLEY,
 Secretary of State.

Mr. Kennedy moved

That the report of the oil inspector be printed in the Journal and referred to the committee on state affairs,

Which motion prevailed and

The report was so referred.

REPORTS OF STANDING COMMITTEES.

The committee on engrossed bills made the following report:

Mr. Speaker:

Your committee on engrossed bills have examined

House bill No. 101,

A bill for an act authorizing board of county commissioners to offer reward for the apprehension and conviction of certain criminals.

Also,

House bill No. 94,

A bill for an act to provide for the granting of the right of way by municipal corporations for telephone lines, on and over public grounds, streets, alleys and highways, and making valid such grants heretofore made.

Also,

House bill No. 132,

A bill for an act amending section 2540 of chapter 31 of the Revised Codes of North Dakota, relating to annual township meetings.

And find the same correctly engrossed.

A. W. THOMAS,
 Chairman.

The committee on enrolled bills made the following report:

Mr. Speaker:

Your committee on enrolled bills have examined

CONCURRENT RESOLUTION.

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

That the senators and representatives of the state of North Dakota in the national congress be requested to favor and assist in securing a fair

and liberal service pension to every union soldier veteran of the civil war, not already a pensioner, regardless of any disability accruing from said service or since, whenever said soldier shall have arrived at the age of sixty-two years.

And find the same correctly enrolled.

M. B. CASSELL,
Chairman.

The committee on sheep and sheep husbandry made the following report:

Mr. Speaker:

Your committee on sheep and sheep husbandry to whom was referred

House bill No. 134,

A bill for an act to amend section 1609 of the Revised Codes of North Dakota relating to appointment of sheep inspectors.

Have had the same under consideration and recommend that the same be indefinitely postponed for the reason that the proposed bill does not in any manner change the existing law in the codes.

ALEX STEWART,
Chairman.

Mr. Hare moved that

House bill No. 134,

A bill for an act to amend section 1609 of the Revised Codes of North Dakota relating to appointment of sheep inspectors.

Be referred to general orders for Wednesday,
Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
February 14, 1899.

Mr. Speaker:

I have the honor to transmit herewith

Senate bill No. 79,

A bill for an act to promote irrigation, by means of districts, ditches or other devices for carrying and controlling water, their construction and operation, the method of raising money for defraying the expenses, and the government of the system.

Also,

Senate bill No. 91,

A bill for an act to amend section 6156 of the Revised Codes relating to custody of trespassing animals until damages are paid.

Also,

Senate bill No. 101

A bill for an act legalizing the acts of officers and stockholders of corporations as notaries public in cases where the corporation is interested.

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

Also,

The senate requests the return of

Senate bill No. 10,

A bill for an act to amend sections 1 and 2. of chapter 37 of the laws of 1897, providing a bounty on certain stock-destroying animals.

To correct an error in engrossment.

Very respectfully yours,

J. O. SMITH,

Secretary.

MOTIONS AND RESOLUTIONS

McLaughlin introduced the following resolution and moved its adoption by a rising vote :

Whereas, Tomorrow, the fifteenth day of February, commemorates the anniversary of an event of sadness that is burned deep into the heart of every American citizen; therefore, be it

Resolved, That the flag on this capitol building be displayed at half mast during the day as a fitting expression of the sorrow of the citizens of North Dakota for the two hundred and sixty-six patriots whose lives were sacrificed in the service of their country on the ill-fated battleship Maine.

Which motion prevailed, and

The resolution was unanimously adopted.

REPORTS OF STANDING COMMITTEES.

The committee on education made the following report:

Mr. Speaker:

Your committee on education to whom was referred

House bill No. 86,

A bill for an act to amend section 779, Revised Codes, 1895, relating to sinking fund and interest tax for school districts where bonds have been issued.

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

Also,

House bill No. 44,

A bill for an act to amend section 640 of the revised codes of 1895, relating to education.

Have had the same under consideration and recommend that the same be referred to general orders.

C. A. SANFORD,
Chairman.

Mr. Sanford moved

That the report of the committee on education on
House bill No. 44,

A bill for an act to amend section 640 of the revised codes of 1895, relating to education.

Be adopted,

Which motion prevailed, and

The report was adopted.

The committee on education made the following report:

Mr. Speaker:

Your committee on education to whom was referred

House bill No. 26,

A bill for an act to amend section 660 Revised Codes of North Dakota 1895, relating to what territory may be organized into district school corporations.

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

After line 21 insert "Provided, that in case any school township containing a city of 800 inhabitants or more, and which is not organized as an independent school district, said township outside of said city may, on petition to the county superintendent of schools, a petition of at least two-thirds of the legal voters of such township outside the limits of such city organize a school township, and when such petition is filed the county superintendent of schools shall proceed to call a first election as provided in article 4 of this chapter."

And when so amended recommend that the same do pass.

Also,

House bill No. 59,

A bill for an act to amend section 722, Revised Codes, 1895, relating to the levy of taxes for school purposes.

Have had the same under consideration and recommend that the same be indefinitely postponed.

C. A. SANFORD,
Chairman.

Mr. Kennedy moved that

House bill No. 59,

A bill for an act to amend section 722, Revised Codes, 1895, relating to the levy of taxes for school purposes.

Be referred to general orders,

Which motion prevailed and

House bill No. 59,

A bill for an act to amend section 722, Revised Codes, 1895, relating to the levy of taxes for school purposes.

Was so referred.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the governor:

EXECUTIVE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 14, 1899.

To the House of Representatives:

Gentlemen: I have the honor to inform you that I have this day approved and filed with the honorable secretary of state

House bill No. 79,

A bill for an act to provide for continuance of cases when an attorney in the case is a member of the state legislature or any party to the pending suit is a member of the legislature.

Also,

House bill No. 6,

A bill for an act to amend sections 3205 and 3209 of the Revised Codes relating to building and loan associations.

I have the honor to be,

Very respectfully yours,

F. B. FANCHER,

Governor.

Mr. Stevens moved

That the various communications received from different state officials relating to the election of United States senators by a direct vote of the people be printed in the Journal,

Which motion prevailed.

COMMUNICATIONS.

EXECUTIVE OFFICE,

LANSING, Mich.,

February 7, 1899.

Hon. Thomas Baker, Jr., Speaker of the House of Representatives, Bismarck, N. D.:

Dear Sir: I have received the copy of the concurrent resolution passed by your legislature, asking for the election of United States senator by direct vote of the people, and I have caused the same to be submitted to the legislature of this state.

Yours respectfully,

H. S. PINGREE,

Governor.

EXECUTIVE DEPARTMENT,
BOSTON, Mass.,
February 10, 1899.

Hon. Thomas Baker, Jr., Speaker of the House, Bismarck, N. D.:

My Dear Sir: I have the honor to acknowledge receipt of a concurrent resolution signed by yourself as speaker of the house and by the honorable president of the senate, and attested by the chief clerk and secretary of the respective bodies, adopted by the senate and house of representatives of the state of North Dakota, and requesting that the same be laid by me before the legislature of this commonwealth for such action thereon as to them may seem fitting and proper.

In reply I beg to say that the subject matter of the resolve, to-wit, the proposed amendment to the constitution of the United States providing for the election of United States senators by the direct vote of the people, having been adopted as a part of their platform at the recent convention of the democratic party in this commonwealth, has been in this manner recently submitted to the consideration and votes of our citizens, and that therefore it does not seem to me desirable or proper that a discussion should be at this time invited in the legislature. I therefore beg to reply to your honorable bodies that while it would give me pleasure to honor any request of theirs so far as it might be in my power to do so, I do not feel that it is my duty at the present time to comply with this request.

Very truly yours,
ROGER WOLCOTT,

EXECUTIVE CHAMBER,
ALBANY, N. Y.,
February 8, 1899.

Hon. Thomas Baker, Jr., Speaker of the House, Bismarck, N. D.:

Sir: Governor Roosevelt directs me to acknowledge the receipt of the concurrent resolution passed by the legislature of North Dakota, addressed to the senate and house of representatives, asking for the election of a United States senator by a direct vote of the people, and to say that the same has been placed on file for future consideration.

Respectfully,
WM. J. YOUNG,
Private Secretary.

INTRODUCTION OF HOUSE BILLS.

The bill introduced by the committee on ways and means as a substitute for

House bill No. 91,

A bill for an act to amend section 2068 of the Revised Codes of the state of North Dakota, providing for the salary of county judges.

Was read the first and second times. — — —

Mr. McHarg moved that

Substitute for House bill No. 91,

A bill for an act fixing the salary of county judge in the different counties and mode of determining the same.

Be printed,

Which motion prevailed.

Mr. Peterson introduced

House bill No. 153,

A bill for an act to amend section 1325 of the Revised Codes of 1895 relating to the filing and recording of deeds, mortgages, deeds of trust or other encumbrance or transfer of real property.

The speaker called Mr. Bacon to the chair.

INTRODUCTION OF HOUSE BILLS.

Mr. Clarke introduced

House bill No. 154,

A bill for an act to amend section 2655 of the Revised Codes, 1895, relating to pounds and poundmasters.

Mr. Tufte introduced

House bill No. 155,

A bill for an act to amend section 1494 of the Revised Codes of the state of North Dakota, relating to relief of poor strangers and counties' liabilities.

Mr. Hare introduced

House bill No. 156,

A bill for an act requiring butchers killing branded cattle to keep a certain record pertaining thereto, make report thereof to the secretary of state and prescribing penalties for the violation thereof.

Mr. Allshouse introduced

House bill No. 157,

A bill for an act to provide for the redemption of real property sold for taxes at tax sale in the year 1896 to an actual purchaser and to fix the limit of time for such redemption, and for the issuance of a deed of such real property to such purchaser and

defining his rights if the same is not redeemed, and for the repealing of all acts and parts of acts inconsistent with the provisions of this act or repugnant thereto.

Mr. Erickson introduced

House bill No. 158,

A bill for an act to prohibiting selling or giving fire arms to minors, and prescribing penalty for violation.

Mr. Brakke introduced

House bill No. 159,

A bill for an act to amend section 4788, of chapter 77, of the Revised Codes of 1895, relating to mechanics liens.

The speaker resumed the chair.

The speaker announced that he was about to sign

Senate bill No. 15,

A bill for an act to appropriate the sum of \$500 as a reward for the capture of the murderers of the Spicer family in Emmons county.

Also,

Senate bill No. 86,

A bill for an act to amend section 432 of the Revised Codes of North Dakota relating to the revocation of the license of attorneys.

INTRODUCTION OF HOUSE BILLS.

Mr. McHarg introduced

House bill No. 160,

A bill for an act to provide for the purchase and redemption of lands sold for taxes and bid in for the state or county where such taxes are included in judgments rendered pursuant to the provisions of chapter 67 of the session laws of 1897 of the state of North Dakota, where no sales of such lands have been made under such judgments.

FIRST AND SECOND READING OF HOUSE BILLS.

House bill No. 153,

A bill for an act to amend section 1325 of the Revised Codes of 1895 relating to the filing and recording of deeds, mortgages, deeds of trust or other encumbrance or transfer of real property.

Was read the first and second times, and

Referred to the committee on judiciary.

House bill No. 154,

A bill for an act to amend section 2655 of the Revised Codes, 1895, relating to pounds and poundmasters.

Was read the first and second times, and

Referred to the committee on state affairs.

House bill No. 155,

A bill for an act to amend section 1494 of the Revised Codes of the state of North Dakota, relating to relief of poor strangers and counties' liabilities.

Was read the first and second times, and

Referred to the committee on judiciary.

House bill No. 156,

A bill for an act requiring butchers killing branded cattle to keep a certain record pertaining thereto, make report thereof to the secretary of state and prescribing penalties for the violation thereof.

Was read the first and second times, and

Referred to the committee on judiciary.

House bill No. 157,

A bill for an act to provide for the redemption of real property sold for taxes at tax sale in the year 1896 to an actual purchaser and to fix the limit of time for such redemption, and for the issuance of a deed of such real property to such purchaser and defining his rights if the same is not redeemed, and for the repealing of all acts and parts of acts inconsistent with the provisions of this act or repugnant thereto.

Was read the first and second times, and

Referred to the committee on judiciary.

House bill No. 158,

A bill for an act to prohibiting selling or giving fire arms to minors, and prescribing penalty for violation.

Was read the first and second times, and

Referred to the committee on elections.

House bill No. 159,

A bill for an act to amend section 4788, of chapter 77, of the Revised Codes of 1895, relating to mechanics liens.

Was read the first and second times, and

Referred to the committee on judiciary.

House bill No. 160,

A bill for an act to provide for the purchase and redemption of lands sold for taxes and bid in for the state or county where such taxes are included in judgments rendered pursuant to the provisions of chapter 67 of the session laws of 1897 of the state of North Dakota, where no sales of such lands have been made under such judgments.

Was read the first and second times, and

Referred to the committee on judiciary.

By unanimous consent the house returned to reports of standing committees.

REPORTS OF STANDING COMMITTEES.

The committee on ways and means made the following report:

Mr. Speaker:

Your committee on ways and means to whom was referred
House bill No. 106,

A bill for an act to amend section 2080 of the Revised Codes of the state of North Dakota, providing for the salary of county treasurers.

Have had the same under consideration and recommend

We strike out all after the enacting clause of

House bill No. 106,

A bill for an act to amend section 2080 of the Revised Codes of the state of North Dakota, providing for the salary of county treasurers.

And substitute the following bill in lieu thereof,

Substitute for House bill No. 106,

A bill for an act to amend section 2080 of the Revised Codes of the state of North Dakota, providing for the salary of the county treasurers.

And recommend that the same do pass.

J. S. JOHNSON,
Chairman.

Mr. Stevens moved that

Substitute for House bill No. 106,

A bill for an act to amend section 2080 of the Revised Codes of the state of North Dakota, providing for the salary of the county treasurers.

Be printed,

Which motion prevailed.

The committee on ways and means made the following report:

Mr. Speaker:

Your committee on ways and means to whom was referred
House bill No. 104,

A bill for an act to amend section 2073 of the Revised Codes of the state of North Dakota, providing for the salary of county auditor.

Have had the same under consideration and recommend

We strike out all after the enacting clause of

House bill No. 104,

A bill for an act to amend section 2073 of the Revised Codes of

the state of North Dakota, providing for the salary of county auditor.

And substitute the following in lieu thereof:

Substitute for House bill No. 104,

A bill for an act to amend section 2073 of the Revised Codes of the state of North Dakota, providing for the salary of county auditors.

And recommend that the same do pass.

J. S. JOHNSON,

Chairman.

Mr. Johnson of Richland moved

That the report of the committee on ways and means on

House bill No. 104,

A bill for an act to amend section 2073 of the Revised Codes of the state of North Dakota, providing for the salary of county auditor.

Be adopted, and that the

Substitute for House bill No. 104,

A bill for an act to amend section 2073 of the Revised Codes of the state of North Dakota, providing for the salary of county auditors.

Be printed as a bill.

Which motion prevailed.

INTRODUCTION OF HOUSE BILLS.

Mr. Thomas introduced

House bill No. 161,

A bill for an act to prohibit the use of dogs in hunting prairie chickens, grouse and partridges.

Was read the first and second times, and

Referred to the joint committee on game laws.

The bill introduced by the committee on ways and means as a Substitute for House bill No. 104,

A bill for an act to amend section 2073 of the Revised Codes of the state of North Dakota, providing for the salary of county auditors.

Was read the first and second times.

The bill introduced by the committee on ways and means as a Substitute for House bill No. 106,

A bill for an act to amend section 2080 of the Revised Codes of the state of North Dakota, providing for the salary of the county treasurers.

Was read the first and second times.

House bill No. 111,

Proposed amendment to the constitution of the state of North Dakota.

Was read the first and second times, and
Referred to committee on engrossment.

House bill No. 112,

Concurrent resolution submitting an amendment to the constitution of the state of North Dakota.

Was read the first and second times, and
Referred to general orders.

Mr. Stevens moved

That the request of the senate for the return of
Senate bill No. 19,

A bill for an act to amend sections 1 and 2, of chapter 57 of the laws of 1897, providing a bounty on certain stock-destroying animals.

Be granted,
Which motion prevailed.

Mr. Stevens moved that

House bill No. 112,

Concurrent resolution submitting an amendment to the constitution of the state of North Dakota.

Be referred to general orders,
Which motion prevailed, and

House bill No. 112,

Concurrent resolution submitting an amendment to the constitution of the state of North Dakota.

Was so referred.

The speaker announced an informal recess of ten minutes.

The house reassembled.

FIRST AND SECOND READING OF SENATE BILLS.

Senate bill No. 78,

A bill for an act to amend sections 625, 707, 751, and 757 of the Revised Codes, as amended by chapter 75 of the laws of 1897, and sections 703, 704, 755, 868, 869, 870, 871, 872, and 873 of the Revised Codes, relating to education.

Was read the first and second times, and
Referred to the committee on education.

Senate bill No. 92,

A bill for an act to repeal section 4718 of the Revised Codes of North Dakota relating to the discharge by entry in the margin of the record thereof.

Was read the first and second times, and
Referred to the committee on judiciary.

Senate bill No. 74,

A bill for an act to amend section 3549 of the Revised Codes of North Dakota relating to incumbrances.

Was read the first and second times, and
Referred to the committee on judiciary.

Senate bill No. 91,

A bill for an act to amend section 6156 of the Revised Codes relating to custody of trespassing animals until damages are paid.

Was read the first and second times, and
Referred to the committee on agriculture.

Senate bill No. 101

A bill for an act legalizing the acts of officers and stockholders of corporations as notaries public in cases where the corporation is interested.

Was read the first and second times, and
Referred to the committee on judiciary.

Senate bill No. 79,

A bill for an act to promote irrigation, by means of districts, ditches or other devices for carrying and controlling water, their construction and operation, the method of raising money for defraying the expenses, and the government of the system.

Was read the first and second times, and
Referred to the committee on irrigation.

GENERAL ORDERS

Mr. Stevens moved

That the house resolve itself into a committee of the whole for the consideration of general orders,

Which motion prevailed, and

The house resolved itself into a committee of the whole.

The speaker called Mr. Towle to the chair.

When the committee rose, it submitted the following report:

Mr. Speaker:

The committee of the whole have had under consideration

House bill No. 105,

A bill for an act to amend Sec. 2069 of the Revised Codes of the state of North Dakota, providing for clerk hire in the office of county judge.

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

Insert after the word "fund," in line 8 of the printed bill, "when the salary fund is exhausted, then out of the general fund."

And when so amended recommend that the same do pass.

Also,

House bill No. 109,

A bill for an act to amend section 481 of the Revised Codes of North Dakota, relating to election precincts.

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

In line 15 of the printed bill, strike out the words beginning with "inspector" and ending with the word "the" in line 16 of the printed bill.

And when so amended recommend that the same do pass.

Also,

House bill No. 113,

A bill for an act to amend section 2059 of the Revised Codes of 1895.

Have had the same under consideration and recommend that the further consideration be indefinitely postponed.

Also,

House bill No. 124,

A bill for an act to prohibit the use of repeating shotguns in this state.

Have had the same under consideration and recommend that the further consideration be indefinitely postponed.

Also,

House bill No. 107,

A bill for an act entitled an act to amend section 6847 of chapter 4 of the penal code of the state of North Dakota, relating to the punishment of Sabbath breaking.

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

Also,

House bill No. 116,

A bill for an act to amend section 6847 of the Revised Codes of the state of North Dakota, relating to Sabbath breaking.

Have had the same under consideration and recommend that the further consideration be indefinitely postponed.

Also,

House bill No. 26,

A bill for an act to amend section 660 Revised Codes of North Dakota 1895, relating to what territory may be organized into district school corporations.

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

After line 21 insert, "Provided that in case any school township containing a city of 800 inhabitants or more, and which is not organized as an independent school district, said township outside of said city may, on petition to the county superintendent of schools—a petition of at least two-thirds of the legal voters of such township outside the limits of such city—organize a school township, and when such petition is filed with the county superintendent of schools shall proceed to call a first election, as provided in article four of this chapter."

And when so amended recommend that the same do pass.

Also,

House bill No. 59,

A bill for an act to amend section 722, Revised Codes, 1895 relating to the levy of taxes for school purposes.

Report progress upon the bill and beg leave to sit again.

D. E. TOWLE,

Chairman.

The speaker resumed the chair.

Mr. Stevens moved

That the report of the committee of the whole be adopted,

Which motion prevailed, and

The report was adopted.

Mr. Laughlin moved

That the house do now adjourn,

Which motion prevailed, and

The house adjourned.

J. G. HAMILTON,

Chief Clerk.

FORTY-FOURTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 15, 1899.

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

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Lynch and Miner, who were excused.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

Your committee on revision and correction of the Journal respectfully report that they have carefully examined the Journal of the fortieth day and find the same correct and recommend that the same be approved.

Also,

Your committee on revision and correction of the Journal respectfully report that they have carefully examined the Journal of the forty-third day and recommend the following corrections:

On page 2, line 16, insert comma between the names "Thomas" and "McHarg."

On page 3, line 38, correct the spelling of the name "Falley."

On page 2, line 42, change the name L. Beggs so as to read "A. L. Beggs."

And when so amended recommend that the Journal of the forty-third day be approved.

JOHN KENNEDY,
Chairman.

Mr. Kennedy moved

That the reports of the committee on revision and correction of the Journal be adopted,

Which motion prevailed and

The reports were adopted.

Mr. Hauan requested that the privileges of the floor be extended to Messrs. Col. W. H. Robinson and C. S. Edwards.

Mr. Bacon requested that the privileges of the floor be extended to Col. Frank Viets.

Mr. Earl requested that the privileges of the floor be extended to Mr. George A. McFarland.

Mr. Lish requested that the privileges of the floor be extended to Mr. F. A. Eaton.

There being no objections, the courtesies of the floor were so extended.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
February 15, 1899.

Mr. Speaker:

I have the honor to transmit herewith

Senate bill No. 84,

A bill for an act authorizing the commissioner of university and school lands to charge certain fees for services and to establish the same.

Also,

Senate bill No. 97,

A bill for an act to amend sections 1663, 1664 and 1667 of the Revised Codes of the state of North Dakota of 1895, relating to the purchase of tools and appliances for making fire breaks and for the prevention of prairie fires, prescribing the duties of county commissioners in regard to the prevention of prairie fires, providing for the appointment of fire wardens, fixing the bonds and prescribing the duties thereof and providing for the levy of a tax by the county commissioners for the prevention of prairie fires, also for the repeal of sections 1665, 1666, 1670, 1671 and 1672 of said Revised Codes.

Also,

Senate bill No. 70,

A bill for an act providing for a lien upon threshing engines or separators for repairing the same.

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

Very respectfully,

J. O. SMITH,
Secretary.

Mr. Stevens moved

That the order of business be changed for the day and that we now proceed with the twelfth order of business,

Which motion prevailed

THIRD READING OF HOUSE BILLS.

House bill No. 132,

A bill for an act amending section 2540 of chapter 31 of the Revised Codes of North Dakota, relating to annual township meetings.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 57, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—

Aas,
Allshouse,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Deisem,
Dougherty,
Dwire,
Earl,
Engelter,
Erickson,
Ferris,
Gilbertson,
Glasgow,

Messrs—

Green,
Gronvold,
Gulack,
Hale,
Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish
McHarg,
McLean,
Micheis,
Nelson,
Ovind,
Peek,

Messrs—

Peterson,
Restemayer,
Sanford,
Sargent,
Stevens,
Stewart,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Watts,
Wolbert,
Mr. Speaker,

Absent and not voting:

Messrs—

Allen,
Lynch,

Messrs—

Miner,
Swenson,

Messrs—

Winslow,

Messrs. Lynch and Miner being excused.

So the bill passed and the title was agreed to.

House bill No. 94,

A bill for an act to provide for the granting of the right of way

by municipal corporations for telephone lines, on and over public grounds, streets, alleys and highways, and making valid such grants heretofore made.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 54, nays 5, absent and not voting 3.

Those who voted in the affirmative were :

Messrs—

Aas,
Allshouse,
Bacon,
Boyd,
Brakke,
Cassell,
Chacey,
Clarke,
Deisem,
Dougherty,
Dwire,
Engelter,
Erickson,
Ferris,
Gilbertson,
Glasgow,
Gronvold,
Gulack,

Messrs—

Hale,
Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Kennedy,
Laughlin,
Lee,
Lish,
McHarg,
McLean,
Michels,
Nelson,
Ovind,
Peek,
Peterson,
Restemayer,
Sanford,

Messrs—

Sargent,
Stevens,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Watts,
Wolbert,
Winslow,
Mr. Speaker,

Those voting in the negative were:

Messrs—

Berger,
Brotnov,

Messrs—

Earl,
Green,

Messrs—

Johnston, Walsh,

Absent and not voting:

Messrs—

Allen,

Messrs—

Lynch,

Messrs—

Miner,

Messrs. Lynch and Miner being excused.

So the bill passed and the title was agreed to.

House bill No. 111,

Proposed amendment to the constitution of the state of North Dakota.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 58, nays none, absent and not voting 4.

Those who voted in the affirmative were :

Messrs—

Aas,
Allshouse,
Bacon,
Berger,

Messrs—

Gronvold,
Gulack,
Hale,
Hare,

Messrs—

Sanford,
Sargent,
Stevens,
Stewart.

Messrs—

Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Deisen,
Dougherty,
Dwire,
Earl,
Engelter,
Erickson,
Ferris,
Gilbertson,
Glasgow,
Green,

Messrs—

Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
McHarg,
McLean,
Michels,
Nelson,
Ovind,
Peek,
Peterson,
Restemayer,

Messrs—

Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson
Tousley,
Towle.
Tufte,
Ugland,
Wallace,
Watts,
Wolbert,
Winslow,
Mr. Speaker,

Absent and not voting:

Messrs—

Allen,
Lish

Messrs—

Lynch,

Messrs—

Miner,

Messrs. Lynch and Miner being excused.

So the bill passed and the title was agreed to.

Mr. Stevens moved

That the rules be suspended, and that

House bill No. 112,

Concurrent resolution submitting an amendment to the constitution of the state of North Dakota.

Be recalled from the committee of the whole and placed upon its third reading and final passage,

Which motion prevailed.

House bill No. 112,

Concurrent resolution submitting an amendment to the constitution of the state of North Dakota.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 60, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,

Messrs—

Green,
Gronvold,
Gulack,
Hale,
Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,

Messrs—

Restemayer,
Sanford,
Sargent,
Stevens,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,

Messrs—

Clarke,
Deisem,
Dougherty,
Dwire,
Earl,
Engelter,
Erickson,
Ferris,
Gilbertson,
Glasgow,

Messrs—

Laughlin,
Lee,
Lish,
McHarg,
McLean,
Michels,
Nelson,
Ovind,
Peek,
Peterson,

Messrs—

Thordarson
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Watts,
Wolbert,
Winslow,
Mr. Speaker,

Absent and not voting: Messrs. Lynch and Miner, who were excused.

So the bill passed and the title was agreed to.

Mr. Sargent moved

To suspend the rules, and that
Senate bill No. 94,

A joint resolution of the senate and house of representatives of the Sixth Legislative Assembly of the state of North Dakota, authorizing and instructing the governor, auditor and treasurer of the state of North Dakota to issue and dispose of certificates of indebtedness to cover the cost of establishing and operating a twine and cordage plant at the state penitentiary.

Be recalled from the committee of the whole and placed upon its third reading and final passage,

Which motion prevailed.

Senate bill No. 94,

A joint resolution of the senate and house of representatives of the Sixth Legislative Assembly of the state of North Dakota, authorizing and instructing the governor, auditor and treasurer of the state of North Dakota to issue and dispose of certificates of indebtedness to cover the cost of establishing and operating a twine and cordage plant at the state penitentiary.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 58, nays 1, absent and not voting 3.

Those who voted in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell.

Messrs—

Green,
Gronvold,
Gulack,
Hale,
Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh.

Messrs—

Peterson,
Restemayer,
Sargent,
Stevens,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,

Messrs—

Chacey,
Clarke,
Deisem,
Dougherty,
Dwire,
Earl,
Engelter,
Erickson,
Ferris,
Gilbertson,
Glasgow,

Messrs—

Kennedy,
Laughlin,
Lee,
Lish
McHarg,
McLean,
Michels,
Nelson,
Ovind,
Peek,

Messrs—

Thomson,
Thordarson
Tousley,
Towle,
Tufte,
Ugland,
Watts,
Wolbert,
Winslow,
Mr. Speaker.

Absent and not voting:

Messrs—

Lynch,

Messrs—

Miner,

Messrs—

Sanford,

Messrs. Lynch and Miner being excused.

Mr. Wallace voting in the negative.

So the bill passed and the title was agreed to.

Mr. Sargent moved

That the vote by which all bills passed be reconsidered, and that the motion to reconsider be laid upon the table,

Which motion prevailed

Mr. Sargent moved

That the rules be suspended, and that

House bill No. 129,

A bill for an act entitled an act establishing a hard fibre twine and cordage plant at the state penitentiary near Bismarck, and authorizing the board of trustees of the said state penitentiary to construct and operate said plant on the state's account, and prescribing certain duties for the state auditor and state treasurer in connection therewith.

Be recalled from the committee of the whole, considered engrossed, and placed upon its third reading and final passage,

Which motion prevailed.

House bill No. 129,

A bill for an act entitled an act establishing a hard fibre twine and cordage plant at the state penitentiary near Bismarck, and authorizing the board of trustees of the said state penitentiary to construct and operate said plant on the state's account, and prescribing certain duties for the state auditor and state treasurer in connection therewith.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 58, nays 1, absent and not voting 3.

Those who voted in the affirmative were :

| | | |
|----------------|--------------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Aas, | Green, | Restemayer, |
| Allen, | Gronvold, | Sanford, |
| Allshouse, | Gulack, | Sargent, |
| Bacon, | Hale, | Stevens, |
| Berger, | Hare, | Stewart, |
| Boyd, | Hauan, | Swenson, |
| Brakke, | Herbrandson, | Stevenson, |
| Brotnov, | Johnson, Richland, | Taylor, |
| Cassell, | Johnston, Walsh, | Thomas, |
| Chacey, | Kennedy, | Thomson, |
| Clarke, | Laughlin, | Thordarson |
| Deisem, | Lee, | Tousley, |
| Dougherty, | Lish, | Towle, |
| Dwire, | McHarg, | Tufte, |
| Earl, | McLean, | Ugland, |
| Engelter, | Michels, | Watts, |
| Erickson, | Nelson, | Wolbert, |
| Ferris, | Ovind, | Winslow, |
| Gilbertson, | Peek, | Mr. Speaker. |
| Glasgow, | | |

Absent and not voting :

| | | |
|----------------|----------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Lynch, | Miner, | Peterson, |

Messrs. Lynch and Miner being excused.

Mr Wallace voting in the negative.

So the bill passed and the title was agreed to.

Mr. Sargent moved

That the vote by which House bill No. 129 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

The committee on municipal corporations made the following report:

Mr. Speaker:

Your committee on municipal corporations to whom was referred

House bill No. 148,

A bill for an act to amend section 2669 of the Revised Codes of North Dakota, 1895, relating to township road tax and road work.

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

HENRY HALE,
Chairman.

The committee on ways and means made the following report:

Mr. Speaker:

Your committee on ways and means to whom was referred

House bill No 88,

A bill for an act to amend section 2075 of the Revised Codes of the state of North Dakota, providing for the salary of the register of deeds.

Have had the same under consideration, and recommend to strike out all after the enacting clause and insert a substitute bill, and that the substitute be printed.

And recommend that the substitute do pass.

J. S. JOHNSON,
Chairman.

Mr. Deisem moved

That the report of the committee on ways and means on House bill No. 88,

A bill for an act to amend section 2075 of the Revised Codes of the state of North Dakota, providing for the salary of the register of deeds.

Be adopted,

Which motion prevailed and

The report was adopted.

The committee on judiciary made the following report:

Mr. Speaker: .

Your committee on judiciary to whom was referred

House bill No. 2,

A bill for an act to amend section 2767 of the Revised Codes of North Dakota relating to rights and capacity of husband and wife.

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

That after the word "other" in line five of the printed bill, the words "as defined by the title on trusts" be stricken out.

And when so amended recommend that the same do pass.

Also,

House bill No. 131,

A bill for an act to regulate the taking up of estrays and for the disposition of the same and for the recovery of damages resulting therefrom.

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

That after the word "cents" in section 2, line 9, page 2, of the printed bill the following words be added: "It shall also be the duty of any person taking up an estray animal that is branded, or ear-marked, to notify the secretary of state, within three days, by registered letter, of the time and place of the taking up of

such animal, together with a description of the brand or ear-mark on the same, and it shall be the duty of the secretary of state, if such brand, or ear-mark has been recorded in his office, to notify the owner thereof of the taking up of such estray; and if such brand or ear-mark has not been recorded in the office of the secretary of state, the said secretary of state shall notify the party taking up such estray, that there is no such brand or ear-mark recorded in his office."

Also, strike out the word "misdemeanor" at the end of line 10, in section 2, page 2, of the printed bill, and insert in lieu thereof the word "felony."

Also, in line 2, of section 5, on page 3 of the printed bill, strike out the word "ten" and insert in lieu thereof the word "five."

And when so amended recommend that the same do pass.

Also,

House bill No. 136,

A bill for an act requiring the owners or occupants of lands within the state to fill or cover securely any and all wells situated thereon.

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

"After the word "act" in line 7 of the printed bill in section 3 thereof, insert the following: "And the owner of such land shall be liable to the township for the cost of such work and material furnished, and the necessary expense incurred in collecting the same to the township."

And when so amended recommend that the same do pass.

Also,

Senate bill No. 69,

A bill for an act to amend section 237 of article 4, of chapter 4, of the Political Code.

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

That the word "shall" in line 13, on page 2 of the printed bill the words "not exceed 3 per cent per annum, payable on the minimum balance during each month" be stricken out and insert in lieu thereof the words "be not less than two, nor more than three per cent per annum, payable on the average daily balance; provided, that no state depository shall be paid any exchange whatsoever."

And when so amended recommend that the same do pass.

Also,

Senate bill No. 66,

A bill for an act to amend section 6731 of the Revised Codes of 1895, relating to the sale of personal property under execution.

Have had the same under consideration and recommend that the same be indefinitely postponed.

ORNSBY McHARG,
Chairman, pro tem.

Mr. Dougherty moved

That the report of the committee on judiciary on
Senate bill No. 66,

A bill for an act to amend section 6731 of the Revised Codes of 1895, relating to the sale of personal property under execution.

Be adopted.

Which motion prevailed and

The report was adopted.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

House bill No. 140,

A bill for an act entitled "an act to prevent the adulteration of, and deception in the manufacture and sale of, flaxseed or linseed oil."

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

That in section 4, page 2, line 5, of the printed bill, after the word "expedient," insert the words "from the state university or the state agricultural college."

And when so amended recommend that the same do pass.

R. N. STEVENS,
Chairman.

Mr. Stevens moved that

House bill No. 140,

A bill for an act entitled "an act to prevent the adulteration of, and deception in the manufacture and sale of, flaxseed or linseed oil."

Be referred to the committee on engrossment,

Which motion prevailed, and

House bill No. 140,

A bill for an act entitled "an act to prevent the adulteration of, and deception in the manufacture and sale of, flaxseed or linseed oil."

Was so referred.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

House bill No. 65,

A bill for an act to amend sections 5848, 5861 and 5862 of the Revised Codes of North Dakota, relating to the foreclosure of mortgages by advertisement.

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

That after the word "post-paid," in line 16 of the printed bill, the word "registered" be inserted.

Also, after the word "post-paid," in line 31 of the printed bill, the word "registered" be inserted.

And when so amended recommend that the same do pass.

Also,

House bill No. 5,

A bill for an act to amend section 5848, chapter 29, of the code of civil procedure of the Revised Codes of 1895, relating to foreclosure by advertisement of real estate mortgages.

Have had the same under consideration and recommend that the same be indefinitely postponed, the provisions of said bill being covered by

House bill No. 65,

A bill for an act to amend sections 5848, 5861 and 5862 of the Revised Codes of North Dakota, relating to the foreclosure of mortgages by advertisement.

And when so amended recommend that the same do pass.

R. N. STEVENS,

Chairman.

Mr. Stevens moved

That the report of the committee on judiciary on House bill No. 5 be adopted,

Which motion prevailed, and

The report of the committee on judiciary on House bill No. 5 was adopted.

Mr. Johnson of Richland moved that

Substitute for House bill No. 90,

A bill for an act to repeal section 30 of the Revised Codes of 1895 of the state of North Dakota, relative to assistant legislative clerks and employes.

Be printed,

Which motion prevailed.

The committee on engrossed bills made the following report.

Mr. Speaker:

Your committee on engrossed bills have examined

House bill No. 26,

A bill for an act to amend section 660 Revised Codes of North

Dakota 1895, relating to what territory may be organized into district school corporations.

Also,

Substitute for House bill No. 106,

A bill for an act to amend section 2080 of the Revised Codes of the state of North Dakota, providing for the salary of the county treasurers.

Also,

House bill No. 105,

A bill for an act to amend Sec. 2069 of the Revised Codes of the state of North Dakota, providing for clerk hire in the office of county judge.

And find the same correctly engrossed.

A. W. THOMAS,
Chairman.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

A concurrent resolution to enter a formal protest against the seating of Brigham H. Roberts of Utah in the congress of the United States.

Have had the same under consideration, and have had submitted to them by Hon. A. H. McLaughlin the following reasons why the resolutions should be adopted, viz.:

It has been stated on the floor of this house that Congressman-elect Roberts of Utah is not now living in polygamy, that the charges against him are "yellow newspaper" sensational reports without foundation and that he is a gentleman and very popular at home.

The facts, as nearly as I can ascertain them, by correspondence from Utah are as follows: "Brigham H. Roberts, who has been elected to congress, is a prominent official in the Mormon church. He was born near Liverpool, England, in 1857, and went to Utah in 1864, where his home has been ever since. He is a man of some education and of fair speaking ability who has devoted himself chiefly since 1880 to the advocacy of the peculiar doctrines of Mormonism. For a number of years he was a missionary in the southern states. In Utah he is notorious as a polygamist. On May 1, 1889, he was sentenced to the penitentiary in the Third district court in Salt Lake City for living in polygamy, and as recently as last spring he wrote a long article in the magazine of which he is editor, defending polygamy in the most unmistakable terms, as the following extracts will show:

“Joseph Smith received a commandment from the Lord to introduce that order of marriage into the church, and on the strength of that revelation, and not by reason of anything that is written in the Jewish Scriptures, the Latter Day Saints practiced plural marriage.”

“Polygamy is not adultery, for were it so considered then Abraham, Jacob and the Prophets who practiced it would not be allowed an inheritance in the kingdom of heaven, and if polygamy is not adultery, then it cannot be classed as a sin at all.”

“It appears to the writer that modern Christians must either learn to tolerate polygamy or give up forever the glorious hope of resting in Abraham’s bosom.”

“That which God approves, and so strikingly approves, must be not only not bad but positively good, pure and holy.”

“Quoted from Improvement Era, May, 1898, pp. 472, 475, 478 and 482. There is abundant evidence to show that Mr. Roberts is living in polygamy at the present time. He is known to have not fewer than three wives and by many he is credited with possessing more than this number. One of his wives, formerly known as Mrs. Maggie C. Shipp, lives in Salt Lake City and he has two other wives at Centerville, ten miles north, where he resides a large portion of his time. His second wife, who was formerly Miss Celina Dibble, has twin children only a few months old. Up to 1895 the Salt Lake City wife was announced in the directory as Margaret C. Shipp, M. D., and her sign bore a similar inscription. At present her sign reads, ‘Dr. Margaret C. Roberts, at her residence, 75 North State street.’ I understand that the reason the judiciary committee recommends the indefinite postponement of this resolution is that it condemns and convicts Brigham H. Roberts of the crime of polygamy before he has been tried before the proper tribunal and that it is an attempt on the part of this body to dictate to the congress of the United States their course in a matter in which we have no jurisdiction.

As I understand this case Mr. Roberts admits that the facts cited herein are true, that he is a polygamist, and is now living with three wives, but that he married these wives prior to the passage of the Edmunds law under rights granted him by the rules of the Mormon church, hence his plurality of marriages was at that time legal, and he knows of no law by which he can dissolve those marriages, hence it is his duty to live with and protect all three of them. These facts and his own admissions are sufficient proof that his present marriage relations are not the purest.

As to his own argument relative to his present status, a decision of the supreme court of Utah covers his case minutely. From the

decision of Judge Boreman in the case of the United States vs. Peay, I quote:

"The contention of appellant is this, that he is now incarcerated in the penitentiary not for any act or acts he has done in violation of law but because he has not dissolved the relation in which this law found him, and which he knows no legal way of dissolving. This language is of startling simplicity but if the defendant has been unable to find out any way to cease living with his polygamous women, it is not the fault of the law that he suffers for his imperfect knowledge. The law simply says 'refrain from all acts in this relation' and this the evidence plainly shows that the defendant did not do. Hence, in accordance with the law he exists as a convict." Vol. V, Utah reports.

As to the passage of this resolution being an attempt toward dictation to congress, we have the same right to pass this resolution that we had only a few days ago to pass the concurrent resolution relating to territorial expansion. This resolution is in no sense a dictation, simply an expression of the sentiment of the people of this state on the question of polygamy, and to convey the wishes and sentiments of our people on a question affecting the political and moral interests of the whole nation.

It is argued that the language of this resolution is technically incorrect. We are not here to act the part of criminal lawyers, who strive to save the necks of their guilty clients from the hangman's rope by technicalities of law. We are not here to quibble over the shucks and let the kernel go to pollution. We are here to decide whether the principle shall prevail that the average citizen of this state shall be contented with one wife or shall be entitled to three.

Only a few short days ago this legislative assembly took a tremendous forward stride on the side of right and moral duty by declaring to the world that this state should no longer be the dumping ground for matrimonial inconsistencies and wickedness. Shall we pass an anti-divorce bill and today declare to the world that we are in favor of polygamy?

If there be a member on this floor who is in favor of polygamy or who wants to marry an unlimited number of women, let him vote against the adoption of this resolution.

And the committee believing still in the integrity, decency and ability of congress to judge properly of the qualifications of their own members, recommend that the resolution be indefinitely postponed.

R. N. STEVENS,
Chairman.

Mr. Stevens moved

That the report of the judiciary committee on the concurrent resolution protesting against the seating of Brigham H. Roberts of Utah, in the congress of the United States, be adopted,

Which motion was lost.

Mr. Laughlin moved that the resolution be adopted.

Roll call being demanded upon the adoption of the resolution offered by Mr. Laughlin, relating to Brigham H. Roberts.

The roll was called and there were ayes 6, nays 53, absent and not voting 3.

Those who voted in the affirmative were:

| | | |
|---------|----------|-----------|
| Messrs— | Messrs— | Messrs— |
| Aas, | Hauan, | Laughlin, |
| Chacey, | Kennedy, | Peek, |

Those voting in the negative were:

| | | |
|-------------|--------------------|--------------|
| Messrs— | Messrs— | Messrs— |
| Allen, | Green, | Sargent, |
| Allshouse, | Gronvold, | Stevens, |
| Bacon, | Gulack, | Stewart, |
| Berger, | Hale, | Swenson, |
| Boyd, | Hare, | Stevenson, |
| Brakke, | Herbrandson, | Taylor, |
| Brotnov, | Johnson, Richland, | Thomas, |
| Cassell, | Johnston, Walsh, | Thomson, |
| Clarke, | Lee, | Thordarson, |
| Delsem, | Lish, | Tousley, |
| Dougherty, | McHarg, | Towle, |
| Dwire, | McLean, | Tufte, |
| Earl, | Michels, | Ugland, |
| Engelter, | Nelson, | Wallace, |
| Erickson, | Ovind, | Watts, |
| Ferris, | Peterson, | Winslow, |
| Gilbertson, | Restemayer, | Mr. Speaker, |
| Glasgow, | Sanford, | |

Absent and not voting:

| | | |
|---------|---------|----------|
| Messrs— | Messrs— | Messrs— |
| Lynch, | Miner, | Wolbert, |

Messrs. Lynch and Miner being excused.

So the resolution was lost.

Mr. Sanford moved

That those who did not vote upon the resolution introduced by Mr. Laughlin be excused,

Which motion was lost.

The committee on railroads made the following report:

Mr. Speaker:

Your committee on railroads to whom was referred

House bill No. 150,

A bill for an act to amend section 3062 of the Revised Codes of

1895 relating to the building of platforms by railroad companies for the transfer of live stock, grain and other commodities from wagons or otherwise to cars, prescribing the duties of the railroad commissioners in regard thereto and the notice of the necessity of such platforms to be served upon railroad companies together with the manner of making service of notices or orders of said commissioners.

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

After the word "place," in line 12, insert the words "to show cause."

And when so amended recommend that the same do pass.

O. McHARG,

Chairman.

The committee on state affairs made the following report:
Mr. Speaker:

Your committee on state affairs to whom was referred

House bill No. 147,

A bill for an act to repeal section 7674 of the Revised Codes of North Dakota relating to fraudulently obtaining food or accommodations at inns.

Have had the same under consideration and recommend that the same be indefinitely postponed.

JOHN KENNEDY,

Chairman.

Mr. Kennedy moved

That the report of the committee on state affairs on House bill No. 147 be adopted,

Which motion prevailed and

The report was adopted.

The committee on railroads made the following report:

Mr. Speaker:

Your committee on railroads to whom was referred

House bill No. 55,

A bill for an act to amend section 2985 of the civil code of the state of North Dakota relating to when station house to be maintained.

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

After the word "year," at the end of the 7th line, be inserted: "Provided, that this shall apply only to stations where twenty-five per cent of the business done is for charges upon incoming freight."

And when so amended recommend that the same do pass.

O. McHARG,

Chairman.

The committee on engrossed bills made the following report:

Mr. Speaker:

Your committee on engrossed bills have examined

Substitute for House bill No. 91,

A bill for an act fixing the salary of county judge in the different counties and mode of determining the same.

Also,

Substitute for House bill No. 104,

A bill for an act to amend section 2073 of the Revised Codes of the state of North Dakota, providing for the salary of county auditors.

Also,

Substitute for House bill No. 111,

Being a concurrent resolution to amend the constitution.

Also,

House bill No. 107,

A bill for an act entitled an act to amend section 6847 of chapter 4 of the penal code of the state of North Dakota, relating to the punishment of Sabbath breaking.

Also,

House bill No. 109,

A bill for an act to amend section 481 of the Revised Codes of North Dakota, relating to election precincts.

And find the same correctly engrossed.

A. W. THOMAS,

Chairman.

Mr. Stevens moved

That the rules be suspended, and that the house proceed to the third reading and final passage of house bills,

Which motion prevailed.

THIRD READING OF HOUSE BILLS.

House bill No. 26,

A bill for an act to amend section 660 Revised Codes of North Dakota 1895, relating to what territory may be organized into district school corporations.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 53, nays 1, absent and not voting 8.

Those who voted in the affirmative were:

Messrs—

Allshouse,
Bacon,
Berger,
Brakke,
Cassell,
Chacey,
Clarke,
Deisem,
Dougherty,
Dwire,
Engelter,
Erickson,
Ferris,
Gilbertson,
Glasgow,
Green,
Gronvold,
Gulack,

Messrs—

Hale,
Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish,
McHarg,
McLean,
Michels,
Nelson,
Ovind,
Peek,
Peterson,
Restemayer,

Messrs—

Sanford,
Stevens,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson
Tousley,
Towle,
Tufté,
Ugland,
Wallace,
Watts,
Winslow,
Mr. Speaker,

Absent and not voting:

Messrs—

Aas,
Allen,
Boyd,

Messrs—

Earl,
Lynch,
Miner,

Messrs—

Sargent,
Wolbert,

Messrs. Lynch and Miner being excused.

Mr. Brotnov voting in the negative.

So the bill passed and the title was agreed to.

The speaker called Mr. Stevens to the chair.

Mr. Hare moved

That the vote by which all bills passed to-day be reconsidered, and the motion to reconsider be laid upon the table.

Which motion prevailed.

House bill No. 107,

A bill for an act entitled an act to amend section 6847 of chapter 4 of the penal code of the state of North Dakota, relating to the punishment of Sabbath breaking.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 48; nays 7; absent and not voting 7.

Those who voted in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,

Messrs—

Green,
Gronvold,
Gulack,
Hale,
Hauan,
Johnson, Richland,
Johnston, Walsh,
Kennedy,

Messrs—

Sanford,
Stevens,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,

Messrs—

Cassell,
Chacey,
Clarke,
Delsem,
Dougherty,
Erickson,
Gilbertson,
Glasgow,

Messrs—

Laughlin,
Lee,
Lish,
McLean,
Nelson,
Peek,
Peterson,
Restemayer,

Messrs—

Thordarson
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Watts,
Winslow,

Those voting in the negative were:

Messrs—

Engelter,
Ferris,
Hare,

Messrs—

Herbrandson,
McHarg,

Messrs—

Michels,
Ovind,

Absent and not voting:

Messrs—

Dwire,
Earl,
Lynch,

Messrs—

Miner,
Sargent,

Messrs—

Wolbert,
Mr. Speaker,

Messrs. Lynch and Miner being excused.

So the bill passed and the title was agreed to.

House bill No. 109,

A bill for an act to amend section 481 of the Revised Codes of North Dakota, relating to election precincts.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 52, nays 2, absent and not voting 8.

Those who voted in the affirmative were:

Messrs—

Aas,
Allen,
Bacon,
Berger,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Delsem,
Dougherty,
Engelter,
Erickson,
Ferris,
Gilbertson,
Glasgow,
Green,
Gronvold,

Messrs—

Gulack,
Hale,
Hare,
Hauan,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish,
McLean,
Michels,
Nelson,
Ovind,
Peek,
Peterson,
Restemayer,

Messrs—

Sanford,
Sargent,
Stevens,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Wolbert,
Winslow,

Absent and not voting :

Messrs—

Allshouse,
Boyd,
Dwire,

Messrs—

Earl,
Lynch,
McHarg,

Messrs—

Miner,
Mr. Speaker,

Messrs. Lynch and Miner being excused.

Messrs. Herbrandson and Watts voting in the negative.

So the bill passed and the title was agreed to.

Mr. Gronvold moved

That the vote by which House bill No. 109 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Tousley moved

That the vote by which House bill No. 107 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Substitute for House bill No. 91,

A bill for an act to amend section 2068 of the Revised Code of the state of North Dakota, providing for the salary of county judges.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 58, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,
Bacon,
Berger,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Delsem,
Dougherty,
Dwire,
Earl,
Engelter,
Erickson,
Ferris,
Gilbertson,
Glasgow,
Green,

Messrs—

Gronvold,
Gulack,
Hale,
Hare,
Hauan,
Herbrandson,
Johnson, Richland
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish
McHarg,
McLean,
Michels,
Nelson,
Ovind,
Peek,
Peterson,

Messrs—

Restemayer,
Sanford,
Sargent,
Stevens,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Watts,
Wolbert,
Winslow,

Absent and not voting:

Messrs—

Boyd,
Lynch,

Messrs—

Miner,

Messrs—

Mr. Speaker,

Messrs. Lynch and Miner being excused.

So the bill passed and the title was agreed to.

Mr. Johnson of Richland moved

That the vote by which Substitute for House bill No. 91 passed be reconsidered, and that the motion to reconsider be laid upon the table,

Which motion prevailed.

House bill No. 104,

A bill for an act to amend section 2073 of the Revised Codes of the state of North Dakota, providing for the salary of county auditor.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 51, nays 7, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—

Aas,
Allen,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Deisem,
Dougherty,
Dwire,
Engelter,
Erickson,
Ferris,
Gilbertson,
Glasgow,
Gronvold,

Messrs—

Gulack,
Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish
McHarg,
McLean,
Michels,
Nelson,
Ovind,
Peek,
Peterson,
Restemayer.

Messrs—

Sarford,
Sargent,
Stevens,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Watts,
Winslow.

Those voting in the negative were:

Messrs—

Bacon,
Clarke,
Earl,

Messrs—

Green,
Hale,

Messrs—

Hare,
Mr. Speaker,

Absent and not voting:

Messrs—

Allshouse,
Lynch,

Messrs—

Miner,

Messrs—

Wolbert,

Messrs. Lynch and Miner being excused.

So the bill passed and the title was agreed to.

Mr. Deisem moved

That the vote by which House bill No. 104 passed be reconsidered, and that the motion to reconsider be laid upon the table,

Which motion prevailed

Mr. Wallace moved that

House bill No. 105,

A bill for an act to amend Sec. 2069 of the Revised Codes of the state of North Dakota, providing for clerk hire in the office of county judge.

Be referred back to the committee on ways and means,
Which motion was lost.

House bill No. 105,

A bill for an act to amend Sec. 2069 of the Revised Codes of the state of North Dakota, providing for clerk hire in the office of county judge.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 58, nays 1, absent and not voting 3.

Those who voted in the affirmative were :

Messrs—

Aas,
Allen,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Delsem,
Dougherty,
Dwire,
Earl,
Engelter,
Erickson,
Ferris,
Gilbertson,
Glasgow,
Green,
Gronvold,

Messrs—

Gulack,
Hale,
Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish,
McHarg,
McLean,
Michels,
Nelson,
Ovind,
Peek,
Peterson,
Restemayer,

Messrs—

Sanford,
Sargent,
Stevens,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Watts,
Wolbert,
Winslow,
Mr. Speaker,

Absent and not voting:

Messrs—

Allshouse,

Messrs—

Lynch,

Messrs—

Miner,

Messrs. Lynch and Miner being excused.

Mr. Bacon voting in the negative.

So the bill passed and the title was agreed to.

Mr. Johnson of Richland moved

That the vote by which House bill No. 105 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Substitute for House bill No. 106,

A bill for an act to amend section 2080 of the Revised Codes of

the state of North Dakota, providing for the salary of the county treasurers.

Was read the third time.

Mr. Sanford moved

That the house do now adjourn,

Which motion prevailed, and

The house adjourned.

J. G. HAMILTON,
Chief Clerk.

FORTY-FIFTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 16, 1899.

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

Prayer by the chaplain.

Roll called.

All members present except Messrs. McHarg and Miner, who were excused.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

Your committee on revision and correction of the Journal further recommend the following corrections in the Journal of the forty-third day:

On page 2, line 28, strike out the name "McLaughlin" and insert in lieu thereof the words "Mr. Laughlin."

On page 11, line 20, strike out the word "to" between the words "act" and "prohibiting."

On page 12, line 39, strike out the word "to" between the words "act" and "prohibiting."

On page 14, line 35, after the figures "482," drop a line and paragraph same.

On page 15, line 2, after the word "street," space and paragraph clearly.

On page 16, line 24, strike out the word "prevailed" and insert "was lost," and strike out the word "and."

Strike out line 25 and insert "Mr, Laughlin moved that the resolution be adopted."

And when so amended recommend that the Journal of the forty-third day be approved.

Your committee would further report that they have carefully examined the Journal of the forty-fourth day and recommend the following corrections:

On page 9, line 12, change the name "Henry Hall" so as to read "Henry Hale."

On page 11, line 11, change the word "not" after the word "two" to "nor."

On page 21, line 33, correct the spelling of the word "vote."

And when so amended recommend that the Journal of the forty fourth day be approved.

JOHN KENNEDY,
Chairman.

Mr. Kennedy moved

That the report of the committee on revision and correction of the Journal be adopted,

Which motion prevailed, and

The report of the committee was adopted.

Mr. Kennedy requested that the privileges of the floor be extended to C. H. Potter.

Mr. Sanford requested that the privileges of the floor be extended to Messrs. Hugh Boole, Thos. Pettigrew, J. M. Olmstead, Hon. Harry Cornwall, Oscar Seilie, O. C. Christophenson, Dr. D. W. Moore, and Hon. John Milstead.

There being no objections, the courtesies of the floor were so extended.

Mr. Stevens moved

That the communication from the executive department of Nevada, be printed in the Journal.

Which motion prevailed.

EXECUTIVE CHAMBER,
CARSON CITY, NEVADA,
February 11, 1899.

To the Honorable, the Senate and House of Representatives of the State of North Dakota:

In acknowledging receipt of joint resolution from North Dakota, rela-

tive to the election of United States senators by direct vote of the people of the several states, I have the honor to inform you that the enclosed resolution (similar to North Dakota) was adopted by the legislature of the state of Nevada, February 7, 1899, and that copies have been forwarded to our senators and representatives in congress.

Very respectfully yours,
REINHOLD FADLER,
 Governor.

Mr. Wallace moved

That on or before Tuesday next, a committee of three be appointed, to be known as a steering committee, to perform the duties thereof,

Which motion prevailed.

PETITIONS AND COMMUNICATIONS.

The following communication was received from the North Dakota Dairymen's association :

FARGO, N. D., Feb. 14, 1899.

Dear Sir: At the fourth annual meeting of the North Dakota State Dairymen's association, the following resolutions were unanimously adopted:

Be It Resolved, by the North Dakota Dairymen's association in convention assembled at Oakes, these 9th and 10th days of June, 1898:

* * * * *
 And Be It Further Resolved, That in view of the increasing interest displayed in the subject of dairying in the state of North Dakota, and appreciating the fact that by proper encouragement the industry could be largely increased and the wealth of the state thereby greatly enhanced, we deem it the duty of the state legislature at its next session to appropriate liberally to the association that it may be able to still further promote a greater interest in this valuable branch of our state's agricultural industry.

In line with the above resolution, your attention is respectfully directed to an article in the biennial report of the commissioner of agriculture and labor on state aid for the dairy industry, page 46, also one in same report on adulteration and substitutes, page 42. House bill No. 117 was prepared along lines suggested by said papers, and if enacted into a law, will furnish substantial aid "to still further promote a greater interest in this valuable branch of our state's agricultural industry."

With the desire that this subject receive the thoughtful attention of yourself and associates, I am,

Yours very respectfully,
 E. E. KAUFMAN.

The speaker announced that he was about to sign

House bill No. 46,

A bill for an act to amend sections 1447, 1448, 1450, 1452, 1453, 1454, 1457 and 1466 of the revised codes, relating to the establishment, construction and maintenance of drains.

REPORTS OF STANDING COMMITTEES.

The committee on engrossed bills made the following report:

Mr. Speaker:

Your committee on engrossed bills have examined

House bill No 86,

A bill for an act to amend section 779, Revised Codes, 1895, relating to sinking fund and interest tax for school districts where bonds have been issued.

And find the same correctly engrossed.

A. W. THOMAS,

Chairman.

The committee on enrolled bills made the following report:

Mr. Speaker:

Your committee on enrolled bills have examined

House bill No. 46,

A bill for an act to amend sections 1447, 1448, 1450, 1452, 1453, 1454, 1457, and 1466 of the revised codes, relating to the establishment, construction and maintenance of drains.

And find the same correctly enrolled.

M. B. CASSELL,

Chairman.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

House bill No. 119,

A bill for an act to amend section 308 of the civil codes of the laws of 1895.

Have had the same under consideration and recommend that the same be amended by striking out all after the enacting clause thereof and inserting in lieu thereof the following:

Section 1. That section 1906 of the Revised Codes be amended so as to read as follows:

Sec. 1906. In addition to the powers hereinbefore mentioned such board shall have power:

(1) To levy a tax not exceeding the amount authorized by law and to liquidate indebtedness.

(2) To audit the accounts of all officers having the care, management, collection or disbursement of any money belonging to the county or appropriated for its benefit.

(3) To construct and repair bridges, and to open, lay out, vacate and change highways in the cases provided by law; to establish election precincts in its county and to appoint the judges of election in cases provided by law; and to equalize the assessments of the county in the manner provided by law.

(4) To furnish the necessary blank books, blanks and stationery for the clerk of the district court, county auditor, register of deeds, county treasurer, county judge, sheriff and states' attorney of its county, to be paid out of the county treasury; also a fire proof safe, when in its judgment the same shall be advisable, in which to keep all the books, records, vouchers and papers pertaining to the business of the board; provided, that the county auditor, county treasurer and the chairman of the board of county commissioners together shall constitute a committee, empowered and required to purchase and provide all necessary blanks, books and other stationery for the use of all county officers in their official capacity.

(5) To do and perform such other duties as now are or may hereafter be prescribed by law.

Also, that the title of this act be amended to read as follows:

"A bill for an act to amend section 1906 of the Revised Codes, relating to the furnishing of blanks, books and other stationery for the use of county officers."

And when so amended recommend that the same do pass.

R. N. STEVENS,

Chairman.

The committee on public printing made the following report:

Mr. Speaker:

Your committee on public printing to whom was referred

Senate bill No. 73,

A concurrent resolution, being a joint memorial of the senate and house of representatives of the state of North Dakota to the senate and house of representatives of the United States praying for an act to encourage the shipment of grain to China and Japan by granting subsidies to steamship companies.

Have had the same under consideration and recommend that the same be referred to general orders.

T. W. ALLSHOUSE,

Chairman.

Mr. Tousley moved

That the report of the committee on public printing on

Senate bill No. 73,

A concurrent resolution, being a joint memorial of the senate and house of representatives of the state of North Dakota to the senate and house of representatives of the United States praying for an act to encourage the shipment of grain to China and Japan by granting subsidies to steamship companies.

Be adopted.

Which motion prevailed and

The report was adopted.

The committee on taxes and tax laws made the following report:

Mr. Speaker

Your committee on taxes and tax laws to whom was referred

House bill No. 135,

A bill for an act providing for the manner of the disposition of lands acquired by the state or the several counties of the state under the provisions of chapter 67, laws of 1897.

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

After the word "1897" in the title add the words "or other revenue laws."

On line 1, after the word "may" strike out the words "be acquired by" and insert in lieu thereof, "have been or may be bid in for."

In line 2, after the word "1897" insert the words "or other revenue laws."

And when so amended recommend that the same do pass.

Also,

House bill No. 76,

A bill for an act to amend sections 60, 71 and 82 of chapter 126 of the laws of 1897 of the state of North Dakota, entitled "revenue and taxation," and providing for a change in the date when personal and real estate taxes become due and delinquent, and redemption from sale for delinquent taxes.

Have had the same under consideration and recommend that the same be indefinitely postponed.

The subject matter is already covered in

Senate bill No. 41,

A bill for an act amending sections sixty and seventy-one of chapter one hundred and twenty-four of the session laws of 1897.

G. W. EARL,
Chairman.

Mr. Kennedy moved

That the report of the committee on taxes and tax laws on House bill No. 76,

A bill for an act to amend sections 60, 71 and 82 of chapter 126 of the laws of 1897 of the state of North Dakota, entitled "revenue and taxation," and providing for a change in the date when personal and real estate taxes become due and delinquent, and redemption from sale for delinquent taxes.

Be adopted.

Which motion prevailed, and

The report was adopted.

The committee on taxes and tax laws made the following report:

Mr. Speaker:

Your committee on taxes and tax laws to whom was referred Senate bill No. 41,

A bill for an act amending sections sixty and seventy-one of chapter one hundred and twenty-four of the session laws of 1897.

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

In line 1, page 3, of the engrossed bill, after the word "have," insert the word "been."

And when so amended recommend that the same do pass.

Also,

House bill No. 115,

A bill for an act providing for listing of dogs by the county and township assessors for the purpose of taxation.

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

Also,

House bill No. 78,

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 amount thereof.

Have had the same under consideration and recommend that the same be indefinitely postponed.

G. W. EARL,
Chairman.

Mr. Earl moved

That the report of the committee on taxes and tax laws on House bill No. 78,

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 amount thereof.

Be adopted,

Which motion prevailed, and

The report was adopted.

The committee on school and public lands made the following report:

Mr. Speaker:

Your committee on school and public lands to whom was referred

Senate bill No. 14,

To prevent the overflow and improve navigation of the Red river

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

Also,

Senate bill No. 9.

A concurrent resolution amending section 162 of the constitution of the state of North Dakota.

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

R. B. BOYD,
Chairman.

The committee on ways and means made the following report:

Mr. Speaker:

Your committee on ways and means to whom was referred
House bill No. 103,

A bill for an act to amend sections 2069 and 2071 of the Revised Codes of the state of North Dakota relating to clerk hire in county courts, and the manner of reimbursing counties for salaries paid county judge.

Have had the same under consideration and recommend that the same be indefinitely postponed, as

House bill No. 105,

A bill for an act to amend Sec. 2069 of the Revised Codes of the state of North Dakota, providing for clerk hire in the office of county judge.

Covers the same subject.

J. S. JOHNSON,
Chairman.

Mr. Johnson of Richland moved

That the report of the committee on ways and means on House bill No. 103 be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on ways and means made the following report:

Mr. Speaker:

Your committee on ways and means to whom was referred
House bill No. 121,

A bill for an act fixing the salaries of county auditors and for the repeal of section 2073, chapter 27 of the Revised Codes of North Dakota of 1895.

Have had the same under consideration and recommend that the same be indefinitely postponed.

J. S. JOHNSON,
Chairman.

By unanimous consent,

Mr. Stevens moved

That House bills No. 104 and No. 121 be recommitted to the committee on ways and means,

Which motion prevailed, and

House bills No. 104 and No. 121 were so recommitted.

The committee on ways and means made the following report:

Mr. Speaker:

Your committee on ways and means to whom was referred

House bill No. 4,

A bill for an act to amend section 2070 of the Revised Codes of North Dakota, for 1895, relating to determine population in fixing the salary of county judge.

Have had the same under consideration and recommend that the same be indefinitely postponed.

J. S. JOHNSON,
Chairman.

Mr. Johnson of Richland moved

That the report of the committee on ways and means on House bill No. 4 be adopted,

Which motion prevailed, and
The report was adopted.

The committee on ways and means made the following report:

Mr. Speaker:

Your committee on ways and means to whom was referred
House bill No. 43,

A bill for an act to amend section 2062 of the Revised Codes of North Dakota for 1895 relating to the manner of determining the population and fixing the salary of clerk of the district court.

Have had the same under consideration and recommend that the same be indefinitely postponed.

J. S. JOHNSON,
Chairman.

Mr. Johnson of Richland moved

That the report of the committee on ways and means on
House bill No. 43,

A bill for an act to amend section 2062 of the Revised Codes of North Dakota for 1895 relating to the manner of determining the population and fixing the salary of clerk of the district court.

Be adopted,
Which motion prevailed, and
The report was adopted.

The committee on ways and means made the following report:

Mr. Speaker:

Your committee on ways and means to whom was referred
House bill No. 152,

A bill for an act to amend subdivision 4 of section 2079 of the Revised Codes of North Dakota, regulating the fees of register of deeds.

Have had the same under consideration and recommend that the same be indefinitely postponed.

J. S. JOHNSON,
Chairman.

Mr. Johnson of Richland moved
That the report of the committee on ways and means on
House bill No. 152,

A bill for an act to amend subdivision 4 of section 2079 of the Revised Codes of North Dakota, regulating the fees of register of deeds.

Be adopted,
Which motion prevailed and
The report was adopted.

The committee on ways and means made the following report:

Mr. Speaker:

Your committee on ways and means to whom was referred
House bill No. 151,

A bill for an act to amend section 2075, article 5, chapter 27, of the Revised Codes of North Dakota, regulating salary of register of deeds.

Have had the same under consideration, and recommend that the same be indefinitely postponed.

J. S. JOHNSON,
Chairman.

Mr. Johnson of Richland moved
That the report of the committee on ways and means on
House bill No. 151,

A bill for an act to amend section 2075, article 5, chapter 27, of the Revised Codes of North Dakota, regulating salary of register of deeds.

Be adopted,
Which motion prevailed, and
The report was adopted.

The committee on insurance made the following report:

Mr. Speaker:

Your committee on insurance to whom was referred
House bill No. 85,

A bill for an act to amend section 3141 of the Revised Codes of 1895 relating to notice of less contents committee to adjust arbitration of disagreement.

Have had the same under consideration and recommend that the same be indefinitely postponed.

J. D. BACON,
Chairman.

Mr. Bacon moved

That the report of the committee on insurance on House bill No. 85 be adopted,

Which motion prevailed, and

The report was adopted.

The committee on insurance made the following report :

Mr. Speaker:

Your committee on insurance have had under consideration

House bill No. 48,

Being a concurrent resolution proposing an amendment to the state constitution, providing for the establishment of a bureau of hail insurance,

And a majority of its members recommend that the bill be indefinitely postponed.

J. D. BACON,
Chairman.

Mr. Bacon moved

That the report of the committee on insurance on House bill No. 48 be adopted.

Mr. Towle moved, as a substitute,

That House bill No. 48 be referred to general orders,

Which motion prevailed and

House bill No. 48,

Being a concurrent resolution proposing an amendment to the state constitution, providing for the establishment of a bureau of hail insurance.

Was so referred.

The committee on highways, bridges and ferries made the following report :

Mr. Speaker:

Your committee on highways, bridges and ferries to whom was referred

House bill No. 127,

A bill for an act to provide for the cutting or removing of weeds along the public highways, streets and alleys.

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

P. P. CHACEY,
Chairman.

The committee on state affairs made the following report:

Mr. Speaker:

Your committee on state affairs to whom was referred
House bill No. 154,

A bill for an act to amend section 2655 of the Revised Codes, 1895, relating to pounds and poundmasters.

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

Also,

House bill No. 17,

A bill for an act providing for the collection of vital statistics.

Have had the same under consideration and recommend that the same be referred to the committee on appropriations.

JOHN KENNEDY,
Chairman.

Mr. Kennedy moved

That the report of the committee on state affairs on
House bill No. 17,

A bill for an act providing for the collection of vital statistics.

Be adopted,

Which motion prevailed, and

The report was adopted.

The committee on state affairs made the following report:

Mr. Speaker:

Your committee on state affairs to whom was referred
House bill No. 32,

A bill for an act to license peddlers and hawkers in organized townships in the state of North Dakota.

Have had the same under consideration and recommend that the same be indefinitely postponed, for the reasons that the matter contained therein is contained in another bill,

JOHN KENNEDY,
Chairman.

Mr. Kennedy moved

That the report of the committee on state affairs on
House bill No. 32,

A bill for an act to license peddlers and hawkers in organized townships in the state of North Dakota.

Be adopted,

Which motion prevailed, and

The report was adopted.

The committee on agriculture made the following report:

Mr. Speaker:

Your committee on agriculture to whom was referred
House bill No. 117,

A bill for an act to amend chapters 67 and 68 of the penal code of the revised codes of North Dakota, relating to adulterated dairy products, and selling adulterated and unwholesome food or medicine, and to create a deputy commissioner of agriculture with certain duties in connection therewith, and fixing his salary.

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

In line 9 strike out the word "twelve" and insert the word "six."

In line 13 strike out the word "two" and insert the word "one."

In line 17 after the word "state" strike out the word "treasury" and insert the words "school fund."

And when so amended recommend that the same do pass.

Also,

Senate bill No. 91,

A bill for an act to amend section 6156 of the Revised Codes relating to custody of trespassing animals until damages are paid.

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

O. C. HAUAN,

Chairman.

The committee on public health made the following report:

Mr. Speaker:

Your committee on public health to whom was referred
House bill No. 130,

A bill for an act requiring the burial of animals that die from disease.

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

In line 3 of section 2 after the word "bury" insert "or cause to be buried."

And when so amended recommend that the same do pass.

T. L. TAYLOR,

Chairman.

Mr. Stevens moved that

House bill No. 130,

A bill for an act requiring the burial of animals that die from disease.

Be referred to the committee on engrossment,

Which motion prevailed, and

The bill was so referred.

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

Whereas, An agitation of the question of the seating of Brigham H. Roberts, congressman-elect from the state of Utah, has occupied some considerable space in the public press, and the resolution upon the subject has taken time of this house in its discussion and still remains undetermined; and

Whereas, This house recognizes the right of the house of representatives of our national congress to exercise their judgment on the question of the qualifications of its own members; and

Whereas, The people of the state of North Dakota are opposed to polygamy in all its forms, and believe that persons who practice it are unworthy to be represented in any deliberative body; therefore, be it

Resolved, That we, the members of the house of representatives of this sixth legislative assembly, would most respectfully request the member of the house of representatives from the state of North Dakota in the national congress, whenever evidence shall be produced satisfying him that the said Brigham H. Roberts practices polygamy, to use his endeavors to declare the seat of said Brigham H. Roberts in congress vacant, and to provide for an election of a successor to fill said seat.

Roll call demanded.

The roll was called and there were ayes 52, nays 7, absent and not voting 3.

Those who voted in the affirmative were:

| | | |
|----------------|--------------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Aas, | Hale, | Stevens, |
| Allen, | Hare, | Stewart, |
| Boyd, | Hauan, | Swenson, |
| Brakke, | Herbrandson, | Stevenson, |
| Cassell, | Johnson, Richland, | Taylor, |
| Chacey, | Kennedy, | Thomas, |
| Clarke, | Laughlin, | Thomson, |
| Deisem, | Lee, | Thordarson, |
| Dougherty, | Lynch, | Tousley, |
| Dwire, | McLean, | Towle, |
| Earl, | Michels, | Tufte, |
| Engelter, | Nelson, | Ugland, |
| Erickson, | Peek, | Wallace, |
| Gilbertson, | Peterson, | Watts, |
| Glasgow, | Restemayer, | Wolbert, |
| Green, | Sanford, | Winslow, |
| Gronvold, | Sargent, | Mr. Speaker. |
| Gulack, | | |

Those voting in the negative were:

| | | |
|----------------|------------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Allhouse, | Ferris, | Lish |
| Bacon, | Johnston, Walsh, | Ovind, |
| Brotnov, | | |

Absent and not voting:

| | | |
|----------------|----------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Berger, | McHarg, | Miner, |

Messrs. McHarg and Miner being excused.

So the motion prevailed, and
The resolution was adopted.

Mr. Laughlin introduced the following resolution and moved its adoption.

Whereas, The members of this house have learned through the medium of the daily press of the desolate and desperate conditions prevailing through the east and south, because of extremely intemperate, inclement and unseasonable weather, the rigors of a merciless blizzard and the severities of an arctic visitation, and

Whereas, the perfume laden zephyrs blowing soft from waking fields and farms, whose mellow mildness and fulsome fragrance kindle into wreathing smiles the vast area of the sunkissed state of North Dakota call into sorrowful contrast the ice fettered wastes of the east and south, a spectacle which must warm to sympathy the heart of every resident of this more favored region, therefore,

Be It Resolved, That from the home of the chinook and the warm west wind, a note of sympathy be sounded forth to the ice fettered oyster bays of the coast of the angry Atlantic, to the blizzard swept peach orchards of New Jersey, to the icicle bedecked watermelon fields of Georgia, and to the frost locked orange groves of Florida, and that these unfortunate lands and climes be urged to be of good cheer, until such time as the chinook now being sent forth from North Dakota as a harbinger of hope and happiness, shall reach and comfort them.

Which motion prevailed and

The resolution was adopted.

Mr. Hare introduced the following concurrent resolution and moved its adoption :

CONCURRENT RESOLUTION.

Resolved by the House of Representatives, the Senate Concurring:

That the compensation of the doorkeepers, janitors and watchmen of the senate and house of representatives shall be four dollars per day, and this shall apply to the doorkeepers, janitors and watchmen of the present legislative assembly.

Roll call demanded.

The roll was called and there were ayes 27, nays 30, absent and not voting 5.

Those who voted in the affirmative were:

| | | |
|-------------|------------------|--------------|
| Messrs— | Messrs— | Messrs— |
| Allen, | Gronvold, | Peterson, |
| Bacon, | Hale, . | Sanford, |
| Chacey, | Hare, | Stevens, |
| Dwire, | Johnston, Walsh, | Stevenson, |
| Earl, | Laughlin, | Ugland, |
| Engelter, | Lish | Wallace, |
| Ferris, | Michels, | Watts, |
| Gilbertson, | Ovind, | Winslow, |
| Green, | Peek, | Mr. Speaker, |

Those voting in the negative were:

| | | |
|------------|--------------------|------------|
| Messrs— | Messrs— | Messrs— |
| Aas, | Glasgow, | Stewart, |
| Allshouse, | Hauan, | Swenson, |
| Berger, | Herbrandson, | Taylor, |
| Boyd, | Johnson, Richland, | Thomas, |
| Brakke, | Lee, | Thomson, |
| Brotnov, | Lynch, | Thordarson |

Messrs—

Cassell,
Clarke,
Deisem,
Erickson,

Messrs—

McLean,
Nelson,
Restemayer,
Sargent,

Messrs—

Tousley,
Towle,
Tufte,
Wolbert,

Absent and not voting:

Messrs—

Dougherty,
Gulack,

Messrs—

Kennedy,
McHarg,

Messrs—

Miner,

Messrs. McHarg and Miner being excused.

So the resolution was lost.

By unanimous consent Mr. Boyd presented the following report of the special committee appointed to visit the state institutions:

REPORT OF SPECIAL COMMITTEE.

To the Senate and House of Representatives of the Sixth Legislative Assembly of the state of North Dakota.

Gentlemen:

Your committee appointed under a joint resolution of January 13th, to visit the several state institutions to inspect their needs have performed the duty assigned them, and submit the following report:

HOSPITAL FOR THE INSANE.

We find this institution very much crowded, it having in charge 340 patients, all told. The assignment of two patients to quarters adapted to only one, in the dormitories for the female wards, is a measure which necessity has entailed upon the superintendent. In addition to expedients of this kind, we found one of the garrets, cold and uncomfortable, turned into a sleeping room for lack of better facilities. Lack of room has also compelled the mingling of the feeble minded and indigent with other classes of insane, where reasons of a sanitary nature as well as safety would command their separation.

The sanitary condition of the institution as a whole shows the most diligent supervision of this important branch of hospital management. Every apartment of the institution shows careful attention to cleanliness, ventilation and other measures promotive of the health and comfort of this unfortunate class of the state's objects of protection; considering the lack of room all patients seem well cared for and their unfortunate condition the subject of the earnest solicitude of the state's servants to whom is committed this delicate task. One specific recommendation your committee takes upon itself to make. We find the state's land, em-

ployed by the management for the partial support of the hospital is insufficient to profitably engage the patients, able and willing to work during the summer season and leased land in the neighborhood has been cultivated a few seasons past, and there has been paid in rentals each year a sum of money that would soon pay for the rented land if the same were purchased outright by the state. A tract of twenty-five acres for some time used by the institution, your committee are informed can be purchased for a sum not exceeding five hundred dollars, and if such purchase can be made your committee recommend that an appropriation be made for that object.

Your committee recommend the following sums for this institution:

| | |
|--|------------------|
| Maintenance | \$50,000 |
| Paints and oils | 200 |
| Incidental expenses and repairs | 1,000 |
| Engine room and supplies | 400 |
| Drugs and medicines | 1,200 |
| Employes' wages | 30,000 |
| Fuel | 18,000 |
| Electrical repairs | 300 |
| Fire department | 500 |
| Blacksmith shop | 150 |
| Return of patients and burial of dead..... | 1,200 |
| Beds, bedding and furniture | 500 |
| Chaplain, library and amusements | 400 |
| Laundry supplies | 200 |
| Total | \$104,050 |
| Purchase of additional land | 1,250 |
| Grand total | \$105,300 |

AGRICULTURAL COLLEGE.

Your committee found in the Agricultural College at Fargo an institution fully justifying the expenditures of state and national funds made at that point. It is the source of very valuable theoretical and experimental information disseminated throughout the state, yielding the most substantial results. Reports and exhibits presented to your committee of the profitable application of the information furnished show that the expenditure of public funds through this channel is by no means a sentimental employment of money appropriated. Farmers throughout the state are employing

in their daily work upon the soil, and in the care and handling of its products, methods that are the result of the most careful and scientific experimental work of experienced and qualified investigators. It is to be deplored that the resources of the state will not justify the full recommendation that your committee are prompted to make.

The class of students and their interest in the work pursued by them would challenge the attention of every thoughtful visitor. The young men seem imbued with an enthusiastic ambition in the pursuit of the practical as well as the ornamental phases of education. Every branch of practical agriculture, as well as the scientific principles of highly developed and useful husbandry, are contemplated in their course of training. The repair, care and preservation of farm machinery, as well as the creation of the more common implements used in farm work are as carefully taught, as well as the chemical features of soil and food composition, and the functions of the various elements of nature in the production of crops. The young men seem as earnest in their pursuits as the attendants of the other institutions of the state who are looking forward to the more public and enterprising careers of professional and commercial life. The young lady attendants are undergoing a very careful training in the economic and domestic duties that the home and farm life entail upon the future wives and matrons of the state; and while a pronounced stress is laid upon the development of skill in this line, the general features of education have the same care and attention that are bestowed upon the purely academic students.

While we notice the excellent equipment of this institution the cramped condition of the laboratory, employed for the chemical and geological study and experiment, forces itself upon our attention. These quarters are decidedly inadequate. The appropriations of the last session were most economically and usefully applied, still the want is felt for more room for scientific demonstration and instruction in the presence of classes, and the recommendations of the manager of that department in the institution's fourth biennial report are in no degree overdrawn.

Coming to the items of appropriations your committee submit the following as needful:

| | |
|---|-------|
| For library, furniture and fixtures | \$300 |
| For librarian | 300 |
| For printing and stationery | 600 |
| For engineer, watchman and janitors | 3,000 |
| For preparatory instructor | 3,000 |

| | |
|---|----------|
| For fuel | 4,500 |
| To enlarge mechanical building for wood and iron work.. | 4,000 |
| For miscellaneous expenses | 12,000 |
| Total | \$27,700 |

STATE UNIVERSITY.

This institution enjoys a larger history than any of its fellows; its merits have challenged recognition beyond our state. It ranks favorably in thoroughness of training and wide range of study it affords with others of a similar class. In equipment, however, for the great work expected of it it is not as richly endowed as those of many of our sister states, and portrays the cramped resources from which its needs must be furnished. The military training that is made a prominent feature of instruction is a valued adjunct to the course its students enjoy. The institution needs a drill hall, affording ample facilities in the winter time for the manoeuvres their training requires.

As is said of another institution, the test of the recent severe weather shows that some needed repairs must soon be made. Many of the pupils were obliged to abandon their quarters on account of cold occasioned by the defects time, wear and tear on the building have produced. Increase in attendance at this institution has pressed its needs more closely upon us.

Your committee have carefully examined the proposition embodied in senate bill No. 59 and recommend the adoption of that measure, believing that the yield of revenue would keep pace with the needs of the university and secure and maintain its growing efficiency.

THE SCHOOL FOR THE DEAF.

The School for the Deaf has more urgent needs than any other institution in the state. There is not sufficient room in the present building for over thirty pupils, yet there are fifty crowded together there; twenty-nine girls are sleeping in a room 25x31 feet and everything else is crowded in like proportion. The present attendance represents but about half of the deaf of the state of school age. There are nineteen applications now on file, and for these there is no room. Our deaf must be cared for and educated and more room must be provided. The present building needs a new roof, new floors in many rooms, painting and calcim'ing, besides many minor improvements. Twenty-seven wood stoves

represents the heating plant. Under such an existing condition, the building is simply a fire trap, and the wonder is that it has not burned down before this. It seems little short of criminal to leave these helpless children exposed to such a danger. A steam plant should be put in without any further delay.

There is no sewerage and water is hauled from town. Health is constantly jeopardized on account of this. There is not a room in the house available for a hospital, and the officers of the institution would be simply powerless in the face of an epidemic of contagious disease. The facilities in the laundry are practically nothing. As a whole, the equipment at the command of the superintendent is wholly inadequate and it is absolutely necessary that a radical change be made in it. The children are making excellent progress and their appearance and demeanor are sufficient evidence that they are receiving every care and attention possible. Everything about the institution is neat and clean and upon every hand there is evidence that painstaking care is exercised by the superintendent and his assistants. That economy has been reduced to a system is evident as the per capita cost of maintenance the past year was \$199 less than that of the school in Montana, \$37 less than that in South Dakota and \$25 less than that in Manitoba, which institutions have about the same attendance as the school in our state.

We cannot ignore the great needs of this noble institution for funds for improvement and support. We therefore recommend the following appropriations:

| | |
|--|-----------------|
| For maintenance | \$10,500 |
| For salaries | 9,450 |
| For wages | 4,600 |
| For fuel | 2,400 |
| For lights | 800 |
| For furniture and bedding | 1,700 |
| For books and school supplies | 550 |
| For drugs and medical attendance | 600 |
| For farm machinery and stock | 300 |
| For feed of stock | 600 |
| For incidentals and ordinary repairs | 1,850 |
| For completion of present building and repairs on same.. | 10,000 |
| For heating plant | 2,800 |
| For sewerage and plumbing | 2,700 |
| For hospital building | 1,800 |
| For laundry | 1,000 |
| Total | \$51,650 |

SOLDIERS' HOME.

A higher sentiment than charity brought into being this institution, and the demands of patriotism urge its continued support. The members of your committee who visited it find the Soldiers' Home well and economically managed, its buildings in good repair. The industrial employment of this class of the state's ward is shown by its root cellar and its rich contents. The commandant and matron are diligently observant of the comfort of their charges, as are evidenced by the testimonials their protegees furnish. The institution needs improvements, and your committee's recommendations are as follows:

| | |
|-------------------------------------|----------|
| Salary of commandant | \$1,200 |
| Salary of matron | 600 |
| Wages of employes | 1,800 |
| Maintenance | 7,000 |
| Drugs and medical attendance | 600 |
| Clothing | 800 |
| Transportation | 200 |
| Repairs | 300 |
| Fuel, lights and water supply | 1,000 |
| <hr/> | |
| Total | \$13,500 |

MAYVILLE NORMAL SCHOOL.

This institution shows evidence of a most careful and economical management; the expenditures have been wisely made, and within the limits set by appropriations at the last session. Fully as prominent in this institution, as in many others, is the fact that the increased attendance has rendered inadequate its present facilities. The institution was never furnished with a room suited to the assembling of the entire school, which is often necessary in the work of instruction. The need of such a room has made necessary the division and subdivision of classes, which militates against good results. If the resources would justify it, the demand for additional wing to afford the needed room ought to be made; and as it is, the most consideration of this want of the Mayville Normal School is by your committee pressed upon the attention of the legislature.

One want that our investigation revealed must have your present favorable action. The incomplete sewerage possessed by the institution in the coming warm season would invite the attention of the police and health authorities of the locality, unless remedial

action is taken at this session of the legislature. The health of the surrounding community, as well as that of the attendants and officers of the institution, require certain indispensable improvements to be made; availing ourselves of the experience and judgment of a member of your committee versed upon such subjects, the granting of the item of appropriation suited to meet this difficulty and designated in the bill now before you as "completing sewer, \$1,500" is urged.

This institution is fortunate in the personnel of its boards of instruction and management. Since the last session of the legislature the principalship of the school has been changed. The new incumbent, Joseph Carhart, bringing to his work a large experience in service similar to that in which he is now engaged, is advancing the institution in prestige and efficiency, while the work of his subordinates is also to be praised.

Its trustees, who, like those of its sister institution, the Valley City Normal, are working without compensation, have guarded carefully the trusts committed to them, particularly in the matter of the prudent expenditure of the state's funds placed in their hands. They have the hearty co-operation of the citizens of the community in which the institution is located, which has always responded to its every requirement where its efficiency was likely to fall short for lack of funds. The continuance of this school and its fellow at Valley City, should be one of the objects to be cherished by the state government which could not afford to lose, in our common school system so liberally endowed by the federal government, the efficient teachers now at work in the state who received their culture, skill and training at the hands of these twin institutions.

We recommend the following appropriations:

| | |
|--|----------|
| For teachers' salaries | \$15 000 |
| For janitor | 1,200 |
| Incidentals | 1,500 |
| Fuel and lights | 2,500 |
| Repairs | 500 |
| Library and scientific apparatus | 100 |
| Completing sewer | 1,500 |

Total \$22,300

VALLEY CITY NORMAL SCHOOL.

This institution, like its sister at Mayville, presses earnestly upon our attention its many needs. The buildings lack many

minor repairs, embracing broken ceiling, shrunken window casing and other defects, the result of wear and tear, which render unhealthy and uncomfortable many of the apartments thereof; the recent severe weather, during which your committee made its visit, although exceptional in degree, served to accent emphatically the wants of this character. The basement of the building has never been completed, the students have always lacked suitable cloak rooms, the need of which is imperfectly supplied by various clumsy arrangements, the members being sent to different apartments, some in the basement and some elsewhere, and even rooms designed for very different purposes are utilized for this object.

The water supply afforded the building is not completely distributed. The appliances possessed for the extinguishment of fire would render deplorable service in such an emergency. This feature of the school's equipment has enhanced the cost of insurance, and underwriters have threatened to relinquish the risk altogether unless more adequate means are supplied for the safety of the property insured. The increased risk undertaken by insurers is occasioned by the lack of extinguishing facilities and the inadequate lighting which the management is obliged to put up with. Although the city which is the home of the institution is now furnished with a suitable electrical lighting system, the lack of means has deprived the institution of taking advantage of the modern improvements so near at hand.

Your committee are averse to affording their sanction to the creation of deficits to be met by subsequent legislation, yet we are constrained to approve the action of the managers of this school, in their radical action regarding a dangerous and expensive feature that they have removed in the past year. They have supplanted a hot air furnace of respectable antiquity with that bright scion of modern invention, the steam heating plant, at a cost of \$2,200, which now ministers to the needs of the inmates and affords a saving of \$500 annually to the state; your committee cheerfully recommend the appropriation to meet this outlay.

We recommend that the building be put in good repair, the windows corked and casing fitted, and repairs on ceiling are absolutely necessary, the steel ceiling of modern use be substituted for the old material used at the construction of the building.

There are now in attendance at this school 140 students, and a practice class of thirty scholars from the city school are receiving instruction from the institution's normal students, and this work exhibited to us demonstrates the thoroughness of the professional training there afforded.

The students here are mostly from the southern portion of the

state, the representation being widely distributed. The school is still under the charge of its veteran head, Professor McFarland, who is assisted by an exceptionally able corps of nine instructors.

The efficiency of its board of management and the generous loyalty of the surrounding community are as marked as those we have observed in its sister institution.

The state's pride suffers nothing in the efficiency shown at this place.

Your committee recommend the following appropriation:

| | |
|---|----------|
| For salary faculty | \$15,000 |
| For incidental purposes | 2,000 |
| For fuel | 2,000. |
| For calcimine and repairing walls | 100 |
| For equipping with water and sewer | 500 |
| For repairing and painting roof | 150 |
| For pointing brick foundation and brick work..... | 50 |
| Completing the basement | 1,000 |
| For heating plant | 2,500 |
| For improvement of grounds | |
| For electric lighting | 235 |
| For janitor fund | 1,200 |
| For library and apparatus | 100 |
| For furniture | 300 |
| Total | \$25,135 |

STATE PENITENTIARY.

This institution was visited by your committee and its wants thoroughly canvassed. During the past two years an appropriation of \$3,000, made at the last session of the legislature, has been used in the construction of a residence for the warden. This has afforded considerable room in the institution buildings proper, thereby multiplying the conveniences therein. The increase of commitments is forcing upon the state the necessity in the immediate future of additional cell room. Your committee, however, do not urge this subject at this time. A careful review of the needs to be supplied suggests the following items of appropriation:

| | |
|------------------------------|---------|
| Warden's salary | \$2,700 |
| Deputy warden's salary | 1,800 |
| Matron and housekeeper | 600 |
| Guards and employes | 12,000 |
| Maintenance | 16,000 |
| Heating and lighting | 4,500 |

| | |
|---|----------|
| Repairs and improvements | 1,000 |
| Incidentals | 600 |
| Physician and medicines | 1,500 |
| Transportation, clothing and temporary aid, discharging inmates | 2,500 |
| Clothing for inmates | 1,200 |
| Bedding | 400 |
| Books, stationery, etc | 300 |
| Water supply | 1,500 |
| Electric light plant | 2,500 |
| <hr/> | |
| Total | \$49,100 |

Respectfully submitted,

F. W. AMES,
 D. W. McCANNA,
 W. D. ALLEN,
 R. B. BOYD,
 F. C. DWIRE,

Committee.

Mr. Stevens moved

That the reading of the report of the special committee appointed to visit the state institutions be dispensed with until it is printed in the Journal,

Which motion prevailed.

The speaker called Mr. Wolbert to the chair.

INTRODUCTION OF HOUSE BILLS.

Mr. Stevenson introduced

House bill No. 162,

A bill for an act to amend section 1168 of the Revised Codes of North Dakota, relating to ferries.

Mr. Allen introduced

House bill No. 163,

A bill for an act entitled an act to provide for the collection by the county treasurer of all special assessments of every kind, which may now or hereafter be authorized by law in cities governed by the provisions of chapter 28 of the political code and to provide for the manner in which all such special assessments already or hereafter to be made shall be certified to the county treasurer.

Mr. Deisem, by request, introduced

House bill No. 164,

A bill for an act prescribing additional qualification of members of the house of representatives of the state of North Dakota.

Mr. Bacon introduced

House bill No. 165,

A bill for an act to amend section 47 of the Revised Codes of North Dakota relating to public printing.

Mr. Clarke introduced

House bill No. 166,

A bill for an act to amend section 777 of the Revised Codes as amended by chapter 75 of the session laws of 1897 relating to education.

Mr. Tousley introduced

House bill No. 167,

A bill for an act to amend chapter 87 of the laws of 1897 being "an act relating to societies organized for the purpose of securing homes for orphans or abandoned, neglected or grossly ill-treated children, by adoption or otherwise, and providing rules for the regulation of the same."

Mr. Swenson introduced

House bill No. 168,

A bill for an act entitled "an act providing a method for the construction of elevators, warehouses, mills, and farm implement warehouses on railroad corporations' right-of-way without notice or permission."

Mr. Grenvold introduced

House bill 169,

A bill for an act entitled "an act making real estate mortgage forms uniform.

FIRST AND SECOND READING OF HOUSE BILLS.

House bill No. 162,

A bill for an act to amend section 1168 of the Revised Codes of North Dakota, relating to ferries.

Was read the first and second times, and

Referred to the committee on judiciary.

House bill No. 163,

A bill for an act entitled an act to provide for the collection by the county treasurer of all special assessments of every kind, which may now or hereafter be authorized by law in cities governed by the provisions of chapter 28 of the political code and to provide for the manner in which all such special assessments already or hereafter to be made shall be certified to the county treasurer.

Was read the first and second times, and

Referred to the committee on taxes and tax laws.

House bill No. 164,

A bill for an act prescribing additional qualification of members of the house of representatives of the state of North Dakota.

Was read the first and second times, and
Referred to the committee on state affairs.

House bill No. 165,

A bill for an act to amend section 47 of the Revised Codes of North Dakota relating to public printing.

Was read the first and second times, and
Referred to the committee on public printing.

House bill No. 166,

A bill for an act to amend section 777 of the Revised Codes as amended by chapter 75 of the session laws of 1897 relating to education.

Was read the first and second times, and
Referred to the committee on education.

House bill No. 167,

A bill for an act to amend chapter 87 of the laws of 1897 being "an act relating to societies organized for the purpose of securing homes for orphans or abandoned, neglected or grossly ill-treated children, by adoption or otherwise, and providing rules for the regulation of the same."

Was read the first and second times, and
Referred to the committee on charitable institutions.

House bill No. 168,

A bill for an act entitled "an act providing a method for the construction of elevators, warehouses, mills, and farm implement warehouses on railroad corporations' right-of-way without notice or permission."

Was read the first and second times, and
Referred to the committee on warehouses, grain grading and dealing.

House bill 169,

A bill for an act entitled "an act making real estate mortgage forms uniform.

Was read the first and second times, and
Referred to the committee on judiciary.

The speaker announced an informal recess of five minutes.

House reassembled.

The speaker resumed the chair.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
February 16, 1899.

Mr. Speaker:

I have the honor to transmit herewith
Senate bill No. 19,

A bill for an act to amend sections 1 and 2, of chapter 37 of the laws of 1897, providing a bounty on certain stock-destroying animals.

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

Also,

JOINT RESOLUTION

By the Senate and House of Representatives of the Sixth Legislative Assembly of the State of North Dakota in re Major Frank White of the First North Dakota Volunteer Infantry:

Whereas, Major Frank White, senior major of the First North Dakota volunteer infantry now on duty in the Philippines, has faithfully served the state of North Dakota in his capacity as representative and state senator for the Fifteenth Legislative district during the legislative sessions of 1891, 1893, 1895 and 1897; and,

Whereas, We, the members of the Sixth Legislative assembly of the state of North Dakota well know the honor, honesty and ability of Major White; and,

Whereas, He has repeatedly shown his aptitude in the management of difficult situations, and has undoubtedly made a study of the conditions prevailing at Manila with a view to their amelioration by executive or legislative action.

Now, Therefore, Be it resolved, that we, the senators and representatives of the Sixth Legislative assembly of the state of North Dakota commend Major Frank White to the president of the United States as a person of excellent character and education, and respectfully suggest that he be employed by the president in such executive, advisory or legislative capacity at Manila or in the Philippine islands as may become advisable.

Also,

Senate bill No. 89,

A bill for an act to amend section 4791 of the Revised Codes of North Dakota.

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

Also,

House bill No. 69,

A bill for an act to amend section 3203 of the Revised Codes relating to building and loan associations.

Which the senate has amended as follows:

On page 2, line 14, of the printed bill, after the words "amount of,"

strike out the figures "\$100,000.00" and insert in lieu thereof the figures "\$25,000.00."

Very respectfully yours,
J. O. SMITH,
 Secretary.

Mr. Stevens moved

That the house concur in the senate amendment to
 House bill No. 69,

A bill for an act to amend section 3203 of the Revised Codes
 relating to building and loan associations.

Which motion prevailed.

The question being upon the final passage of the bill as amended
 by the senate.

The roll was called and there were ayes 58, nays none, absent
 and not voting 4.

Those who voted in the affirmative were:

Messrs—

Aas,
 Allen,
 Allhouse,
 Bacon,
 Berger,
 Boyd,
 Brakke,
 Brotnov,
 Cassell,
 Chacey,
 Clarke,
 Deisem,
 Dougherty,
 Dwire,
 Engelter,
 Erickson,
 Ferris,
 Gilbertson,
 Glasgow,
 Green,

Messrs—

Gronvold,
 Gulack,
 Hale,
 Hare,
 Hauan,
 Herbrandson,
 Johnson, Richland,
 Johnston, Walsh,
 Kennedy,
 Laughlin,
 Lee,
 Lish,
 Lynch,
 McLean,
 Michels,
 Nelson,
 Ovind,
 Peek,
 Restemayer,

Messrs—

Sanford,
 Sargent,
 Stevens,
 Stewart,
 Swenson,
 Stevenson,
 Taylor,
 Thomas,
 Thomson,
 Thordarson,
 Tousley,
 Towle,
 Tufte,
 Ugland,
 Wallace,
 Watts,
 Wolbert,
 Winslow,
 Mr. Speaker.

Absent and not voting:

Messrs—

Earl,
 McHarg,

Messrs—

Miner,

Messrs—

Peterson,

Messrs. McHarg and Miner being excused.

So the bill as amended passed and the title was agreed to.

Mr. Stevens moved

That the vote by which House bill No. 69 passed be recon-
 sidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Stevens moved that

Senate bill No. 70,

A bill for an act providing for a lien upon threshing engines or

separators for repairing the same.

Be returned for re-engrossment,
Which motion prevailed.

FIRST AND SECOND READING OF SENATE BILLS

Senate bill No. 84,

A bill for an act authorizing the commissioner of university and school lands to charge certain fees for services and to establish the same.

Was read the first and second times, and
Referred to committee on school and public lands.

Senate bill No. 97,

A bill for an act to amend sections 1663, 1664 and 1667 of the Revised Codes of the state of North Dakota of 1895, relating to the purchase of tools and appliances for making fire breaks and for the prevention of prairie fires, prescribing the duties of county commissioners in regard to the prevention of prairie fires, providing for the appointment of fire wardens, fixing the bonds and prescribing the duties thereof and providing for the levy of a tax by the county commissioners for the prevention of prairie fires, also for the repeal of sections 1665, 1666, 1670, 1671 and 1672 of said Revised Codes.

Was read the first and second times, and
Referred to committee on public printing.

Senate bill No. 10,

A bill for an act to amend sections 1 and 2, of chapter 37 of the laws of 1897, providing a bounty on certain stock-destroying animals.

Was read the first and second times, and
Referred to the committee on state affairs.

Senate bill No. 89,

A bill for an act to amend section 4791 of the Revised Codes of North Dakota.

Was read the first and second times, and
Referred to the committee on judiciary.

Mr. Stevens moved

The adoption of the concurrent resolution relating to the appointment of Major Frank White to a government position,

Which motion prevailed, and
The resolution was adopted.

The speaker announced that he was about to sign
Senate bill No. 94,

A joint resolution of the senate and house of represent-

atives of the Sixth Legislative Assembly of the state of North Dakota, authorizing and instructing the governor, auditor and treasurer of the state of North Dakota to issue and dispose of certificates of indebtedness to cover the cost of establishing and operating a twine and cordage plant at the state penitentiary.

Mr. Thomas moved

That the rules be suspended and that the house return to the introduction of house bills.

Which motion prevailed.

INTRODUCTION OF HOUSE BILLS.

Mr. Thomas introduced

House bill No. 170,

A bill for an act prescribing the method of investing the permanent funds derived from the sale of public lands, or from any other source, in first mortgages on farm lands, the duty of certain state and county offices in relation thereto, and fixing the liability of the several counties of the state for the preservation of such funds.

Mr. Sanford introduced

House bill No. 171,

A bill for an act to provide for the erection of necessary additional buildings for the Hospital for the Insane at Jamestown, North Dakota.

FIRST AND SECOND READING OF HOUSE BILLS.

House bill No. 170,

A bill for an act prescribing the method of investing the permanent funds derived from the sale of public lands, or from any other source, in first mortgages on farm lands, the duty of certain state and county offices in relation thereto, and fixing the liability of the several counties of the state for the preservation of such funds.

Was read the first and second times, and

Referred to committee on school and public lands.

House bill No. 171,

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 joint committee on charitable institutions.

Mr. Deisem moved

To reconsider the vote by which the concurrent resolution fix

ing the salaries of janitors and other employes, was lost, and that the resolution be made a special order for Friday, February 17, at 3 o'clock, p. m.

Which motion prevailed.

THIRD READING OF HOUSE BILLS.

House bill No. 86,

A bill for an act to amend section 779, Revised Codes, 1895, relating to sinking fund and interest tax for school districts where bonds have been issued.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 60, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Delsem,
Dougherty,
Dwire,
Earl,
Engelter,
Erickson,
Ferris,
Gilbertson,
Glasgow,

Messrs—

Green,
Gronvold,
Gulack,
Hale,
Hare,
Havan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish,
Lynch,
McLean,
Michels,
Nelson,
Ovind,
Peek,
Peterson,

Messrs—

Restemayer,
Sanford,
Sargent,
Stevens,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson,
Tousley,
Towle,
Tuft,
Ugland,
Wallace,
Watts,
Wolbert,
Winslow,
Mr. Speaker,

Absent and not voting, Messrs. McHarg and Miner.

Messrs. McHarg and Miner being excused.

So the bill passed and the title was agreed to.

Mr. Hale moved

That the vote by which House bill No. 86 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Dougherty moved to amend the

Substitute for House bill No. 106,

A bill for an act to amend section 2080 of the Revised Codes of the state of North Dakota, providing for the salary of the county treasurers.

By striking out the words "five hundred thousand," in line 26 of the printed bill,

Which motion prevailed, and

Substitute for House bill No. 106,

A bill for an act to amend section 2080 of the Revised Codes of the state of North Dakota, providing for the salary of the county treasurers.

Was so amended.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 56, nays 1, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—

Aas,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Deisem,
Dougherty,
Dwire,
Earl,
Engelter,
Erickson,
Ferris,
Gilbertson,
Glasgow,
Green,

Messrs—

Gronvold,
Gulack,
Hale,
Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Johuston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish,
Lynch,
McLean,
Michels,
Nelson,
Ovind,
Peek,
Peterson,

Messrs—

Restemayer,
Sanford,
Sargent,
Stevens,
Stewart,
Swenson,
Stevenson,
Thomas,
Thomson,
Thordarson
Towle,
Tufte,
Ugland,
Wallace,
Watts,
Wolbert,
Winslow,
Mr. Speaker,

Absent and not voting:

Messrs—

Allen,
McHarg,

Messrs—

Miner,
Taylor,

Messrs—

Tousley,

Messrs. McHarg and Miner being excused.

Mr. Allshouse voting in the negative.

So the bill as amended passed and the title was agreed to..

Mr. Johnson of Richland moved

That the vote by which substitute for House bill No. 106 passed be reconsidered, and the motion to reconsider be laid upon the table.

Which motion prevailed.

Mr. Stevens moved

That the house do now adjourn until 10 a. m. tomorrow,
Which motion prevailed, and
The house adjourned.

J. G. HAMILTON,
Chief Clerk.

FORTY-SIXTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 17, 1899.

The house assembled at 10 o'clock a. m. pursuant to adjournment.

The speaker presiding.

Prayer by Mr. Sanford.

Roll called.

All members present except Messrs. Gilbertson and Ovind, who were excused.

The speaker announced an informal recess for 15 minutes.

The house reassembled.

REPORTS OF STANDING COMMITTEES.

The committee on warehouses, grain and grain grading made the following report:

Mr. Speaker:

Your committee on warehouses, grain and grain grading to whom was referred

House bill No. 118,

A bill for an act to amend section 1794 of the revised codes of North Dakota relating to storage of grain.

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

C. S. DEISEM,
Chairman.

Mr. Hale moved that

House bill No. 59,

A bill for an act to amend section 722, Revised Codes, 1895, relating to the levy of taxes for school purposes.

Be withdrawn from the committee of the whole and recommitted to the committee on education,

Which motion prevailed.

Mr. Sargent moved that

House bill No. 145,

A bill for an act to provide for the compensation of the state oil inspector and his deputies and to define the duties thereof.

Be recalled from the committee of the whole and be recommitted to the committee on state affairs,

Which motion prevailed.

• Mr. Glasgow requested that the privileges of the floor be extended to Col. Frank Viets.

Mr. Michels requested that the privileges of the floor be extended to J. M. Cubbison.

The speaker requested that the privileges of the floor be extended to J. W. Tilley.

There being no objections, the privileges of the floor were so extended.

INTRODUCTION OF HOUSE BILLS.

Mr. Thomson introduced

House bill No. 172,

A bill for an act to provide for the destruction of grasshoppers and Rocky Mountain locusts.

Mr. Tousley introduced

House bill No. 173,

A bill for an act to prohibit railroad companies or any common carriers from discriminating against any person or persons in the providing of cars or means of transportation for grain, or other freight or passengers, or in the providing of warehouses or platform room for the holding or handling of grain or other freight.

FIRST AND SECOND READING OF HOUSE BILLS.

House bill No. 172,

A bill for an act to provide for the destruction of grasshoppers and Rocky Mountain locusts.

Was read the first and second times, and

Referred to the committee on state affairs.

House bill No. 173,

A bill for an act to prohibit railroad companies or any common carriers from discriminating against any person or persons in the providing of cars or means of transportation for grain, or other freight or passengers, or in the providing of warehouses or platform room for the holding or handling of grain or other freight.

Was read the first and second times, and

Referred to the committee on railroads.

The speaker announced an informal recess for fifteen minutes.

The house reassembled.

REPORTS OF STANDING COMMITTEES.

The committee on engrossed bills made the following report.

Mr. Speaker:

Your committee on engrossed bills have examined

House bill No. 127,

A bill for an act to provide for the cutting or removing of weeds along the public highways, streets and alleys.

Also,

House bill No. 140,

A bill for an act entitled "an act to prevent the adulteration of, and deception in the manufacture and sale of, flaxseed or linseed oil."

Also,

House bill No. 148,

A bill for an act to amend section 2669 of the Revised Codes of North Dakota, 1895, relating to township road tax and road work.

And find the same correctly engrossed.

A. W. THOMAS,

Chairman.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,

February 17, 1899.

Mr. Speaker:

I have the honor to transmit herewith

Senate bill No. 121,

A bill for an act relating to titles to real property.

Also,

Senate bill No. 83,

A bill defining certain duties of state officers.

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

Also,

I have the honor to return to the house

Senate bill No. 70,

A bill for an act providing for a lien upon threshing engines or separators for repairing the same.

Also,

I have the honor to transmit herewith

Senate bill No. 117,

A bill for an act relating to the protection of game and fish; the appointment of a state game warden; the issuing of permits to hunt; the disposition of money received from the sale of permits and enacting other provisions relating thereto and providing penalties for violations thereof.

Also,

Senate bill No. 96,

A concurrent resolution to amend section 176 of the constitution of the state of North Dakota.

Which the house has passed and your favorable concurrence therein is respectfully requested.

Also,

JOINT RESOLUTION.

Resolved by the Senate, the House of Representatives Concurring:

Whereas, There have been many complaints of the lack of uniformity in grading of grain at Minneapolis and Duluth under the Minnesota law, resulting in great loss to our wheat growers and shippers; and

Whereas, The joint committee of the house and senate, appointed to aid in securing legislation looking to relief from this condition, after a careful investigation of the subject, believe that the measure known as the McCollom bill, providing for the appointment of appeal boards at Minneapolis and Duluth, is a measure which, if it becomes a law, will in a great degree afford the desired relief; and

Whereas, The McCollom bill is now pending in the Minnesota legislature; therefore, be it

Resolved, That the legislature of Minnesota is hereby earnestly requested to enact the said McCollom bill; and be it further

Resolved, That the governor of Minnesota be earnestly requested to approve said measure, should it be enacted by the legislature, and should it become a law with the appointing power vested in the governor, we earnestly request him to carefully consider the interests of the North Dakota producers and shippers in making his appointments; and

Resolved, That the secretary of state is hereby instructed to forthwith transmit copies of this resolution to Hon. John Lind, governor of Minnesota, and to the senate and house of representatives of the state of Minnesota.

Which the senate has passed and your favorable concurrence therein is respectfully requested.

Very respectfully,

J. O. SMITH,
Secretary.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the governor:

EXECUTIVE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 17, 1899.

To the House of Representatives:

Gentlemen: I have the honor to inform you that I have this day approved and filed with the honorable secretary of state.

House bill No. 46,

A bill for an act to amend sections 1447, 1448, 1450, 1452, 1453, 1454, 1457 and 1466 of the revised codes, relating to the establishment, construction and maintenance of drains.

I have the honor to be,

Very respectfully yours,

F. B. FANCHER,
Governor.

Mr. Stevens moved

That the house do now resolve itself into a committee of the whole for consideration of general orders,

Which motion prevailed, and

The house resolved itself into a committee of the whole.

The speaker called Mr. Hare to the chair.

REPORT OF THE COMMITTEE OF THE WHOLE.

Mr. Speaker:

Your committee of the whole have had under consideration House bill No. 44,

A bill for an act to amend section 640 of the revised codes of 1895, relating to education.

And recommend that the same be amended as follows:

Strike out in line 3 after the word "year," all the words to and including the word "months" in line 4 of the printed bill.

Also,

House bill No. 96,

A bill for an act for the purpose of authorizing the commissioner of university and school lands to lease cultivated land to clear the same of noxious weeds.

And recommend that the same be amended as follows:

In line 4, after the word "state," insert "for the period of two years."

And when so amended recommend that the same do pass.

Also,

House bill No. 24,

A bill for an act to amend section 2464 of the Revised Codes.

And recommend that the same do pass.

Also,

House bill No. 25,

A bill for an act in relation to reinsurance and the transaction of business by fire insurance companies or associations otherwise than through resident agents.

And recommend that the same be amended as follows :

In line 8, section 1, between the words "the" and "commission," insert the word "full."

In line 17, section 1, between the words "the" and "commission," insert the word "full."

At the end of section 1, after the word "passengers," in line 25, add the words "or grain in elevators and warehouses, stored in the same for the purpose of shipment."

Strike out all of sections 2 and 4.

And when so amended recommend that the same do pass.

Also,

House bill No. 134,

A bill for an act to amend section 1609 of the Revised Codes of North Dakota relating to appointment of sheep inspectors.

And recommend that the same do pass.

Also,

House bill No. 81,

A bill for an act to provide for the collection of taxes on real property by action.

And recommend that the same do pass.

Also,

House bill No. 8,

A bill for an act to repeal chapter 53 of session laws of 1897, and sections 4816, 4817, 4818 and 4819 of the Revised Codes of North Dakota relating to liens for sires.

And recommend that the same be amended as follows:

In line 2 of section 3, insert after the word "sire" the words "and upon the female served."

In line 6 of same section the word "two" be changed to "three."

In line 8 of the same section after the word "offspring" add the words "and the female served."

And when so amended recommend that the same do pass.

Also,

Senate bill No. 24,

A bill for an act to define the duties of the commissioner of agriculture and labor.

And recommend that the same be amended as follows:

By inserting the following:

"Sec. 3. He shall have charge of any exhibit of the products and resources of the state which may be made at any fair or exposition held at any point in the United States, and shall have authority to co-operate with any railroad company doing business within the state, and with any persons interested, with a view of securing such an exhibit at any fair or exposition held as aforesaid."

And when so amended recommend that the same do pass.

Also,

Senate bill No. 54,

A bill for an act to amend section 5887 of the revised codes.

And recommend that the same be amended as follows:

By inserting in the title after the word "Dakota" the words "relating to the foreclosure of mortgages upon personal property."

And when so amended recommend that the same do pass.

Also,

House bill No. 9,

A bill for an act requiring mortgagees of personal property to prepare and furnish and read to mortgagors copies of the mortgage instruments and making the said mortgage instruments void unless so furnished and read.

And recommend that the same be amended as follows:

To strike out in printed bill in line 3 of section 1 the words "full, perfect and complete."

In line 3, section 2, the words "read to and received by."

In line 1, section 3, the words "or filed for."

¶ In line 2, section 3, the words "record, or recorded in this state, or other person authorized."

In line 3, section 3, the words "or file for record or record."

In line 5, section 3, the words "read to and received by."

Strike out in line 2, section 1, after the words "prepare for read."

Also that the title be amended

By striking out the words "and read" in the title of the bill.

Strike out in printed bill in line 3 of section 3 the words "to receive and file chattel mortgages."

And when so amended recommend that the same do pass.

Also,

House bill No. 123,

A bill for an act regulating the operation of traction engines in this state.

And recommend that the same be amended as follows:

In line 5 after the word "highway" add as follows: "Provided, that the provisions of this act shall in no way conflict with the laws and regulations of any incorporated town, village or city."

And by striking out all of section 5.

And when so amended recommend that the same do pass.

Also,

House bill No. 141,

A bill for an act to fix the compensation of the door-keepers and janitors of the senate and house of representatives.

And recommend that the further consideration thereof be indefinitely postponed.

Also,

House bill No. 13,

A bill for an act to provide for printing on the official county ballot, in language other than English, the names of persons duly nominated for county offices.

And recommend that the further consideration thereof be indefinitely postponed.

Also,

House bill No. 2,

A bill for an act to amend section 2767 of the Revised Codes of North Dakota relating to rights and capacity of husband and wife.

And recommend that the same be amended as follows:

That after the word "other" in line five of the printed bill, the words "as defined by the title on trusts" be stricken out.

And when so amended recommend that the same do pass.

Also,

House bill No. 131,

A bill for an act to regulate the taking up of estrays and for the disposition of the same and for the recovery of damages resulting therefrom.

And recommend that the same be amended as follows :

That after the word "cents" in section 2, line 9, page 2, of the printed bill, the following words be added: "It shall also be the duty of any person taking up an estray animal that is branded, or ear-marked, to notify the secretary of state, within three days, by registered letter, of the time and place of the taking up of such animal, together with a description of

the brand or ear-mark on the same, and it shall be the duty of the secretary of state, if such brand or ear-mark has been recorded in his office, to notify the owner thereof of the taking up of such estray; and if such brand or ear-mark has not been recorded in the office of the secretary of state, the said secretary of state shall notify the party taking up such estray, that there is no such brand or ear-mark recorded in his office."

Also, strike out the word "misdemeanor," at the end of line 10, in section 2, page 2, of the printed bill, and insert in lieu thereof the word "felony."

Also, in line 2, of section 5, on page 3 of the printed bill, strike out the word "ten" and insert in lieu thereof the word "five."

And when so amended recommend that the same do pass.

Also,

House bill No. 136,

A bill for an act requiring the owners or occupants of lands within the state to fill or cover securely any and all wells situated thereon.

And recommend that the same be amended as follows :

After the word "act," in line 7 of the printed bill, in section 3 thereof, insert the following: "And the owner of such land shall be liable to the township for the cost of such work and material furnished, and the necessary expense incurred in collecting the same to the township."

|| Amend the title of the bill, after the word "securely," by inserting the words "or otherwise, securely protect."

And after the word "all" insert the words "coal mines and."

Also in line 3, of section 1, after the word "all" insert the words "coal mines and."

And when so amended recommend that the same do pass.

Also,

Senate bill No. 69,

A bill for an act to amend section 237 of article 4, of chapter 4, of the Political Code.

And recommend that the same be amended as follows :

That the word "shall" in line 13, on page 2 of the printed bill, the words "not exceed 3 per cent per annum, payable on the minimum balance during each month," be stricken out and insert in lieu thereof the words "be not less than two, nor more than three per cent per annum, payable on the average daily balance; provided, that no state depository shall be paid any exchange whatsoever."

Also, amend the title by adding thereto, "relating to state deposits."]

And when so amended recommend that the same do pass.

Also,

House bill No. 65,

A bill for an act to amend sections 5848, 5861 and 5862 of the Revised Codes of North Dakota, relating to the foreclosure of mortgages by advertisement.

And recommend that the same be amended as follows:

That after the word "postpaid," in line 16 of the printed bill, the word "registered" be inserted.

Also, after the word "postpaid," in line 31 of the printed bill, the word "registered" be inserted.

And when so amended recommend that the same do pass.

Also,

House bill No. 55,

A bill for an act to amend section 2985 of the civil code of the state of North Dakota relating to when station house to be maintained.

And recommend that the same be referred to the committee on railroads.

Also,

House bill No. 150,

A bill for an act to amend section 3062 of the Revised Codes of 1895 relating to the building of platforms by railroad companies, for the transfer of live stock, grain and other commodities from wagons or otherwise to cars, prescribing the duties of the railroad commissioners in regard thereto and the notice of the necessity of such platforms to be served upon railroad companies together with the manner of making service of notices or orders of said commissioners.

And recommend that the same be amended as follows:

After the word "place," in line 12 insert the words "to show cause."

And when so amended recommend that the same do pass.

Also,

House bill No. 119,

A bill for an act to amend section 308 of the civil codes of the laws of 1895.

Same re-referred to the committee on judiciary.

Also,

Senate bill No. 73,

A joint memorial of the senate and house of representatives of the state of North Dakota to the senate and house of representatives of the United States, praying for an act to encourage the shipment of grain to China and Japan by granting subsidies to steamship companies.

And recommend the following amendment:

Amend by adding thereto the following: "Provided, however, it is to be understood that all members of the house of representatives know that Senator Henry C. Hansbrough has, since the term of his office, persistently and at all times tried to get legislation through the senate of the

United States in conformity with the requests of this resolution, and, further, that the senate of the United States, in the passage of the Hanna bill, two weeks ago, adopted, so far as they are concerned, all the requests made in the concurrent resolution, and, further, that the bill is now before congress in the house of representatives.

And when so amended, recommend that the same do pass.

Also,

House bill No. 135,

A bill for an act providing for the manner of the disposition of lands acquired by the state or the several counties of the state under the provisions of chapter 67, laws of 1897.

And recommend that the same be amended as follows:

After the word "1897" in the title add the words "or other revenue laws."

On line 1 after the word "may" strike out the words "be acquired by" and insert in lieu thereof "have been or may be bid in for."

In line 2 after the word "1897" insert the words "or other revenue laws."

And when so amended recommend that the same do pass.

Also,

Senate bill No. 41,

A bill for an act amending sections sixty and seventy-one of chapter one hundred and twenty-four of the session laws of 1897.

And recommend that the same be amended as follows:

In line 1, page 3 of the engrossed bill after the word "have" insert the word "been."

And when so amended recommend that the same do pass, and that it may be subject to amendment on the third reading.

Also,

House bill No. 48,

Being a concurrent resolution providing for an amendment to the constitution of the state providing for the establishment of a bureau of hail insurance.

And recommend that the further consideration thereof be indefinitely postponed.

HENRY HALE,
Chairman.

Mr. Stevens moved

That the report of the committee of the whole be adopted,

Which motion prevailed, and
The report was adopted.

The Speaker returned to the chair.

Mr. Nelson offered the following

CONCURRENT RESOLUTION.

Resolved by the House of Representatives, the Senate Concurring:

That Honorables H. C. Hansbrough, W. N. Roach and M. N. Johnson, senators and representative from the state of North Dakota, in congress, be and hereby are requested to favor in every manner possible the prohibition of the sale of malt and intoxicating liquors in the army canteen.

Mr. Stevens moved

That the concurrent resolution be referred to the committee on temperance,

Which motion prevailed and
The report was so referred.

The committee on municipal corporations made the following report:

Mr. Speaker:

Your committee on municipal corporations to whom was referred

House bill No. 92,

A bill for an act entitled an act authorizing cities to establish and maintain a general system of sewerage, and to provide for the cost thereof, and to create sewer improvement districts within the limits of such cities.

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

After the word "exceeding," in line 2 of section 2 of the printed bill, strike out all of said section to the word "twenty" in line 4, and after the word "years" in line 4, strike out the words "for such assessments are made against the entire district."

Also, after the word "code," in line 6 of section 20 of the printed bill, add the words "or any other law in force governing the construction of sewers."

And when so amended recommend that the same do pass.

HENRY HALE.

Chairman.

Mr. Allen moved

That the report of the committee on municipal corporations be adopted, that the bill be referred to the engrossment committee and when engrossed be placed upon its third reading and final passage, the rules being suspended for that purpose.

Which motion prevailed.

Mr. Laughlin moved
That the house do now adjourn,
Which motion prevailed, and
The house adjourned.

J. G. HAMILTON,
Chief Clerk.

FORTY-SEVENTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 18, 1899.

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

The speaker presiding.

Prayer by Bishop Edsall.

Roll called.

All members present except Messrs. Bacon and Ovind, who were excused.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

Your committee on revision and correction of the Journal respectfully report that they have carefully examined the Journal of the forty-fifth day, and recommend the following corrections:

On page 1, line 18, correct the spelling of the word "recommend."

On page 2 strike out all from lines 3 to 10, both inclusive, and insert the same after line 20 of same page.

On page 2, line 36, correct the spelling of the word "courtesies."
 On page 3, line 7, space the name "Reinhold Gadler."
 On page 23, line 27, correct the spelling of the word "managers."
 On page 23, line 31, correct the spelling of the word "modern."
 On page 24, line 35, correct the spelling of the word "suggests."

And when so amended recommend that the Journal of the forty-fifth day be approved.

Also,

Your committee on revision and correction of the Journal respectfully report that they have carefully examined the Journal the forty-sixth day, and recommend the following corrections:

On page 4, line 24, strike out the word "or" and insert in lieu thereof the word "of."

On page 9, line 8, insert after the word "printed" the word "bill."

On page 10 strike out all of line 28 and insert in lieu thereof, "and recommend that the same be re-referred to the committee on judiciary."

And when so amended recommend that the Journal of the forty-sixth day be approved.

JOHN KENNEDY,
 Chairman.

Mr. Kennedy moved

That the report of the committee on revision and correction of the Journal be adopted,

Which motion prevailed, and

The report was adopted.

The speaker requested that the privileges of the floor be extended to E. E. Kaufman.

Mr. Peek requested that the privileges of the floor be extended to T. W. Milham.

Mr. Levayea requested that the privileges of the floor be extended to Miss Helen Hughes of Bismarek.

There being no objections, the privileges of the floor were so extended.

REPORTS OF STANDING COMMITTEES.

The committee on engrossed bills made the following report:

Mr. Speaker:

Your committee on engrossed bills have examined
 Substitute for House bill No. 106,

A bill for an act to amend section 2080 of the Revised Codes of the state of North Dakota, providing for the salary of the county treasurers.

Also,

House bill No. 154,

A bill for an act to amend section 2655 of the Revised Codes, 1895, relating to pounds and poundmasters.

Also,

House bill No. 17,

A bill for an act providing for the collection of vital statistics.

Also,

House bill No. 130,

A bill for an act requiring the burial of animals that die from disease.

Also,

House bill No. 115,

A bill for an act providing for listing of dogs by the county and township assessors for the purpose of taxation.

And find the same correctly engrossed.

A. W. THOMAS,
Chairman.

The committee on education made the following report:

Mr. Speaker:

Your committee on education to whom was referred

House bill No. 45,

A bill for an act to provide text books and regulating the manner of procuring the same.

Have had the same under consideration and recommend that the attached bill be substituted for the same, and recommend that the substitute do pass.

C. A. SANFORD,
Chairman.

Mr. Kennedy moved

That the report of the committee on education on

House bill No. 45,

A bill for an act to provide text books and regulating the manner of procuring the same.

Be adopted and that the substitute bill be printed.

Which motion prevailed and

The report was adopted.

The committee on education made the following report:

Mr. Speaker:

Your committee on education to whom was referred

House bill No. 143,

A bill for an act to amend section 696 of article 6 of chapter 9 entitled education of the Revised Codes of North Dakota, of 1895.

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

Also,

House bill No. 108,

A bill for an act to amend section 696 of article 6 of chapter 9, entitled education of the Revised Codes of North Dakota, of 1895.

Have had the same under consideration and recommend that the same be indefinitely postponed.

C. A. SANFORD,
Chairman.

Mr. Deisem moved

That the report of the committee on education on House bill No. 108,

A bill for an act to amend section 696 of article 6 of chapter 9, entitled education of the Revised Codes of North Dakota, of 1895.

Be adopted.

Which motion prevailed, and

The report was adopted.

And the further consideration of

House bill No. 108,

A bill for an act to amend section 696 of article 6 of chapter 9, entitled education of the Revised Codes of North Dakota, of 1895.

Was indefinitely postponed.

The committee on education made the following report:

Mr. Speaker:

Your committee on education to whom was referred

House bill No. 61,

A bill for an act to amend section 662, Revised Codes, 1895, relating to division of school districts.

Have had the same under consideration and recommend that the same be indefinitely postponed.

C. A. SANFORD,
Chairman.

Mr. Sanford moved

That the report of the committee on education on

House bill No. 61,

A bill for an act to amend section 662, Revised Codes, 1895, relating to division of school districts.

Be adopted.

Which motion prevailed, and

The further consideration of

House bill No. 61,

A bill for an act to amend section 662, Revised Codes, 1895, relating to division of school districts.

Was indefinitely postponed.

The committee on education made the following report:

Mr. Speaker:

Your committee on education to whom was referred

House bill No. 15,

A bill for an act to amend section 690 of the Revised Codes of the state of North Dakota, of the revision of 1895, relating to the salary of school treasurer.

Have had the same under consideration and recommend that the same be indefinitely postponed.

C. A. SANFORD,
Chairman.

Mr. Sanford moved

That the report of the committee on education on

House bill No. 15,

A bill for an act to amend section 690 of the Revised Codes of the state of North Dakota, of the revision of 1895, relating to the salary of school treasurer.

Be adopted.

Which motion prevailed, and

The report was adopted, and

The further consideration of

House bill No. 15,

A bill for an act to amend section 690 of the Revised Codes of the state of North Dakota, of the revision of 1895, relating to the salary of school treasurer.

Was indefinitely postponed.

The committee on charitable institutions made the following report:

Mr. Speaker:

Your committee on charitable institutions to whom was referred

House bill No. 171,

A bill for an act to provide for the erection of necessary additional buildings for the Hospital for the Insane at Jamestown, North Dakota.

Also,

House bill No. 167.

A bill for an act to amend chapter 87 of the laws of 1897 being "an act relating to societies organized for the purpose of securing homes for orphans or abandoned, neglected or grossly ill-treated children, by adoption or otherwise, and providing rules for the regulation of the same."

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

W. J. WATTS,
Chairman.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred
House bill No. 162,

A bill for an act to amend section 1168 of the Revised Codes of North Dakota, relating to ferries.

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

Also.

House bill No. 146,

A bill for an act to amend sections 4823 and 4824 of the Revised Codes of the state of North Dakota of 1895 relating to threshing liens, providing who shall be entitled to such liens and the procedure necessary to obtain said liens.

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

That all of said bill be stricken out after the enacting clause and the following be substituted in lieu thereof:

Section 1. That section 4823 of the Revised Codes of the state of North Dakota be amended to read as follows:

Sec. 4823. Any owner or lessee of a threshing machine who threshes grain for another therewith, or any person who is employed by the owner of said grain and performs labor in the threshing of said grain, shall, upon filing the statement provided for in the next section, have a lien upon such grain for the value of his services in threshing the same from the date of the commencement of the threshing; provided, such owner or lessee of said threshing machine shall not be entitled to file such statement unless he files with the said statement an affidavit setting forth the fact that all persons who performed labor in the threshing of said grain for said owner or lessee of said threshing machine have been paid therefor.

Sec. 2. That section 4824 of the Revised Codes of the state of North Dakota be amended to read as follows:

Sec. 4824. Any person entitled to a lien under this chapter shall, within thirty days after the threshing is completed, file in the office of the register of deeds of the county in which the grain was grown, a statement in writing, verified by oath, showing the amount and quantity of grain threshed, the price agreed upon

for threshing the same, the name of the person for whom the threshing was done and a description of the land upon which the grain was grown, provided, however, that the statement in writing required to be filed under this section, shall, in the case of the person employed by the owner of said grain as aforesaid, be required to show only the amount due, the name of the owner of said grain, and the description of the land upon which the grain was grown. Unless the person entitled to the lien shall file such statement within the time aforesaid, he shall be deemed to have waived his right thereto.

And when so amended recommend that the same do pass.

R. N. STEVENS,

Chairman.

Mr. Stevens moved that

House bill No. 162,

A bill for an act to amend section 1168 of the Revised Codes of North Dakota, relating to ferries.

Be referred to the engrossing committee, and when properly engrossed be placed upon its third reading and then be subject to amendment,

Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

Senate bill No. 74,

A bill for an act to amend section 3549 of the Revised Codes of North Dakota relating to incumbrances.

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

Also,

Senate bill No. 92,

A bill for an act to repeal section 4718 of the Revised Codes of North Dakota relating to the discharge by entry in the margin of the record thereof.

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

Also,

House bill No. 156,

A bill for an act requiring butchers killing branded cattle to keep a certain record pertaining thereto, make report thereof to

the secretary of state and prescribing penalties for the violation thereof.

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

After the word "thereon" at the end of section 1 add the words "which record shall be open to inspection during business hours by the states' attorney, or person authorized by him, of the county in which such butcher or person killing said cattle shall reside."

Also, after the words "state to," line 2, section 2 of the printed bill insert the words "make a verified."

Also, after the word "day" in line 2, in section 2 of the printed bill strike out the words "May and the first day of November of each year" and insert in lieu thereof the words "each and every month."

And when so amended recommend that the same do pass.

R. N. STEVENS,
Chairman.

The committee on irrigation made the following report:

Mr. Speaker:

Your committee on irrigation to whom was referred
Senate bill No. 79,

A bill for an act to promote irrigation, by means of districts, ditches or other devices for carrying and controlling water, their construction and operation, the method of raising money for defraying the expenses, and the government of the system.

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

DONALD STEVENSON,
Chairman.

The committee on state affairs made the following report:

Mr. Speaker:

Your committee on state affairs to whom was referred
Senate bill No. 10,

A bill for an act to amend sections 1 and 2, of chapter 37 of the laws of 1897, providing a bounty on certain stock-destroying animals.

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

After the word "wolf," in line 6, page 1, of the printed bill, insert the words "or prairie wolves."

In line 6, page 1, of the printed bill, strike out the word "three" and insert in lieu thereof the word "two."

Section 3. There shall be paid a bounty of one dollar on all pup wolves as provided for in section 2 of this act, and provided that the body of a full grown female wolf be presented with every five wolf pups, the bounty of two dollars shall be paid on the pups and the old female wolf as provided for in sections 2 and 3 of this act.

Amend by striking out the words "section 3" of the printed bill, and insert in lieu thereof the words "section 4."

Section 5. Providing this bounty shall only apply to the year 1899. All acts and parts of acts in conflict with this act are hereby repealed.

And when so amended recommend that the same do pass.

JOHN KENNEDY,
Chairman.

The committee on railroads made the following report:

Mr. Speaker:

Your committee on railroads to whom was referred
House bill No. 142,

A bill for an act to amend chapter 119 of the session laws of 1897, relating to the salary and expenses of the state board of railroad commissioners.

Have had the same under consideration and recommend that the same be indefinitely postponed.

O. McHARG,
Chairman.

Mr. McHarg moved
That the report be adopted,
Which motion prevailed, and
The report was adopted.
And the further consideration of
House bill No. 142,

A bill for an act to amend chapter 119 of the session laws of 1897, relating to the salary and expenses of the state board of railroad commissioners.

Was indefinitely postponed.

The committee on railroads made the following report:

Mr. Speaker:

Your committee on railroads to whom was referred
House bill No. 137,

A bill for an act amending section 2969 of chapter 12 of the Revised Codes of North Dakota, relating to the running of trains.

Have had the same under consideration and recommend that the same be indefinitely postponed.

O. McHARG,
Chairman.

Mr. McHarg moved
That the report of the committee be adopted.
Which motion prevailed, and
The report was adopted.
And the further consideration of

House bill No. 137,

A bill for an act amending section 2969 of chapter 12 of the Revised Codes of North Dakota, relating to the running of trains. Was indefinitely postponed.

The committee on railroads made the following report:

Mr. Speaker:

Your committee on railroads to whom was referred

House bill No. 144,

A bill for an act fixing the rate of passenger fare to be charged on railroads within the state and providing a penalty for a violation thereof.

Have had the same under consideration and recommend that the same be referred to the house without recommendation.

O. McHARG,
Chairman.

The committee on ways and means made the following report:

Mr. Speaker:

Your committee on ways and means to whom was referred

House bill No. 98,

A bill for an act to amend sections 2063 and 2067 of the Revised Codes of North Dakota relating to the appointment of deputy clerks of court and their salaries, and fees to be charged by the clerks of district court.

Have had the same under consideration and recommend that the same be recommended back to the house without recommendation.

J. S. JOHNSON,
Chairman.

Mr. Wallace moved that

House bill No. 98,

A bill for an act to amend sections 2063 and 2067 of the Revised Codes of North Dakota relating to the appointment of deputy clerks of court and their salaries, and fees to be charged by the clerks of district court.

Be referred to the committee on state affairs,

Which motion prevailed, and

House bill No. 98,

A bill for an act to amend sections 2063 and 2067 of the Revised Codes of North Dakota relating to the appointment of deputy clerks of court and their salaries, and fees to be charged by the clerks of district court.

Was so referred.

The committee on ways and means made the following report:

Mr. Speaker:

Your committee on ways and means to whom was referred
House bill No. 104,

A bill for an act to amend section 2073 of the Revised Codes of the state of North Dakota, providing for the salary of county auditor.

Have had the same under consideration and recommend a substitute bill, and that the substitute bill be printed.

And when so amended recommend that the same do pass.

J. S. JOHNSON,

Chairman.

Mr. Johnson of Richland moved that
Substitute for House bill No. 104,

A bill for an act to amend section 2073 of the Revised Codes of the state of North Dakota, providing for the salary of county auditors.

Be considered engrossed and pass to its third reading and final passage, with privilege to amend on third reading,

Which motion prevailed.

The committee on corporations other than municipal made the following report:

Mr. Speaker:

Your committee on corporations other than municipal to whom was referred

Senate bill No. 49,

A bill for an act to amend section 2869 of the civil code, providing for the secretary of state making record of, and certifying to the state examiner, when charter is granted to certain corporations.

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

By striking out after the word "the" in the last line of page 1, of the engrossed Senate bill, the words "facts concerning such incorporation, giving the names of its incorporators, also the names and addresses of the directors, if the same is given in the articles of incorporation," and insert in lieu thereof the words "fact that articles of incorporation have been filed, giving the date of such filing."

And when so amended recommend that the same do pass.

A. PETERSON,

Chairman.

Mr. Stevens moved that
Senate bill No. 49,

A bill for an act to amend section 2869 of the civil code, provid-

ing for the secretary of state making record of, and certifying to the state examiner, when charter is granted to certain corporations.

Be placed upon its third reading and final passage, subject to amendment at that time,

Which motion prevailed.

The committee on printing made the following report :

Mr. Speaker:

Your committee on printing to whom was referred

Senate bill No. 97,

A bill for an act to amend sections 1663, 1664 and 1667 of the Revised Codes of the state of North Dakota of 1895, relating to the purchase of tools and appliances for making fire breaks and for the prevention of prairie fires, prescribing the duties of county commissioners in regard to the prevention of prairie fires, providing for the appointment of fire wardens, fixing the bonds and prescribing the duties thereof and providing for the levy of a tax by the county commissioners for the prevention of prairie fires, also for the repeal of sections 1665, 1666, 1670, 1671 and 1672 of said Revised Codes.

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

T. W. ALLSHOUSE,
Chairman.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

House bill No. 119,

A bill for an act to amend section 308 of the civil codes of the laws of 1895.

Have had the same under consideration and recommend that the same be amended by striking out all after the enacting clause and inserting in lieu thereof the following :

Sec. 1. That section 1906 of the Revised Codes be amended so as to read as follows:

Sec. 1906. In addition to the powers hereinbefore mentioned such board shall have power:

- (1) To levy a tax not exceeding the amount authorized by law and to liquidate indebtedness.
- (2) To audit the accounts of all officers having the care, management, collection or disbursement of any money belonging to the county or appropriated for its benefit.
- (3) To construct and repair bridges, and to open, lay out, vacate and change highways in the cases provided by law; to establish

election precincts in its county and to appoint the judges of election in cases provided by law; and to equalize the assessments of the county in the manner provided by law.

(4) To furnish the necessary blank books, blanks and stationery for the clerk of the district court, county auditor, register of deeds, county treasurer, county judge, sheriff and states attorney of its county, to be paid out of the county treasury; also a fire proof safe, when in its judgment the same shall be advisable, in which to keep all the books, records, vouchers and papers pertaining to the business of the board; provided, that the county auditor, county treasurer, and the chairman of the board of county commissioners together shall constitute a committee, empowered and required to purchase and provide all necessary blanks, books and other stationery for the use of all county officers in their official capacity.

(5) To do and perform such other duties as now are or may hereafter be prescribed by law.

Sec. 2. That section 1925 of the Revised Codes be amended so as to read as follows:

Sec. 1925. The board shall cause an advertisement for bids for the erection of such buildings to be published for at least three months prior to the opening of the bids in some newspaper published in the county and in such other newspaper in the state and for such period as the board may deem advisable. Such advertisement shall state where the plans and specifications may be examined and the time allowed for the completion of such building, also the time when the bids will be opened and passed upon by the board, which must be at one of its regular sessions. The lowest responsible bid must in all cases be accepted, and the contracts for such buildings shall be so conditioned that not more than one-half of the payment for the same shall be made until the contract shall be executed and the buildings completed to the satisfaction and acceptance of the board. Such board may further require a bond to accompany each bid, conditioned that the bidder will enter into a contract with approved sureties for the performance of the work in accordance with the plans and specifications in case his bid is accepted. The provisions of this section shall apply to all contracts for fuel and all other articles for the use of the county, or labor to be performed therefor, when the amount to be paid for the same during any year exceeds the sum of one hundred dollars; provided, that in all such cases advertisement for bids therefor need not be for more than three consecutive weeks in some weekly newspaper published in such county.

Also that the title of this act be amended to read as follows:

"A bill for an act to amend sections 1906 and 1925 of the Revised

Codes of North Dakota relating to the powers of the board of county commissioners in the furnishing of blanks, blank books and other stationery for the use of county officers."

Sec. 3. Whereas an emergency exists in that there is a conflict in the present laws relating to the duties of the board of county commissioners and it will be necessary for the purchasing committee created by this act to purchase supplies prior to July 1, 1899, therefore this act shall take effect and be in force from and after its passage and approval.

R. N. STEVENS,
Chairman.

Mr. Stevens moved that
House bill No. 119,

A bill for an act to amend section 308 of the civil codes of the laws of 1895.

As amended by the committee be printed,
Which motion prevailed.

The committee on enrolled bills made the following report:

Mr. Speaker:

Your committee on enrolled bills have examined
House bill No. 86,

A bill for an act to amend section 779, Revised Codes, 1895, relating to sinking fund and interest tax for school districts where bonds have been issued.

And find the same correctly enrolled.

M. B. CASSELL,
Chairman.

Mr. Tousley offered the following resolution:

Be it resolved, That the thanks of the house are hereby extended to the joint committee to visit the state institutions for the able manner in which they discharged the duties assigned them, and for the clear and comprehensive report submitted to the house; and, further, that the committee be discharged from further consideration of the subject matter.

Mr. Tousley moved

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

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
February 18, 1899.

Mr. Speaker:

I have the honor to transmit herewith

Senate bill No. 112,

A bill for an act to appropriate money to pay S. E. Olson Co. for furniture furnished for the capitol building during the year 1894.

Also,

Senate bill No. 131,

A bill for an act providing for a geological survey of North Dakota.

Also,

Senate bill, No. 53,

A bill for an act to provide for the paying of the expenses incurred in the railroad rate case, and to refund money advanced by certain persons for the prosecution of said suit.

Also,

Senate bill No. 126,

A bill for an act relating to physical education as a regular branch of instruction in the public schools of the state and educational institutions receiving aid from the state.

Also,

Senate bill No. 129,

A memorial and concurrent resolution relating to Devils Lake.

Also,

Senate bill No. 124,

A bill for an act to cure defective acknowledgments.

Also,

Senate bill No. 110,

A bill for an act to reimburse the county of Burleigh for expenses incurred in prosecuting W. H. Leonard for obtaining wolf bounty from the state treasury under false pretenses.

Also,

Senate bill No. 118,

A bill for an act providing for an appropriation to pay expense of construction of drains through school lands situated in Pembina county.

Also,

Senate bill No. 99,

A bill for an act entitled "an act taxing the occupation of hawking and peddling, and regulating the licensing of persons engaged in such occupation."

Also,

Senate bill No. 72,

A bill for an act to define and limit the officers before whom the proof or acknowledgment of certain instruments may be made,

and the relationship which may exist between the parties to instruments, and officers taking the proof or acknowledgment of the same.

Also,

Senate bill No. 107,

A bill for an act to amend section 404 of the Revised Codes of the state of North Dakota.

Also,

Senate bill No. 26,

A bill for an act to provide for paying the expense incurred by the North Dakota commission in making an exhibit on behalf of the state at the Trans-Mississippi and International Exposition held at Omaha in the state of Nebraska in 1898, to refund money advanced by certain persons for the purpose of making said exhibit, and to appropriate money therefor.

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

Very respectfully yours,

J. O. SMITH,

Secretary.

Mr. Lee moved that

House bill No. 57,

A bill for an act to amend section 7 of chapter 37 of the laws of 1897 providing for special tax for payment of wolf bounties

Be taken from the table and be referred to the committee on judiciary,

Which motion prevailed, and

House bill No. 57,

A bill for an act to amend section 7 of chapter 37 of the laws of 1897 providing for special tax for payment of wolf bounties.

Was so referred.

The speaker announced that he was about to sign the joint resolution of the senate and house of representatives in the matter of Major Frank White of the First North Dakota infantry.

THIRD READING OF HOUSE BILLS.

House bill No. 92,

A bill for an act entitled an act authorizing cities to establish and maintain a general system of sewerage, and to provide for the cost thereof, and to create sewer improvement districts within the limits of such cities.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 55, nays none, absent and not voting 7.

Those who voted in the affirmative were:

| | | |
|-------------|--------------------|--------------|
| Messrs— | Messrs— | Messrs— |
| Aas, | Hale, | Sargent, |
| Allen, | Hare, | Stevens, |
| Berger, | Hauan, | Stewart, |
| Boyd, | Herbrandson, | Swenson, |
| Brakke, | Johnson, Richland, | Stevenson, |
| Brotnov, | Johnston, Walsh, | Taylor, |
| Chacey, | Kennedy, | Thomas, |
| Clarke, | Laughlin, | Thomson, |
| Deisem, | Lee, | Thordarson |
| Dougherty, | Lynch, | Tousley, |
| Dwire, | McLean, | Towle, |
| Earl, | Michels, | Tufte, |
| Engelter, | Miner, | Ugland, |
| Erickson, | Nelson, | Wallace, |
| Ferris, | Peek, | Watts, |
| Gilbertson, | Peterson, | Wolbert, |
| Glasgow, | Restemayer, | Winslow, |
| Green, | Sanford, | Mr. Speaker, |
| Gronvold, | | |

Absent and not voting:

| | | |
|-----------|---------|---------|
| Messrs— | Messrs— | Messrs— |
| Allhouse, | Gulack, | McHarg, |
| Bacon, | Lish | Ovind, |
| Cassell, | | |

Messrs. Bacon and Ovind being excused.

So the bill passed and the title was agreed to.

Mr. Allen moved

That the vote by which House bill No. 92 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Johnson, of Richland, moved

That the rules be suspended and senate joint resolution as it appears in the house Journal, page 4, of February 17th, be now considered.

Mr. Johhson, of Richland, moved

That we do now concur in the senate joint resolution, as it appears in the house Journal on page 4, February 17th,

Which motion prevailed.

Mr. Johnson, of Richland, moved

That the vote by which the senate joint resolution passed, be reconsidered and the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Stevens moved that

House bill No. 21,

A bill for an act relating to negotiable instruments and providing for their interpretation, utterance, collection and construction.

Which was made a special order for February 18th, at 3 o'clock be now considered and placed upon its third reading and final passage,

Which motion prevailed.

House bill No. 21,

A bill for an act relating to negotiable instruments and providing for their interpretation, utterance, collection and construction.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 52, nays none, absent and not voting 10.

Those who voted in the affirmative were:

Messrs—

Aas,
Allen,
Berger,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Deisem,
Dougherty,
Dwire,
Earl,
Engelter,
Gilbertson,
Glasgow,
Green,
Gronvold,
Gulack,

Messrs—

Hale,
Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish,
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Peek,

Messrs—

Restemayer,
Sanford,
Sargent,
Stevens,
Stewart,
Stevenson,
Taylor,
Thomson,
Thordarson
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Winslow,
Watts,
Mr. Speaker,

Absent and not voting :

Messrs—

Allhouse,
Bacon,
Boyd,
Erickson,

Messrs—

Ferris,
Ovind,
Peterson,

Messrs—

Swenson,
Thomas,
Wolbert,

Messrs. Bacon and Ovind being excused.

So the bill passed and the title was agreed to.

Mr. Laughlin moved

That the vote by which House bill No. 21 passed be reconsidered, and the motion to reconsider be laid upon the table.

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
February 18, 1899.

Mr. Speaker:

I have the honor to return herewith

House bill No. 75,

A bill for an act to amend chapter 114, session laws of 1897, entitled "an act to amend section 76 of the Revised Codes of North Dakota, relating to accounts for printing and binding required by state officers and making an annual appropriation therefor."

Which the senate has amended as follows:

Strike out all after section 1 of said bill and in lieu thereof insert the following:

Sec. 2. The appropriation herein made shall also cover the expense of publishing a revised edition of the Revised Codes under the direction of the secretary of state.

Sec. 3. As soon as practicable after the adjournment of the Sixth legislative assembly the secretary of state is authorized, without altering the general plan of the Revised Codes of 1895, to eliminate such sections, articles and chapters therein as shall have been repealed by the legislative assemblies of 1897 and 1899, substitute and incorporate under proper headings all new laws enacted and incorporate all amendments without change or modification, renumber the sections, articles and chapters where necessary to perfect and harmonize the statutes, and reindex and rearrange the table of contents, and in a general way supervise the compilation and have charge of the publication of the revised edition of the codes to be known as the Revised Codes of 1899.

Sec. 4. In order that said edition of the Revised Codes may be issued as speedily as possible and with the least expense to the state, the secretary of state is hereby empowered to employ one or more expert compilers and digesters who shall be learned in the law and familiar with work to be performed, and he may also employ one or more stenographers and typewriters as may in his judgment be deemed necessary to facilitate the work and prepare the copy for said publication, the same to be completed and the codes ready for delivery within six months from the adjournment of the Sixth legislative assembly.

Sec. 5. When the revision herein provided for shall be completed and the books delivered to the secretary of state, the governor shall issue a proclamation setting forth the fact and thirty days

thereafter said Revised Codes shall be in full force and effect and be received as evidence of the laws of this state in all courts hereof.

Sec. 6. The secretary of state shall procure and have personal charge of the printing and binding and see to it that only the best quality of paper and material is used and the best workmanship procured.

Sec. 7. The entire cost to the state for the revision herein authorized, including all extra help required by the secretary of state, indexing, proof reading, printing and binding, shall not exceed the sum of \$3.00 per volume for 2,000 copies; provided, that when the copy of said revision is ready for the printer, the secretary of state finds that it is possible to secure for the state 2,500 copies of said Revised Codes at a cost not exceeding \$2.75 per volume, then the secretary may secure that number.

Sec. 8. After receiving sufficient number of said Revised Codes to supply the officers entitled thereto, including the members of the Sixth legislative assembly, and the public libraries with which this state may have established an interchange of books, he shall keep for sale the remainder for the benefit of the state at \$5 per volume.

Sec. 9. All vouchers for the payment of services to be performed under the provisions of this act shall be certified to according to law; the state auditor shall draw his warrant on the general fund for the amounts found due; provided the appropriation of fifteen thousand dollars per annum, hereby appropriated for public printing shall cover the cost of printing said codes.

Sec. 10. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Sec. 11. Whereas, An emergency exists in that the appropriation for public printing is exhausted and there is no provision to pay for the work under contract and whereas the supply of Revised Codes is exhausted and no provision or appropriation has been made for a revised edition thereof, and it will be necessary to begin the work contemplated in this act prior to July 1, 1899, therefore this act shall take effect and be in force from and after its passage and approval.

Amend the title to read as follows:

"A bill for an act to amend chapter 114, session laws of 1897, entitled "an act to amend section 76 of the Revised Codes of North Dakota, relating to accounts for printing and binding required by state officers and making an annual appropriation therefor," authorizing the revision of the Revised Codes of 1895 and the publication of an edition to be known as the "Revised Codes of 1899."

Also,

House bill No. 26,

A bill for an act to amend section 660 Revised Codes of North Dakota 1895, relating to what territory may be organized into district school corporations.

Also,

House bill No. 129,

A bill for an act entitled an act establishing a hard fibre twine and cordage plant at the state penitentiary near Bismarck, and authorizing the board of trustees of the said state penitentiary to construct and operate said plant on the state's account, and prescribing certain duties for the state auditor and state treasurer in connection therewith.

Which the senate has passed unchanged.

Very respectfully yours,

J. O. SMITH,

Secretary.

Mr. Stevens moved

That the house concur with the senate in the amendment to

House bill No. 75,

A bill for an act to amend chapter 114, session laws of 1897, entitled "an act to amend section 76 of the Revised Codes of North Dakota, relating to accounts for printing and binding required by state officers and making an annual appropriation therefor."

Which motion prevailed, and

House bill No. 75.

A bill for an act to amend chapter 114, session laws of 1897, entitled "an act to amend section 76 of the Revised Codes of North Dakota, relating to accounts for printing and binding required by state officers and making an annual appropriation therefor."

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 60, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,

Messrs—

Gronvold,
Gulack,
Hale,
Hare,
Hauan,
Herbrandson,
Johnson, Richland
Johnston, Walsh,
Kennedy,
Laughlin,

Messrs—

Restemayer,
Sanford,
Sargent,
Stevens,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,

Messrs—

Deisem,
Dougherty,
Dwire,
Earl,
Engelter,
Erickson,
Ferris,
Gilbertson,
Glasgow,
Green,

Messrs—

Lee,
Lish
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Peek,
Peterson.

Messrs—

Thordarson
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Watts,
Wolbert,
Winslow,
Mr. Speaker,

Absent and not voting, Messrs. Bacon and Ovind.

Messrs. Bacon and Ovind being excused.

So the bill as amended passed and the title was agreed to.

The speaker called Mr. Lish to the chair.

INTRODUCTION OF HOUSE BILLS.

Mr. Deisem introduced

House bill No. 174,

A bill for an act to permit water companies to cross over bridges with their pipes.

The committee on state affairs introduced

Substitute for House bill No. 3,

A bill for an act to provide for the appointment of a state board of chief inspectors to inspect and license district boiler inspectors, providing for their compensation and prescribing their duties.

Mr. Taylor introduced

House bill No. 175,

A bill for an act to settle disputes as to county boundaries and to confirm the acts of officials in counties that have exercised jurisdiction over territory not clearly within county boundaries.

Mr. Hale introduced

House bill No. 176,

A bill for an act to provide for the payment of expenses incurred in litigation arising for the enforcement of orders of the board of commissioners of railroads or other litigation in charge of the attorney general.

Mr. Towle introduced

House bill No. 177,

A bill for an act to amend section 3067 of the Revised Codes of 1895, providing for the constructing and maintaining of a Y and other tracks to connect railroad lines, defining the duties of railroad commissioners in relation thereto and prescribing the manner of enforcing the orders of such commissioners by proper courts.

Mr. Lee introduced

House bill No. 178,

A bill for an act to amend section 7306, chapter 40 of the Revised Codes.

Mr. Brotnov introduced

House bill No. 179,

A bill for an act to repeal chapter twenty-nine (29) of the session laws of 1897.

Mr. Dwire introduced

House bill No. 180,

A bill for an act to amend section 7665 of the Revised Codes of North Dakota, relating to concealing estrays, lost goods, and altering or defacing brands.

Mr. Stevens introduced

House bill No. 181,

A bill for an act to enable the substitution of lost papers or papers destroyed by fire in the county courts of this state and providing the manner of said substitution.

Mr. Dougherty introduced

House bill No. 182,

A bill for an act to amend section 373 of the Revised Statutes of North Dakota, relating to deputies.

Mr. Laughlin introduced

House bill No. 183,

A bill for an act to amend section 1419 of chapter 19 of the Revised Codes of 1895, entitled Militia.

Mr. Laughlin introduced

House bill No. 184,

A bill for an act to regulate the method of the collection of debts and tax liens and judgments.

Mr. Uglund introduced

House bill No. 185,

A bill for an act to provide a bounty for the destruction of gophers.

Mr. Sanford introduced

House bill No. 186,

A bill for an act relating to organization of school districts and school townships.

Mr. Sanford introduced

House bill No. 187,

A bill for an act to provide for the construction of highways over right-of-way and tracks of railroad corporations, prohibiting the

removal of buildings of such corporations in certain cases and defining the powers and duties of the board of railroad commissioners in relation thereto.

FIRST AND SECOND READING OF HOUSE BILLS.

House bill No. 174,

A bill for an act to permit water companies to cross over bridges with their pipes.

Was read the first and second times, and

Referred to the committee on judiciary.

Substitute for House bill No. 3,

A bill for an act to provide for the appointment of a state board of chief inspectors to inspect and license district boiler inspectors, providing for their compensation and prescribing their duties.

Was read the first and second times, and

Referred to general orders.

House bill No. 175,

A bill for an act to settle disputes as to county boundaries and to confirm the acts of officials in counties that have exercised jurisdiction over territory not clearly within county boundaries.

Was read the first and second times, and

Referred to the committee on counties.

House bill No. 176,

A bill for an act to provide for the payment of expenses incurred in litigation arising for the enforcement of orders of the board of commissioners of railroads or other litigation in charge of the attorney general.

Was read the first and second times, and

Referred to the committee on judiciary.

House bill No. 177,

A bill for an act to amend section 3067 of the Revised Codes of 1895, providing for the constructing and maintaining of a Y and other tracks to connect railroad lines, defining the duties of railroad commissioners in relation thereto and prescribing the manner of enforcing the orders of such commissioners by proper courts.

Was read the first and second times, and

Referred to the committee on railroads.

House bill No. 178,

A bill for an act to amend section 7306, chapter 40 of the Revised Codes.

Was read the first and second times, and

Referred to the committee on public health.

House bill No. 179,

A bill for an act to repeal chapter twenty-nine (29) of the session laws of 1897.

Was read the first and second times, and

Referred to the committee on judiciary.

House bill No. 180,

A bill for an act to amend section 7665 of the Revised Codes of North Dakota, relating to concealing estrays, lost goods, and altering or defacing brands.

Was read the first and second times, and

Referred to the committee on judiciary.

House bill No. 181,

A bill for an act to enable the substitution of lost papers or papers destroyed by fire in the county courts of this state and providing the manner of said substitution.

Was read the first and second times, and

Referred to the committee on judiciary.

House bill No. 182,

A bill for an act to amend section 373 of the Revised Statutes of North Dakota, relating to deputies.

Was read the first and second times, and

Referred to the committee on judiciary.

House bill No. 183,

A bill for an act to amend section 1419 of chapter 19 of the Revised Codes of 1895, entitled Militia.

Was read the first and second times, and

Referred to committee on military affairs.

House bill No. 184,

A bill for an act to regulate the method of the collection of debts and tax liens and judgments.

Was read the first and second times, and

Referred to the committee on judiciary.

House bill No. 185,

A bill for an act to provide a bounty for the destruction of gophers.

Was read the first and second times, and

Referred to the committee on agriculture.

House bill No. 186,

A bill for an act relating to organization of school districts and school townships.

Was read the first and second times, and

Referred to the committee on education.

House bill No. 187,

A bill for an act to provide for the construction of highways over right-of-way and tracks of railroad corporations, prohibiting the removal of buildings of such corporations in certain cases and defining the powers and duties of the board of railroad commissioners in relation thereto.

Was read the first and second times, and

Referred to the committee on railroads.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the governor:

EXECUTIVE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 18, 1899.

To the House of Representatives:

Gentlemen: I have the honor to inform you that I have this day approved and filed with the honorable secretary of state.

House bill No. 86,

A bill for an act to amend section 779, Revised Codes, 1895, relating to sinking fund and interest tax for school districts where bonds have been issued.

I have the honor to be,

Very respectfully yours,

F. B. FANCHER,

Governor.

The speaker resumed the chair.

FIRST AND SECOND READING OF SENATE BILLS.

Senate bill No. 26,

A bill for an act to provide for paying the expense incurred by the North Dakota commission in making an exhibit on behalf of the state at the Trans-Mississippi and International Exposition held at Omaha in the state of Nebraska in 1898, to refund money advanced by certain persons for the purpose of making said exhibit, and to appropriate money therefor.

Was read the first and second times, and

Referred to the committee on state affairs.

Senate bill No. 112,

A bill for an act to appropriate money to pay S. E. Olson Co. for furniture furnished for the capitol building during the year 1894.

Was read the first and second times, and

Referred to the committee on appropriations.

Senate bill No. 131,

A bill for an act providing for a geological survey of North Dakota.

Was read the first and second times, and

Referred to the committee on mines and mining.

Senate bill No. 124,

A bill for an act to cure defective acknowledgments.

Was read the first and second times, and

Referred to the committee on judiciary.

Senate bill No. 99,

A bill for an act entitled "an act taxing the occupation of hawking and peddling, and regulating the licensing of persons engaged in such occupation."

Was read the first and second times, and

Referred to the committee on judiciary.

Senate bill No. 126,

A bill for an act relating to physical education as a regular branch of instruction in the public schools of the state and educational institutions receiving aid from the state.

Was read the first and second times, and

Referred to the committee on education.

Senate bill No. 129,

A memorial and concurrent resolution relating to Devils Lake.

Was read the first and second times.

Mr. Hale moved

That the house do concur in the concurrent resolution being

Senate bill No. 129,

A memorial and concurrent resolution relating to Devils Lake.

Which motion prevailed, and

The resolution was concurred in.

Senate bill No. 110,

A bill for an act to reimburse the county of Burleigh for expenses incurred in prosecuting W. H. Leonard for obtaining wolf bounty from the state treasury under false pretenses.

Was read the first and second times, and

Referred to the committee on judiciary.

Senate bill No. 118,

A bill for an act providing for an appropriation to pay expense of construction of drains through school lands situated in Pembina county.

Was read the first and second times, and

Referred to the committee on judiciary.

Senate bill No. 72,

A bill for an act to define and limit the officers before whom the proof or acknowledgment of certain instruments may be made, and the relationship which may exist between the parties to instruments, and officers taking the proof or acknowledgment of the same.

Was read the first and second times, and

Referred to the committee on banks and banking.

Senate bill, No. 53,

A bill for an act to provide for the paying of the expenses incurred in the railroad rate case, and to refund money advanced by certain persons for the prosecution of said suit.

Was read the first and second times, and

Referred to the committee on appropriations.

Senate bill No. 121,

A bill for an act relating to titles to real property.

Was read the first and second times, and

Referred to the committee on judiciary.

Senate bill No. 107,

A bill for an act to amend section 404 of the Revised Codes of the state of North Dakota.

Was read the first and second times, and

Referred to the committee on judiciary.

Senate bill No. 96,

A concurrent resolution to amend section 176 of the constitution of the state of North Dakota.

Was read the first and second times, and

Referred to the committee on taxation and tax laws.

Senate bill No. 83,

A bill defining certain duties of state officers.

Was read the first and second times, and

Referred to the committee on judiciary.

Senate bill No. 70,

A bill for an act providing for a lien upon threshing engines or separators for repairing the same.

Was read the first and second times, and

Referred to the committee on judiciary.

Senate bill No. 117,

A bill for an act relating to the protection of game and fish; the appointment of a state game warden; the issuing of permits to hunt; the disposition of money received from the sale of permits and enacting other provisions relating thereto and providing penalties for violations thereof.

Was read the first and second times, and
Referred to the committee on judiciary.

THIRD READING OF SENATE BILLS.

Mr. Wolbert moved

That the house take up the next order of business and consider
Senate bill No. 74,

A bill for an act to amend section 3549 of the Revised Codes of
North Dakota relating to incumbences.

Which motion prevailed.

Senate bill No. 74,

A bill for an act to amend section 3549 of the Revised Codes of
North Dakota relating to incumbences.

Was read the third time.

The question being upon the final passage of the bill

The roll was called and there were ayes 49, nays none, absent
and not voting 13.

Those who voted in the affirmative were:

Messrs—

Aas,
Berger,
Boyd,
Brakke,
Brotnov,
Chacey,
Clarke,
Dougherty,
Dwire,
Engelter,
Erickson,
Ferris,
Gilbertson,
Glasgow,
Green,
Gronvold,
Hale,

Messrs—

Hare,
Haug,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Laughlin,
Lee,
Lish,
Lynch,
McHarg,
McLean,
Michels,
Nelson,
Peek,
Sanford,
Sargent,

Messrs—

Stevens,
Stewart,
Svenson,
Stevenson,
Thomas,
Thomson,
Thordarson,
Tousley,
Towle,
Tuftte,
Ugland,
Wallace,
Watts,
Wolbert,
Winslow,
Mr. Speaker,

Absent and not voting:

Allen,
Allhouse,
Bacon,
Cassell,
Deisem.

Earl,
Gulack,
Kennedy,
Miner,

Ovind,
Peterson,
Restemayer,
Taylor,

Messrs. Bacon and Ovind being excused.

So the bill passed and the title was agreed to.

Mr. Wolbert moved

That the vote by which Senate bill No. 74 passed be reconsid-
ered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Laughlin moved that

House bill No. 131,

A bill for an act to regulate the taking up of estrays and for the disposition of the same and for the recovery of damages resulting therefrom.

Be recalled from the committee on engrossment and re-referred to the committee on judiciary,

Which motion prevailed.

Mr. Laughlin moved that

Senate bill No. 91,

A bill for an act to amend section 6156 of the Revised Codes relating to custody of trespassing animals until damages are paid.

Be re-referred to the committee on agriculture,

Which motion prevailed, and

Senate bill No. 91,

A bill for an act to amend section 6156 of the Revised Codes relating to custody of trespassing animals until damages are paid.

Was so referred.

The speaker announced that he would be absent Monday, and appointed Mr. Sargent speaker pro tem for Monday.

Mr. Stevens moved

That the house do now adjourn,

Which motion prevailed, and

The house adjourned.

J. G. HAMILTON,

Chief Clerk.

FORTY-NINTH DAY.

HOUSE OF REPRESENTATIVES,

BISMARCK, NORTH DAKOTA,

February 20, 1899.

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

Mr. Sargent, speaker for the day, presiding.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Erickson, Ovind and Mr. Speaker, who were excused.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

Your committee on revision and correction of the Journal respectfully report that they have carefully examined the Journal of the forty-seventh day and recommend the following corrections:

On page 2, line 2, change the name "Gadler" so as to read "Fadler."

On page 26, line 29, correct the spelling of "North."

On page 20 strike out pro tem for Monday and insert for the day.

On page 2, line 30, correct the spelling of the name "Lavayea."

And when so amended recommend that the Journal of the forty-seventh day be approved.

Your committee on revision and correction of the Journal would further report that the following corrections be made in the Journal of the forty-sixth day:

On page 4, line 25, strike out the word "house" and insert in lieu thereof the word "senate."

On page 5, line 31, change the name "Hare" so as to read "Hale."

And when so amended recommend that the Journal of the forty-sixth day be approved.

JOHN KENNEDY,
Chairman.

Mr. Kennedy moved

That the reports of the committee on revision and correction of the Journal be adopted,

Which motion prevailed, and

The reports were adopted.

Mr. Tufte requested that the privileges of the floor be extended to Mr. Walter Gaulke.

There being no objections the courtesies of the floor were so extended:

REPORTS OF STANDING COMMITTEES.

The committee on state affairs made the following report:

Mr. Speaker:

Your committee on state affairs to whom was referred

House bill No. 172,

A bill for an act to provide for the destruction of grasshoppers and Rocky Mountain locusts.

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

Also,

House bill No. 57,

A bill for an act to amend section 7 of chapter 37 of the laws of 1897 providing for special tax for payment of wolf bounties.

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

Section 7, line 4, of the printed bill after the word "tax" insert the words "for the years 1899 and 1900."

Also, in section 7, line 5, of the printed bill strike out the word "five" and insert in lieu thereof the word "three."

Also, strike out all of section 2 on page 2 of the printed bill.

And when so amended recommend that the same do pass.

JOHN KENNEDY,
Chairman.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
February 20, 1899.

Mr. Speaker

I have the honor to transmit herewith

Senate bill No. 43,

A bill for an act amending section 491, chapter 76, of the laws of 1897.

Also,

Senate bill No. 109,

A bill for an act to appropriate money to pay traveling expenses of the board of railroad commissioners and its secretary.

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

Also,

House bill No. 51,

A bill for an act entitled an act to amend section 75 of chapter 126, of the session laws of 1897, entitled "an act prescribing the mode of making assessments of property, the equalization of and the levy and collection of taxes and for all other purposes relative thereto, and the repealing of sections 1176 to 1198 inclusive, 1200 to 1229 inclusive, 1231, 1234, 1237 to 1240 inclusive, 1242 to 1247 inclusive, 1250 to 1253 inclusive, 1255 to 1290 inclusive, 1294, 1296, 1309, 1321, 1325 to 1330 inclusive, 1336 to 1339 inclusive, and 1346 of the Revised Codes of North Dakota of 1895, and all other sections and parts of sections of said codes, and of all acts and parts of acts inconsistent with the provisions of this act."

Which the senate has amended as follows:

After the word "act" insert in lieu thereof the words, "to amend section 75, of chapter 126, of the session laws of 1897."

On page 1, line 4, after the word "on," strike out the words "delinquent taxes and."

On page 2, after section 1, insert the following words: "Section 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed."

In the emergency clause change the section from number "2" to number "3."

And passed as amended.

Also,

House bill No. 66,

A bill for an act entitled, an act to provide for mortgaging the real estate of a deceased person, of a minor, or of an incompetent person.

Which the senate has amended as follows:

By inserting in line 14, of section 1 thereof, after the word "accident," as follows, viz: "or of a minor."

And passed as amended.

Also,

House bill No. 40,

A bill for an act to amend section 1786, of article 25, chapter 20, of the Political Code of the state of North Dakota, which defines public warehouses.

Which the senate has amended as follows:

By adding in lines 4, 8 and 9 of the printed bill after the words "grist mills" the following: "Except grist mills doing only a custom or exchange business."

Also, by striking out all of section 2.

And passed as amended.

Also,

House bill No. 102,

A bill for an act to amend section 338 of the Revised Codes of North Dakota, relating to supplies for public offices, repairs upon the capitol building and executive mansion and the public grounds and parks connected therewith, and making an annual appropriation therefor.

Which the senate has amended as follows:

After the word "of" in line 9 of the printed bill strike out the words "twenty-five" and insert in lieu thereof the word "twenty."

And passed as amended.

Also,

House bill No. 28,

A bill for an act to amend an act entitled an act to amend section 2591 of the Revised Codes of North Dakota, relating to the meeting of township boards of supervisors, passed by the Fifth legislative assembly of North Dakota, relating to meetings of boards of township supervisors.

Also,

House bill No. 18,

A bill for an act entitled an act to amend section 8531 of the Revised Codes of 1895 and to repeal section 8538 of said Codes.

Which the senate has passed unchanged.

Very respectfully yours,
 J. O. SMITH,
 Secretary.

REPORTS OF STANDING COMMITTEES.

The committee on state affairs made the following report:

Mr. Speaker:

Your committee on state affairs to whom was referred
 House bill No. 164,

A bill for an act prescribing additional qualification of members
 of the house of representatives of the state of North Dakota.

Have had the same under consideration and recommend that
 the same be indefinitely postponed.

JOHN KENNEDY,
 Chairman.

Mr. Kennedy moved

That the report of the committee on state affairs on
 House bill No. 164.

A bill for an act prescribing additional qualification of members
 of the house of representatives of the state of North Dakota.

Be adopted,

Which motion prevailed, and

The report was adopted.

And the further consideration of

House bill No. 164,

A bill for an act prescribing additional qualification of members
 of the house of representatives of the state of North Dakota.

Was indefinitely postponed.

The committee on temperance made the following report:

Mr. Speaker:

Your committee on temperance to whom was referred

CONCURRENT RESOLUTION.

Resolved by the House of Representatives, the Senate Concurring:

That Honorables H. C. Hansbrough, W. N. Roach and M. N. Johnson,
 senators and representative from the state of North Dakota, in congress,
 be and hereby are requested to favor in every manner possible the prohibi-
 tion of the sale of malt and intoxicating liquors in the army canteen.

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

In third line of printed resolution insert the first name of senators
 and representative instead of initial, viz.: "Henry, William and Mar-
 tin."

Also add the following:

“And be it further resolved, that engrossed copies of this resolution, properly attested, be forwarded to the aforesaid senators and representative.”

And when so amended recommend that the same do pass.

E. C. SARGENT,
Chairman.

The committee on elections and privileges made the following report:

Mr. Speaker:

Your committee on elections and privileges to whom was referred

House bill No. 158,

A bill for an act to prohibiting selling or giving fire arms to minors, and prescribing penalty for violation.

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

After the word “years” in line (2) two of printed bill insert the following:

“Without the consent of parents or guardian.”

And when so amended recommend that the same do pass.

J. THORDARSON,
Chairman.

Mr. Stevens moved that

House bill No. 158,

A bill for an act to prohibiting selling or giving fire arms to minors, and prescribing penalty for violation.

Be re-referred to the committee on printing.

Mr. Deisem moved as a substitute that

House bill No. 158,

A bill for an act to prohibiting selling or giving fire arms to minors, and prescribing penalty for violation.

Be re-referred to the committee on judiciary,

Which motion prevailed, and

House bill No. 158,

A bill for an act to prohibiting selling or giving fire arms to minors, and prescribing penalty for violation.

Was so referred

The committee on enrolled bills made the following report:

Mr. Speaker:

Your committee on enrolled bills have examined

House bill No. 69,

A bill for an act to amend section 3203 of the Revised Codes relating to building and loan associations.

Also,

House bill No. 26,

A bill for an act to amend section 660 Revised Codes of North Dakota 1895, relating to what territory may be organized into district school corporations.

And find the same correctly enrolled.

M. B. CASSELL,
Chairman.

The speaker for the day announced that he was about to sign House bill No. 69,

A bill for an act to amend section 3203 of the Revised Codes relating to building and loan associations.

Also,

House bill No. 26,

A bill for an act to amend section 660 Revised Codes of North Dakota 1895, relating to what territory may be organized into district school corporations.

Mr. Stevens moved

That the rules be suspended and that

House bill No. 181,

A bill for an act to enable the substitution of lost papers or papers destroyed by fire in the county courts of this state and providing the manner of said substitution.

Be considered engrossed and placed upon its third reading and final passage,

Which motion prevailed, and

House bill No. 181,

A bill for an act to enable the substitution of lost papers or papers destroyed by fire in the county courts of this state providing the manner of said substitution.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 59, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs—

Aas,
 Allen,
 Allshouse,
 Bacon,
 Berger,
 Boyd,
 Brakke,
 Brotnov,
 Cassell,
 Chacey,
 Clarke,
 Deisem,
 Dougherty,
 Dwire,
 Earl,
 Engelter,
 Ferris,
 Gilbertson,
 Glasgow,
 Green,

Messrs—

Gronvold,
 Gulack,
 Hale,
 Hare,
 Hauan,
 Herbrandson,
 Johnson, Richland,
 Johnston, Walsh,
 Kennedy,
 Laughlin,
 Lee,
 Lish,
 Lynch,
 McHarg,
 McLean,
 Michels,
 Miner,
 Nelson,
 Peek,
 Peterson,

Messrs—

Restemayer,
 Sanford,
 Sargent,
 Stevens,
 Stewart,
 Swenson,
 Stevenson,
 Taylor,
 Thomas,
 Thomson,
 Thordarson,
 Tousley,
 Towle,
 Tufte,
 Ugland,
 Wallace,
 Watts,
 Wolbert,
 Winslow,

Absent and not voting :

Messrs—

Erickson,

Messrs—

Ovind,

Messrs—

Mr. Speaker,

Messrs. Erickson, Ovind and Mr. Speaker being excused.

So the bill passed and the title was agreed to.

Mr. McHarg moved

That the vote by which House bill No. 181 passed be reconsidered, and the motion to reconsider be laid upon the table.

Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

Senate bill No. 124,

A bill for an act to cure defective acknowledgments.

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

Also,

Senate bill No. 121,

A bill for an act relating to titles to real property.

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

That after the word "notwithstanding" at the end of section 1 in the

printed bill add the words "provided, that nothing in this act shall repeal section 84 of chapter 126 of the laws of 1897."

And when so amended recommend that the same do pass.

Also,

Senate bill No. 118,

A bill for an act providing for an appropriation to pay expense of construction of drains through school lands situated in Pembina county.

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

Also,

Senate bill No. 107,

A bill for an act to amend section 404 of the Revised Codes of the state of North Dakota.

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

Also,

Senate bill No. 99,

A bill for an act entitled "an act taxing the occupation of hawking and peddling, and regulating the licensing of persons engaged in such occupation."

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

Also.

House bill No. 73,

A bill for an act, entitled an act to amend chapter sixty-three of the session laws of 1897 of the state of North Dakota, relating to the boundaries of the Fourth judicial district and fixing the times of holding of terms of court in the different counties thereof.

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

By striking out the word "second" in line 9, page 1 of the printed bill, and inserting in lieu thereof the word "last."

And when so amended recommend that the same do pass.

R. N. STEVENS,

Chairman.

Mr. Stevens moved

That the report of the committee on judiciary on

House bill No. 73,

A bill for an act, entitled an act to amend chapter sixty-three

of the session laws of 1897 of the state of North Dakota, relating to the boundaries of the Fourth judicial district and fixing the times of holding of terms of court in the different counties thereo.

Be adopted, and that said bill be referred to committee on engrossment to be engrossed as amended,

Which motion prevailed, and

House bill No. 73,

A bill for an act, entitled an act to amend chapter sixty-three of the session laws of 1897 of the state of North Dakota, relating to the boundaries of the Fourth judicial district and fixing the times of holding of terms of court in the different counties thereof.

Was so referred.

The committee on school and public lands made the following report:

Mr. Speaker:

Your committee on school and public lands to whom was referred

Senate bill No. 84,

A bill for an act authorizing the commissioner of university and school lands to charge certain fees for services and to establish the same.

Also,

House bill No. 170,

A bill for an act prescribing the method of investing the permanent funds derived from the sale of public lands, or from any other source, in first mortgages on farm lands, the duty of certain state and county offices in relation thereto, and fixing the liability of the several counties of the state for the preservation of such funds.

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

R. B. BOYD,

Chairman.

The committee on railroads made the following report:

Mr. Speaker:

Your committee on railroads to whom was referred

House bill No. 138,

A bill for an act to define the liabilities of railroad companies in relation to damages sustained by their employes.

Have had the same under consideration and recommend that the same be indefinitely postponed, the same being covered by

House bill No. 42,

A bill for an act fixing the liability of railroad companies and corporations owning and operating a railroad for injuries sustained by its employes from the negligent acts of co-employes.

O. McHARG,
Chairman.

Mr. Stevens moved

That the report of the committee on railroads on

House bill No. 138,

A bill for an act to define the liabilities of railroad companies in relation to damages sustained by their employes.

Be adopted,

Which motion prevailed and

The report was adopted, and

The further consideration of

House bill No. 138,

A bill for an act to define the liabilities of railroad companies in relation to damages sustained by their employes.

Was indefinitely postponed.

The committee on railroads made the following report:

Mr. Speaker:

A majority of your committee on railroads to whom was referred House bill No. 42,

A bill for an act fixing the liability of railroad companies and corporations owning and operating a railroad for injuries sustained by its employes from the negligent acts of co-employes.

Have had the same under consideration and recommend that the same be indefinitely postponed.

O. McHARG,
Chairman.

The undersigned, a minority of the railroad committee of this house, here submit this their minority report on

House bill No. 42,

A bill for an act fixing the liability of railroad companies and corporations owning and operating a railroad for injuries sustained by its employes from the negligent acts of co-employes.

And respectfully recommend that the bill do pass for the following reasons:

First. The bill is meritorious and supplies needed legislation for the better protection of railroad employes against injuries occasioned by the negligence and careless acts of their co-employes.

Second. Under the law of the state as it now stands, a railroad employe cannot recover for injuries sustained from the carelessness or injustice of his co-employes, unless he can prove that the railroad company had not used ordinary care in the selection and employing of the careless or unjust employes, which, in our opinion, is impractical and, in the great majority of cases, impossible for the injured employe to show.

Third. If the bill becomes a law, it will cause the railroad companies to use greater care in the selection and hiring of competent men to do their work, thus preventing many accidents that are caused wholly from the acts of incompetent employes, and at the same time it will cause the company to lighten the work and shorten the hours of labor of its employes and thus prevent many accidents which now occur from the exhaustion, caused by overwork, of its otherwise competent employes.

Fourth. The bill, if it becomes a law, is not unjust to the railroad companies, nor does it impose any duty or liability on them which, in justice to its employes and the general public, they should not assume.

Fifth. The states of Minnesota, Iowa, Wisconsin, Kansas and several others have the same law on their statute books, and the supreme courts of those states have in every instance held the law to be constitutional, good and salutary, and we here respectfully cite the following cases:

Laveller vs. Ry. Co., 41st N. W. R. 974.

Bucklew vs. Ry. Co., 21st N. W. R. 103.

Johnson vs. Ry. Co., 45th N. W. R. 156.

All of which cases sustain the law and hold it good.

Sixth. The railroad employes of the state ask that the bill become a law for their protection and the protection of their families, and unless there is some good and substantial reason, other than that it would impose a duty and responsibility on the railroad companies which they do not want to assume, we believe the bill ought to pass and become a law.

Respectfully submitted,

W. D. ALLEN,
A. PETERSON,
DAVID N. GREEN,
G. W. WOLBERT.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

House bill No. 181,

A bill for an act to enable the substitution of lost papers or papers destroyed by fire in the county courts of this state and providing the manner of said substitution.

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

R. N. STEVENS,
Chairman.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

Senate bill No. 13,

A bill for an act in relation to making unknown parties and the unknown heirs of deceased persons, parties defendant in certain actions.

Have had the same under consideration and recommend that the same be indefinitely postponed.

The house already having acted on a similar bill.

R. N. STEVENS,
Chairman.

Mr. Deisem moved

That the report of the committee on judiciary, on

Senate bill No. 13,

A bill for an act in relation to making unknown parties and the unknown heirs of deceased persons, parties defendant in certain actions.

Be adopted.

Which motion prevailed, and

The report was adopted.

And the further consideration of

Senate bill No. 13,

A bill for an act in relation to making unknown parties and the unknown heirs of deceased persons, parties defendant in certain actions.

Was indefinitely postponed.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred
House bill No. 7,

A bill for an act to amend section 2737 of the Revised Codes.

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

That the title of said act be amended to read as follows: "A
bill for an act to amend sections 2737 and 2743 of the Revised
Codes of North Dakota, relating to the causes for divorce and
duration thereof."

That section 1 of said act be amended to read as follows:

Section 1. That section 2737 of the Revised Codes be amended
to read as follows:

Sec. 2737. Divorces may be granted for any of the following
causes:

1. Adultery.
2. Extreme cruelty.
3. Willful desertion.
4. Willful neglect.
5. Habitual intemperance
6. Conviction for felony.
7. Incurable insanity.

Section 2. That section 2743 of the Revised Codes be
amended to read as follows:

Sec. 2743. Willful desertion, willful neglect or habitual in-
temperance must continue for one year before either is a ground
for a divorce, and incurable insanity must continue for two years,
the person so afflicted to have been confined in an asylum for the
insane during such time before it is a cause for divorce and the
testimony of the superintendent of such asylum showing such
person to be incurably insane must be produced before the court
granting such divorce, before the same shall be granted.

Sec. 3. Whereas, there is now no law providing for causes
for divorces as in this act provided, an emergency exists, therefore
this act shall take effect and be in force from and after its pass-
age and approval.

And when so amended recommend that the same do pass.

R. N. STEVENS,
Chairman.

The joint committee on charitable institutions made the follow-
ing report:

Mr. Speaker:

Your joint committee on charitable institutions to whom was
referred

House bill No. 171,

A bill for an act to provide for the erection of necessary additional buildings for the Hospital for the Insane at Jamestown, North Dakota.

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

Section 3. An Emergency. "Whereas, an emergency exists in that it is necessary to begin the construction of said additional buildings before July 1st; therefore, this act shall take effect immediately upon its passage and approval."

And when so amended recommend that the same do pass.

W. J. WATTS,

Chairman.

Mr. Watts moved

That the report of the joint committee on charitable institutions on

House bill No. 171,

A bill for an act to provide for the erection of necessary additional buildings for the Hospital for the Insane at Jamestown, North Dakota.

Be adopted,

Which motion prevailed, and

The report was adopted.

Mr. Hale moved

That the rules be suspended and that

House bill No. 171,

A bill for an act to provide for the erection of necessary additional buildings for the Hospital for the Insane at Jamestown, North Dakota.

Be referred to the committee on engrossment,

Which motion prevailed, and

House bill No. 171,

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 so referred.

Mr. Johnson of Richland moved

That the reading of the report of the joint committee to investigate the subject of grain inspection be dispensed with, and that it be printed in the Journal, and that five copies be placed on the desk of each member, and also that five hundred extra copies of the Journal be printed,

Which motion prevailed.

REPORT OF SPECIAL COMMITTEE.

To the Members of the Senate and the House of Representatives of
The Sixth Legislative Assembly:

Gentlemen: Your joint committee appointed to consult with the proper authorities, in Minnesota and Wisconsin, in regard to grain inspection, beg leave to submit the following report:

The work of this committee was peculiarly difficult because the matter of the inspection of our grain, while one of the greatest interest and importance to our people, is under the control of the state of Minnesota, and beyond the reach and influence of our legislature and the executive.

Th committee met and organized at the Nicollet hotel in Minneapolis on Thursday, Jan. 26th, by electing T. F. Marshall chairman, and O. McHarg secretary. During two weeks we gave our undivided attention to the work visiting Minneapolis, St. Paul, Superior and Duluth. We held meetings with Gov. Lind, the Minnesota railroad and warehouse commission, Mr. Clausen, the chief inspector, his assistants, boards of trade, legislative committees, men prominent in the grain and milling business, and railroad people, all of whom manifested a cheerful willingness to render us every assistance in their power, and gave us assurances of their sympathy with our people, and a realization of the existing conditions.

The inspection of grain at Minneapolis and the head of the lakes is a vast undertaking, embracing heavy receipts of all kinds of grain which come from eight states, viz: North Dakota, South Dakota, Minnesota, Iowa, Wisconsin, Kansas, Nebraska and Washington.

Some idea of the magnitude of the business can be had from the following figures taken from Chief Clausen's reports for the crop year ending August 31, 1898.

The amount of grain inspected on arrival at four terminal points was as follows:

| | |
|-----------------|---------------|
| Wheat | 167,104 cars. |
| Corn | 14,123 cars. |
| Oats | 15,781 cars. |
| Rye | 4,746 cars. |
| Barley | 6,573 cars. |
| Flax seed | 11,414 cars. |

Total 219,741 cars.

There was inspected out of store 69,925 cars, and 47,039,366 bushels into vessels. To perform this labor of inspection and

weighing, there were employed an average number of 160 men. There was expended \$191,000.

The fees of 15 cents per car for inspecting, and 15 cents for weighing are the lowest exacted by any department in the United States.

Although it was not strictly within the province of your committee, we asked through the press and correspondence for information and evidence of irregularities in the inspection, and for suggestions as to remedies for relief, and a considerable number of letters and affidavits were received. After giving them careful consideration, they were handed to Chief Inspector Clausen, with a request to reply to each. Copies of his replies were sent to the authors of the communications, and the original letters and affidavits were filed with Hon. J. F. Jacobson, chairman of the joint legislative committee appointed by Minnesota, which is thoroughly investigating the inspection department of Minnesota. Mr. Jacobson and his committee were very courteous to us. They are very much in earnest, and expect that their work will result in great good to the grain producers of North Dakota and Minnesota. Their report will be of value to all concerned. Anyone in our state having evidences of irregularities in grain inspection should communicate with Hon. J. F. Jacobson, care of the Merchants hotel, St. Paul, Minn. His committee will be in session for a considerable time, as the Minnesota legislature is likely to be in session thirty or sixty days longer than ours.

It was fortunate that Mr. Jacobson's committee was appointed, as they have undoubtedly done much and will do more to bring about a condition that will aid us in getting the changes so much desired.

There is no doubt in the minds of our people that irregularities do exist in grain inspection, and acting on this sentiment, your honorable body appointed this committee to look for relief.

After considering carefully all suggestions given by the press, by our correspondents and the people in person, the subject, in our minds, divides into the following heads, the advisability and practicability of each of which we have carefully considered.

First, doing away with all inspection of grain.

Second, inspection by the state of North Dakota at terminal points located at convenient points along the eastern boundary of the state.

Third, inspection at Superior under laws of Wisconsin, with a view of bringing about competition with inspection at Duluth and Minneapolis, under the laws of Minnesota.

Fourth, inspection at Superior under laws of Wisconsin, with a view of its superseding Duluth inspection.

Fifth, Minnesota inspection as it now is, and means of bettering the same.

Sixth, federal inspection under civil service.

We will take up the subject under the above heads, in order.

First. As wheat is our principal product, and the one about which practically all the complaint is made, we will confine our statements largely to this grain, although what is stated will generally apply equally as well to all other grains. We will say, however, in this connection, that the inspection of flax is almost a mechanical process, hence its accuracy, and the lack of complaint, while the inspection of wheat is largely a matter of human judgment, and as long as this is so, there will be complaints.

The inspection and grading of wheat neither adds to nor takes away from the value of the grain. It is the same wheat after as before inspection, and has the same intrinsic value for milling purposes. The inspection simply gives it a certificate of character, by which it can be identified and transferred, and the value of the certificate of character depends upon who issues it, what is behind it, and its general reliability. By this certificate of character people are enabled to sell the grain to those who have never seen it or may never see it, and to borrow money on it under like conditions, and as long as the certificate is reliable and represents what it purports to, buyers are safe and anxious to handle the grain, and banks and money lenders are ready to advance funds on it.

In the markets, these certificates serve, in a manner, like a trade mark of a widely known brand of goods, but we do not mean to say that it adds any value to the wheat, only as it facilitates and cheapens the process of receiving, storing, delivering, selling, and transferring, and cheapens and makes possible its use as collateral, all of which the certificate does unquestionably, to a certain degree.

Much grain is sold by sample to millers who are governed by their own judgment, regardless of the grades. Inspection in no way interferes with this business, but on the contrary brings in competition with the millers the buyers who desire to handle the grain through state warehouses, as no grain can go into a state warehouse without a certificate.

The inspection is also a very great protection to the shipper as a check on his commission house, without which shippers would be

at the mercy of the commission houses, as in the case where farm produce is shipped.

It can be clearly shown that if two cargoes of wheat were loaded at Duluth of exactly the same quality and grade, and were put upon the market of Buffalo or some part of the old world, one bearing a certificate of inspection, the other without, the one with the certificate will sell at a premium over the other.

It frequently happens that shippers, being dissatisfied with the certificate of inspection, or for other causes, destroy it, and put their wheat upon the market by sample, and almost invariably result in loss. **This is not because the wheat is worth any less without the certificate, but because the certificate is a guarantee of the cargo being uniform, and a reliable assurance to the buyer that it is what it purports to be.** The same result would follow if a well known manufacturer undertook to put his goods on the market after removing his trade mark.

To do away with all inspection of grain would, in the opinion of your committee, be a serious step backward, which would greatly injure the producers, as well as all those concerned in the grain trade, and this, we feel, would be the opinion of all who have investigated this question in all its phases.

In this connection, we will say that there is no provision in the Minnesota law which compels any one to have their grain inspected. If the inspection department is notified, it will not inspect the grain, and it can be sold by sample the same as though the inspection system did not exist, but we do not think that it can be done as advantageously as under the inspection system, for the reasons given above.

TERMINAL HOUSE INSPECTION IN NORTH DAKOTA.

The establishment of large terminal houses in which to grade, receive, store and clean our vast wheat crop would at first seem to be a simple and practical solution of the problem, which would enable us to put our grain on the market on its merits and reputation as North Dakota wheat.

The successful operation of this plan would necessitate an arrangement with the railroad companies by which grain could be received, stored and reloaded under a through rate. While we have not investigated this subject fully, the probabilities are that it is impossible to get such concessions from the railroad companies, or enforce them by legislation, and a failure in this would mean that the grain would be subject to two local rates, which would be fatal to the scheme.

However, we will treat the subject aside from the transportation feature. It is easy to inaugurate an inspection system. Our state can make grades and rules governing them, and issue certificates, but it is another proposition to give our grades and certificates standing in the wheat and money markets of the world, and the utility and value of the inspection system lies wholly in the standing of the certificates with these interests. With the prestige of the large buying and commercial interests behind it, a system could be easily and successfully maintained. With these interests neutral or against it, the process would be slow, and the outcome doubtful.

The storing of our crop in terminal houses would undoubtedly bring to our state many buyers who would be attracted by the reputation of North Dakota wheat, and would want it for milling and mixing purposes. Necessarily, however, this market would be of a limited and somewhat local nature, and probably would result, in a measure, as a middle market, and add so materially to the cost of placing our wheat in the hands of the consumers as to become prohibitive. Another point in this connection is that grain as a rule, is not improved by handling through elevators. This is especially true of wheat which leaves the farm smutty, or wheat which is handled through an elevator in which smutty wheat is being handled.

It seems to your committee that the establishment of a market and system of this kind cannot be forced, but must come about naturally. If the opportunity affords, individual capital will occupy the field, and the business will develop until, from the force of the situation, the state or other authorities will see the necessity of regulating the business. It seems that individual capital could be profitably engaged in receiving, storing, cleaning and forwarding our grain from terminal points in this state, provided the railroad companies could be induced to make the necessary concessions, and in this way the practicability of the terminal system could be brought about in a natural manner, if at all. Until this is done, we can see no way of putting a home terminal system in force, even if it seemed likely to lead to the results so much desired by all.

Third. Inspection at Superior in competition with Duluth.

What has been said about the establishment of a local state system applies with equal force to the establishment of a system at Superior, and is very forcibly verified by the conditions here, which are extremely favorable to the establishment and maintenance of the inspection system, because from 80 to 90 per cent of all the grain shipped to the head of the lakes is received at Superior,

Wisconsin, but in the face of this, it is inspected under the laws of the state of Minnesota, a very forcible illustration of the power and influence behind the Minnesota inspection, and of what gives it its standing and insures its general acceptance throughout the world.

There are many misconceptions of the subject of grain inspection, and in our opinion one of them is the idea that we want competition in the matter of grading wheat. We are of the opinion that what is wanted is an absolutely fair, impartial and uniform inspection, under rules which will place our product on the market in a favorable light, in competition with grain graded in other sections of the country. The competition comes when our grain meets grain graded under other systems, and if our grades are reliable and uniform, they will take their place at the head, and command a premium, and our trade mark becomes valuable, and we certainly get all the intrinsic value of our wheat, and have the advantage of being placed upon the market under the most favorable conditions, with its value and worth certified to.

The competition in putting grades on grain must necessarily result in lowering the character of the grades and their standing as compared with grain coming from other sections of the country, and probably their uniformity. While uniform grades, even if they are low, would perhaps do no material harm, they would certainly do no material good, as the grain, in the end, would come to be sold on its merits. Absolute uniformity can harm no one. What we want is the same grade for the same wheat in August, September, and October that we get in any and every other month of the year, and the same grade this year that we had last year, and will have next year. This is the meat of the question, and when this is accomplished, the desired result will be attained. We believe, however, that the interests of all will be helped if these uniform grades are reasonably high, because it is the nature of our people to want to put up a first-class article behind our trade mark, and in the market such an article, be it wheat, meat, flour, butter, cheese, coffee or soap, will always bring its relative and intrinsic value, and probably sell at a premium, as competition is lessened, as the quality is improved.

Fourth: Superior inspection to supersede inspection at Duluth.

Your committee had a very satisfactory meeting with the Superior board of trade, during the question of inspection at Superior, under the laws of Wisconsin, was very fully discussed, and much new information was given to us, the most important of which was the fact that Wisconsin has a very good inspection law

on her statute books, which can be put in force at Superior at any time by her board of trade. At one time the Superior board of trade undertook to put this system in operation, but notwithstanding the enormous receipts, the trial was a failure for want of support of the interests which are so necessary to the success of the operation of the inspection system. The Superior board of trade are as anxious as the people of North Dakota to inaugurate this system; however, after a full discussion of the situation, the Superior board members believed that the time was not ripe for another attempt to establish an inspection there, and your committee was brought around to this view of the case.

However, we think this inspection will be brought around naturally by the overpowering force of circumstances, and in view of the fact that over 80 per cent of the wheat consigned to the head of the lakes is received at Superior, and the enormous improvements and additions to the railroad terminals, and the elevator storage at Superior, recently made and contemplated, we think that the unnatural condition of all this enormous business being done in Wisconsin under the auspices of Minnesota cannot last long. It seems probable, that in the near future, that inspection at Superior under the laws of Wisconsin, will prevail to the exclusion of Minnesota inspection at Duluth, and will come about naturally.

When it does come, while it will still be a state matter, to be influenced by local political conditions, in a measure, we look for great relief. Wisconsin will be in a position to be much more impartial to all her sister states who go to her markets with the grain, than is Minnesota, because Wisconsin politics are not dominated or influenced by great milling and elevator interests to the same extent as Minnesota. To have the inspection of our grain out from under this powerful influence cannot fail to be of benefit to our producers and shippers, and all will welcome the change when the time is ripe, but nothing is to be availed by undue haste. When Wisconsin inspection comes at Superior, we believe that Minnesota inspection at the head of the lakes will have to step out, as the two standards cannot be maintained, in our judgment, so near each other, and if they could, we are doubtful as to the benefits of the competition for reasons given above. If there is anything in competition, we will be, in a measure, protected by that which will come between the Minnesota system at Minneapolis and the Wisconsin system at the head of the lakes.

Fifth: Minnesota inspection, and means, if any, of bettering the same.

In connection with the Minnesota inspection system is the weigh-

ing department. The weighing in and out of the receipts of grain at the terminal points in Minnesota is of itself a very extensive business, and in our judgment, is as nearly perfect as can be devised, and is a great system and extremely valuable to all interested in the grain trade. Under it no one need fear to ship his grain. Of course the process of weighing is practically mechanical, and under the system and care taken by this department, the errors are undoubtedly reduced to a minimum. There was, at times, considerable complaint of shortage in weights, which we believe was brought about by carelessness in unloading cars, but we understand that this has, in a great measure, been remedied.

The Minnesota laws, rules and regulations governing the inspection and weighing of grain are most excellent, being equitable and just, and whatever irregularities exist come from inability or indisposition of those charged with the execution of the laws and rules. Inspector Clausen very aptly says, "inspection of grain is not a mathematical science but a work of judgment, guided by fixed rules, with sufficient latitude to permit the inspector to apply his powers of discrimination in determining the proper grade in each case." So at best we are subject to uncertainties and whims of human judgment, but when this judgment is liable to be influenced and distorted and made to serve the interests of certain powerful concerns, a condition arises that is not altogether desirable. While we feel that this condition does exist to some degree, we are not prepared to say to what extent it goes. There must be some influence behind the powers that be to bring about such a tightening and loosening of grades and manipulations as we experienced during the last year. What the object, or who the beneficiaries are we are not prepared to say, but we feel that errors in judgment of the inspectors do not fully account for these manipulations. However, with its faults, the system is a grand one. Its certificates are the best in the world, having the highest standing, and through them millions of bushels of our wheat are stored and are sold by wire or cable, and the process greatly cheapens and facilitates all marketing of our grain, and its use as collateral for borrowed money, and remember grain, after it leaves the hands of the farmer, largely represents borrowed money. The certificates command the very lowest rate of interest, which all admit is a very important item of expense. For the grain men, we want to say that we think there is no more honorable set of men engaged in any business. Enormous transactions are made by pencil memoranda, and the utmost honor prevails in their dealings. Their credit and standing is world wide, and such as could only be based upon a

foundation of honorable methods. The business is done upon extremely small margins, which are growing less from year to year, and the margins at this time are so small that they would have been ruinous a few years ago, and yield a profit now only because of the enormous volume of the business, the very ingenious and greatly improved methods, together with the cheapening of interest. While some of the elevator and grain men undoubtedly profit by the conditions under which we suffer, others suffer with us, and all seem ready to bring about a condition that would be satisfactory and beneficial to all.

The most practical thing your committee found within their power, to assist in bringing about, and the one which seems the most promising to accomplish immediate results for the benefit of our grain producers and shippers was a radical change in the manner of appealing from the inspection.

Under the present system a car of wheat is shipped, say to Duluth. It is immediately inspected, graded and docked. A sample is procured by the commission man, to whom it is consigned, and if he thinks it has been graded too low or inspected too high, he calls for a reinspection, which is made by the chief deputy at the expense of \$1.00 per car, if not raised. If the owner or consignee is still dissatisfied, upon the payment of \$5.00 he can take an appeal to the board of railroad and warehouse commissioners, and a sample is forwarded to them in St. Paul. This board admitted to us that they claim no peculiar fitness or ability to pass upon the grades of wheat, but in case of an appeal call in and consult Mr. Clausen, the chief inspector, and are guided by his judgment. Mr. Clausen is appointed by this board, and he, in return, appoints the inspectors. It is but natural for Mr. Clausen to sustain the creatures of his own making, and for the board to sustain Mr. Clausen, so that this system results practically in a one man power, who, at a word, can tighten or loosen grades, which has, to a great extent the effect of making prices and values on millions of dollars worth of our property. Under this plan, appeals are not frequently taken, as the fee of \$5.00 and the delay in the decisions, causing demurrage and other expenses, are practically prohibitive, and the results from the appeals are not, under the system, likely to be to any great extent, satisfactory. To undertake to remedy this defect in the present system was the principal work of your committee, and as the best means of accomplishing this end, it is proposed to amend the Minnesota law so as to create at Minneapolis and Duluth appeal boards to be appointed by the governor of Minnesota, consisting of

three expert grain men, one of each board to be a practical farmer, one a representative of the commission or selling interests, and one a representative of the milling or exporting interests. These boards are to be in session continuously, one at Minneapolis and the other at Duluth. Appeals to them cost not to exceed \$3.00—(the price will probably be \$2.00 or \$2.50 per car) and decisions by them to be made the same day, by an actual examination of the cars or cargoes in case of doubt.

We made a strong effort to have this law so framed as to provide for a resident of the state of North Dakota on each of these boards, but after consulting the attorney general of Minnesota, learned that it was not possible under their constitution; however, we had a very satisfactory conference with Gov. Lind regarding the appointment of these boards, providing the bill becomes a law, and he assured us that our interests would be carefully considered in making the appointments, and that he would be pleased to receive and consider recommendations from our governor.

The Duluth board of trade rendered us all the assistance in their power, and we attach hereto a copy of their official resolution passed at our request:

DULUTH BOARD OF TRADE,

Secretary's Office.

Duluth, Minn., February 6th, 1899.

At a special meeting of the board of directors of the Duluth board of trade, held to-day the following resolution was presented and carried by a unanimous vote of the directors:

Whereas, The present system of appeals for reinspection is unsatisfactory and practically inoperative owing to the delay and expense involved and results in great dissatisfaction to the producer as well as other grain interests, and believing an improvement can be effected, it is

Resolved, That we approve the appointment of a board of appeals as set forth in the McCollom bill, and further that the bill be so framed as to provide for the appointment of a representative from North Dakota as a member of such board of appeals for Duluth. Should legal obstacles prevent such appointment, then we recommend that appointment of one member of such board as representing the interests of North Dakota.

Also Resolved, That this board of trade send one or more of its

members to St. Paul to work with the legislative committee from North Dakota for the passage of this bill.

G. G. BARNUM,
Vice President.
S. A. KEMP,
Secretary.

All interested in the grain trade at the head of the lakes manifested a lively interest in our affairs, believing that their interests and ours are closely united.

The advantages of these appeal boards are numerous and manifest. The inspection of grain will be largely removed from the influence of Minnesota railroad and warehouse commissioners and the chief inspector as the appeal boards will make the standards for the inspectors to work to, and we will have the advantage of the judgment of three men instead of one. In the fall the two boards will meet as one, and arrive at standards for the coming year, which gives us the judgment of six men instead of one. These grades when once established, cannot be changed without the consent of five of the six men constituting the two boards. Under the operations of these boards, uniform stability of the grades would be maintained to a considerably greater degree than under the present workings of the system. One of the hardest problems in inspecting grain is the difficulty in arriving at standards for the new crop, as each year's crop differs materially from that of the year before, and during the early part of the season there has been an uncertainty which has militated greatly against the producer, and largely against all concerned in the grain trade. Under the rules of the appeal boards, standards will be arrived at much earlier than under the present system. Thus all this will be an important step for the better.

The appeal boards will have the power to recommend the dismissal of any inspector who shows incompetency, and the best evidence of incompetency will be before them in repeated appeals from his inspection.

Furthermore, these boards, getting their power from another and higher source than the railroad and warehouse commission, should be a safe and effective check on the inspection department against its manipulations and errors in judgment of grades. They will certainly be a safeguard between the people and the present system, and a tribunal of easy access, where we trust our entreaties will not be heard in vain, and where appeals may be taken easily, and decisions arrived at quickly.

Of course the appeal boards will have authority over all grain

inspected out as well as in, and through this fact we will have a reliable assurance that the grades at which our grain is sold in the terminal markets, are identically the same as those upon which it will be sold in the markets of the world. We append herewith a copy of the bill providing for a board of appeals, introduced by Representative McCollom, to whom your committee are under great obligations for many courtesies.

A BILL

For an act establishing a board of appeals for the inspection of grain, and prescribing its duties.

Be enacted by the legislature of the State of Minnesota:

Section 1. The governor shall appoint six suitable, competent persons, on or before July 15th, 1899, after the passage of this act, three of whom shall constitute a board of appeals for the inspection of grain at Minneapolis, and the other three to constitute a similar board at Duluth, each respective board to consist so far as may be, of one practical or representative producer of grain, one practical or representative grain or commission merchant, and one practical or representative grain merchant, exporter or miller. Not more than two members of either of said boards of appeal shall belong to the same political party, whose terms of office shall commence August 1st, 1899, and who shall hold their office for a period of two years and until their successors are appointed and qualified. Every two years thereafter, and within thirty days prior to the expiration of their terms of office, the governor shall appoint six such suitable, competent persons, to succeed those whose terms will expire on August 1st, who shall hold their office for two years and until their successors are appointed and qualified. Any vacancy which shall occur in the office of any member of said respective boards of appeals shall be filled by the governor for the remainder of the term, when a successor shall be appointed for the full term of two years. The governor shall have power in his discretion to remove from office any member of said respective boards of appeal at any time, and fill vacancies thus created by the appointment of any suitable person or persons.

Sec. 2. In all matters involving doubt on the part of any grain inspector as to the proper grade of any lot of grain under the standard or rules of inspection, or in case any owner, consignee or shipper of grain or any warehouse manager shall be dissatisfied with the decision of the chief inspector or any of his chief deputy inspectors or other inspectors, an appeal may be made to the said

board of appeals, in the district where the inspection was first made, and a decision of the majority of the said board of appeals shall be final. The railway and warehouse commissioners are authorized to make all necessary rules governing such appeals and to fix the fees for the same. All notices requiring the services of the board of appeals shall be filed in the office of the chief deputy inspector in whose district the grievance or dispute arises, who shall in turn deliver the same promptly to said board. Provided, however, that the party appealing shall pay to the chief deputy inspector with whom he served notice of appeal a sum not to exceed three dollars per case before said case be entertained, which fund shall be refunded should such case be sustained.

Sec. 3. The entire six members constituting the two boards of appeal shall meet together, or a majority of said six members, not later than September 15th, each year and prescribe or designate standards for grades, and when grades are so prescribed, designated and published, the same shall not be changed during the crop year or from one annual meeting until the next except on approval of at least five members of the two joint boards.

Sec. 4. It shall be the duty of either branch of the board of appeals when of the unanimous opinion that any inspector is incompetent, indifferent, intemperate or untrustworthy to report such fact to the railway and warehouse commission.

Sec. 5. Either branch of the board of appeals shall hear, and it hereby made the **duty of either branch to whom appeal is made**, to hear and determine all questions at issue as to grades of grain, made by any inspector, or against any public country warehouse. All such appeals shall be made to either branch of the board of appeals hereby created in section one of this act.

Sec. 6. Each of the members of said board of appeals shall before entering upon his duties of their office take an oath of office as in the case of other state officers, and shall execute a bond in the penal sum of five thousand dollars (\$5,000.00) to the state of Minnesota with good and sufficient sureties, to be approved by the governor, conditioned that they will faithfully and impartially discharge the duties of their office according to law, such bonds to be filed with the secretary of state.

Sec. 7. The salaries of the members of said boards of appeal shall be fixed by the railway and warehouse commissioners by consent of the governor and shall be paid from the grain inspection fund, and all necessary **expenses incurred** in carrying out the provisions of this act shall be paid out of the said grain inspection fund upon the order of the railway and warehouse commissioners.

Sec. 8. All acts or parts of acts inconsistent herewith are hereby repealed.

Sec. 9. This act shall take effect and be in force from and after its passage.

We brought every influence to bear for the passage of this bill, and we fully expect its passage in about its present form. To hasten this, however, we recommend the passage, as early as possible, of a resolution by this body asking the Minnesota legislature to pass the measure, and feel certain that such a resolution will have a great influence toward securing its passage. Your committee will offer such a resolution for the consideration of the legislature.

Next to the appointment of a North Dakota member on each of these boards, the interests of our grain producers would be best served by a representative in Minneapolis and one in Duluth, acting as a commissioner before the appeal boards, who would undoubtedly influence their actions to a considerable extent, clothed, as he would be, with the authority of the state. Such a person could gather much valuable data and information as to the workings of the inspection system, and embody it in the shape of bulletins and reports. We believe that such commissioners, if they were expert men of sufficient business ability to comprehend the situation in all its bearings, could be of incalculable value to our state. Their very presence, in our judgment, would save to our producers many times the cost; however, your committee as a whole has not deemed it wise to take the responsibility of recommending legislation necessary to the appointments of these commissioners, but we all agree that it is a proposition worthy of the most serious consideration. In the absence of these commissioners, we would advise that the law, if it does not already do so, be so amended as to make it the imperative duty of our board of railroad and warehouse commissioners to look after the interest of our grain producers and shippers. In the past, clothed, as they have been with the authority and prestige of the state, they should have been able to do such work as would have brought about good results and made the appointment of this committee unnecessary, but now that the work has begun, we trust the necessary steps will be taken to secure the best results from it, either through special commissioners for the purpose, as has been suggested, or else through the enlistment of the services of our present board of commissioners. Even though this board may not be made up of expert grain men, they can accomplish a great deal for the good of all concerned. The interests are too great to stand idly by and see our farmers and shippers suffer

losses, aggregating, to put it mildly, hundreds of thousands of dollars.

Sixth: Federal inspection.

The interests involved in the inspection of grain in the United States or for that matter in any considerable portion of it, are altogether too great to be subject to the influence of local state politicians. The existence of a large number of complicated systems of inspection do not, we believe, result in any additional good to grain raisers and shippers, or any one else concerned, but on the contrary, lead to dangerous manipulations of grain in large quantities, and dishonest, unhealthy speculative deals which cannot but discredit and cripple the trade. The following concise statement of the case meets the views of your committee, and is quoted from a gentleman at Superior:

“The right of the people in every state to be heard in the matter of the inspection of grain cannot be disputed. It seems imperative that inspection be done at lake or tide river points. Neither the large elevators, railway and vessel interests, or the interior agricultural interests should be interrupted or be subject to interruption by state politicians, or by the local ambitions of vessel port cities.”

SOLUTION.

Provide federal inspection under the secretary of agriculture, by districts, with districts for Lake Superior, Lake Michigan, North Atlantic, South Atlantic, Gulf, North Pacific, South Pacific, and such others as are necessary, all under civil service rules, which should provide that applicants for inspector must have not less than five years experience as buyer of grains, and also pass an examination by satisfactorily grading a large number of samples. The grades may be continued as now, but accepted by federal officials. This plan would give all interested the right to a hearing, and would increase our foreign trade under an unchanging and reliable inspection.”

We would like to add to this that we believe that in connection with the inspection department in each district there should be one or more men of sufficient scientific education to test wheat in a chemical and mechanical way in order to ascertain its milling quality as shown by component parts of gluten, starch, etc., and its shades of color, and such scientific and mechanical tests should be as frequently resorted to as possible, in order that wheat grading may become more and more a mechanical process, and less and

less of question of human judgment. We believe that the results of federal inspection, as outlined above, would be manifold. The character of our products, as represented by the certificates, would have the backing of the United States behind them, and the certificates would be accepted all over the world as readily as our currency, and the trade mark on the product of the North Dakota farmer would be U. S. With federal inspection, you have removed the last barrier between our producer and the world's markets, and we could feel assured that should he sell a car of dry and marketable grain, he will get the same grade for it at which it is sold to the consumer. When this result is attained the question of marketing grain will be wonderfully simplified, and the spread between the producer and the consumer reduced to the lowest point.

We will not go into the matter of federal inspection any more fully, as it is our intention to introduce a joint memorial to congress asking for the enactment of such a law, and trust that this body will give it full and free discussion and consideration.

Of the subject of wheat raising and shipping in general there is much to be said, a little of which we cannot refrain from adding, even though this report is now extremely long, and although it is not strictly within the province of this committee.

It is a striking fact that Duluth, Superior and Minneapolis markets are the only terminal markets in the world in which wheat is shipped in the dirt and graded in the dirt. To say nothing of the prejudice which the presence of the dirt creates against it, the loss of the screenings and in freights paid on screenings is an appalling sum. Unquestionably all grain should be cleaned on the farm, and the screenings fed there, but many deem this impracticable. It does seem, however, that there should be some solution of this question where so much idle horse power goes to waste on our farms.

Holding and storing grain on the farm is equally as important as screening, and would result, if generally resorted to, in a more uniform market, and better prices generally.

Anticipating the fact that irregularities and dissatisfaction is liable to result from the shipment of grain, no one, either farmer or other shipper, should ever load a car of grain without keeping a fair and honest sample of not less than two quarts, secured by taking a handful from each wagon load or from the spout from time to time as it runs in the car. This sample should be properly labelled with date, name of consignee, initial and number of car, and when sold, with the grade, dockage, and price, and those samples should be preserved for at least one year, or better two years back. A collection of such samples from various sections of our

state would make better evidence than a thousand general statements and affidavits which are not tangible. No inspection board would be able to withstand such evidence in case of an investigation. We can only contend with the system and methods which prevail at the terminal points by like systems and methods at this end.

Hundreds of thousands of dollars are lost to our producers by the use of smutty seed. This loss does not fall upon the man who produces the smutty grain alone, but in a measure upon all whose grain is likely to come in contact with the smutty wheat. It would be in the interests of all to compel by law the blue-stoning of wheat, or its subjection to some other process to kill smut. This is a strong statement of the case, which we make only for the purpose of causing our people to realize the importance of this question.

We append herewith a letter which we addressed to Mr. A. C. Clausen, chief inspector, and his very full reply to the same. Our letter was intended to cover the question of wheat inspection and grading as fully as possible, and we think Mr. Clausen's reply contains much valuable information to the public.

St. Paul, Minn., Feby. 3d, 1899.

Hon. A. C. Clausen,
Chief Inspector of Grain,
St. Paul, Minn.

Dear Sir: You are aware that the North Dakota legislature has appointed a joint committee for the purpose of securing in Minnesota and Wisconsin, any needful legislation covering the subject of the inspection of grain. For the information of this committee, will you give us, under the following headings, such specific and general information as you have at your command ?

First: The volume of business transacted in your department.

Second: The number of employes, and general information as to their character and fitness, and length of time in the service.

Third: Are inspectors in any case possessed of knowledge of ownership of grain, and the locality from which it is shipped?

Fourth: As full information as possible relative to state or public warehouses, giving approximately, the percentage of receipts that are handled through them, definitely as to whether grain is actually inspected in and out of them at the same grade, and any figures which you have at your command which will show definitely any overages or shortages accumulating in those houses when

ever cut-offs or clean-ups are made; also such general information as you think might be of value regarding these houses.

Fifth: Information regarding private and mixing houses, and estimates of percentages of receipts which are handled through them. We would like, also, a statement of your opinion resulting from your experience, as to the advantages or disadvantages of these houses resulting to the producer of grain.

Sixth: Is grain that is received at the terminals in a dry and marketable condition sold in the markets of the world, after being cleaned, at the same grade which the farmer or shipper receives for it ?

Seventh: In any markets outside of Minneapolis and Daluth, is grain inspected and sold in the dirt?

Eighth: As full information as possible regarding the standing of the Minnesota inspection certificates in the markets of the world as compared with other certificates, and their value as collateral?

Ninth: Under the Minnesota laws and rules governing grain inspection, can a shipper have his grain sold on the Minneapolis or Duluth market, or the markets East or across the ocean, either without inspection or regardless of it; and if so, is any grain ever so sold—and what is the volume of such business—and what the results as compared with the inspection certificates?

Trusting you can comply with our request, and believing that the information asked for will lead to a better and more intelligent understanding of the subject by the people of North Dakota, I am,

Very truly yours,

(Signed) T. F. MARSHALL,

Chairman.

OFFICE OF CHIEF INSPECTOR OF GRAIN.

St. Paul, Minn., Feby. 7, 1899.

Hon. T. F. Marshall, Chm. North Dakota Legislative Committee on Grain Inspection.

Dear Sir: I am in receipt of your communication of the 3d inst. requesting information concerning the amount of business transacted by the Minnesota grain inspection department, its methods in making appointments and promotions, the operations of the public warehouses under its charge and such general information as would convey an intelligent idea as to the workings of the system. I take pleasure in complying with your request, and in doing so have taken up each feature of the subject under its appropriate headings as suggested in your communication.

First. As to the volume of business transacted by the department:

The following table will show in detail the number of carloads and amount in bushels of each kind of grain inspected on arrival at the terminal points of Minnesota for the season ending August 31, 1896:

EXHIBIT "N."

A Comparative Statement of the Number of Carload and Amount in Bushels (Estimated) of Each Kind of Grain Inspected on Arrival at Minneapolis, Duluth, St. Paul, St. Cloud and Little Falls During the Crop Year Ending August 31, 1898.

| GRAIN | Minneapolis | | Duluth | | St. Paul | |
|--------------|-------------|----------------|-------------|----------------|-------------|----------------|
| | Number Cars | Number Bushels | Number Cars | Number Bushels | Number Cars | Number Bushels |
| Spring wheat | 103,274 | 72,291,800 | 55,790 | 39,053,000 | 172 | 120,400 |
| Winter wheat | 6,248 | 4,373,600 | 1,025 | 717,500 | 3 | 2,100 |
| Corn | 7,580 | 5,292,000 | 6,130 | 4,291,000 | 433 | 303,100 |
| Oats | 11,024 | 10,472,800 | 4,370 | 4,151,500 | 387 | 367,650 |
| Rye | 1,864 | 1,304,800 | 2,875 | 2,012,500 | 7 | 4,900 |
| Barley | 2,623 | 1,967,250 | 3,197 | 2,947,750 | 153 | 114,750 |
| Flax seed | 4,730 | 3,311,000 | 6,345 | 4,441,500 | 339 | 237,300 |
| Total | 137,323 | 99,013,250 | 80,332 | 57,514,750 | 1,494 | 1,150,200 |

| GRAIN | St. Cloud | | Little Falls | | Totals | |
|--------------|-------------|----------------|--------------|----------------|-------------|----------------|
| | Number Cars | Number Bushels | Number Cars | Number Bushels | Number Cars | Number Bushels |
| Spring wheat | 525 | 367,500 | 67 | 46,900 | 159,828 | 111,879,600 |
| Winter wheat | | | | | 7,276 | 5,093,200 |
| Corn | | | | | 14,123 | 9,886,100 |
| Oats | | | | | 15,781 | 14,991,950 |
| Rye | | | | | 4,746 | 3,322,200 |
| Barley | | | | | 6,573 | 4,929,750 |
| Flax seed | | | | | 11,414 | 7,989,800 |
| Total | 520 | 367,500 | 67 | 46,900 | 219,741 | 158,092,600 |

I have taken crop years 1897-1898 as an illustration, as the amount of business transacted during that year was a fair average for several years in the aggregate amount done.

In reducing the cars to bushels we have assumed 700 bushels to represent the average carload of wheat, 700 for corn, 950 for oats, 700 for rye, 750 for barley, 700 for flaxseed. This result is arrived at by taking the actual state weights on many thousands of cars on the different roads as they arrive at Duluth and Minneapolis, and it is approximately correct.

To give you an idea of the growth of business since the year 1895, I append the following comparative statement of receipts in carloads for each year from 1895 to 1897 inclusive:

NUMBER OF CARLOADS INSPECTED "ON ARRIVAL."

| CROP YEAR | Number Cars Wheat | Number Cars Corn | Number Cars Oats | Number Cars Rye | Number Cars Barley | Number Cars Flaxseed | Total Number Cars |
|-------------------|-------------------------|------------------------|------------------------|-----------------------|--------------------------|----------------------------|-------------------------|
| Crop of 1885..... | 93,561 | 1,148 | 1,543 | 5 | 652 | 744 | 97,653 |
| Crop of 1886..... | 113,980 | 1,777 | 3,595 | 21 | 374 | 678 | 110,335 |
| Crop of 1887..... | 116,096 | 2,693 | 2,878 | 26 | 1,079 | 880 | 123,852 |
| Crop of 1888..... | 75,734 | 6,185 | 2,795 | 55 | 1,800 | 909 | 87,478 |
| Crop of 1889..... | 108,227 | 13,060 | 7,220 | 87 | 761 | 1,299 | 130,654 |
| Crop of 1890..... | 117,141 | 4,401 | 6,413 | 403 | 1,634 | 2,681 | 132,673 |
| Crop of 1891..... | 200,081 | 5,663 | 5,362 | 649 | 3,129 | 5,662 | 221,546 |
| Crop of 1892..... | 168,137 | 4,873 | 5,796 | 691 | 4,195 | 2,653 | 186,345 |
| Crop of 1893..... | 133,628 | 9,939 | 5,056 | 446 | 4,110 | 2,901 | 156,080 |
| Crop of 1894..... | 135,505 | 1,774 | 6,837 | 779 | 4,017 | 2,844 | 151,756 |
| Crop of 1895..... | 210,917 | 3,006 | 12,762 | 2,676 | 7,463 | 13,681 | 250,805 |
| Crop of 1896..... | 157,974 | 3,473 | 19,959 | 4,872 | 13,793 | 15,113 | 214,984 |
| Crop of 1897..... | 167,104 | 14,123 | 15,781 | 4,746 | 6,573 | 11,414 | 219,741 |

Of the 167,104 carloads of wheat received during the year, 932 cars contained northern white wheat (from Montana and Eastern Washington), 6,344 cars were red winter wheat from Kansas, and 159,828 cars were northwestern spring wheat.

Second. As to number of employes and the department organization:

The average number of employes during the season is 160, against 156 during the previous year. Additional help is always required during the first four months of the season, when receipts are large, so that during that period the expenses are materially increased. This is off-set, however, by the increased earnings. The largest number employed was 180, in the month of November; the smallest number was 151, in the month of July. Employes are divided into classes as inspectors, inspector's helpers, weighers, registrars and department clerks. The work of the department is under the supervision of a chief inspector, appointed by the Railroad and Warehouse commission.

There are four districts, St. Paul, Minneapolis, St. Cloud and Duluth. In each district a chief deputy inspector has charge of the inspection, with as many deputy inspectors and helpers as the work requires. Each district also has a weighing department, in charge of a state weighmaster, with such number of deputy weighmen as he may require. At Minneapolis and Duluth, where public warehouses are located, registration officers are employed to record in detail the business of such houses and keep constant supervision over their condition and management.

There are fifteen railroad yards at Minneapolis and nine at Duluth-Superior, where inspectors are stationed with their helper to inspect the grain on its arrival from outside points. These yards are located outside of the city limits and lie so far apart that it would require traveling a distance of forty to fifty miles at either point to visit them all.

At Minneapolis, there are thirty-eight elevators, thirty-two of which are "private" and six are "public" houses. At all of these, state inspection and state weighing service is in force. At Duluth-Superior there are eighteen elevators, two being "private" and sixteen "public" houses.

State weighing is also done at twenty-four mills at Minneapolis and eight mills in Duluth-Superior.

All appointments are made by or with the approval of the commission, and carefully selected with due regard to age, character, intelligence and general fitness for the positions to which they may be assigned.

Employees are divided into classes in accordance with their length of service, experience and skill. New appointees are placed in subordinate positions, and promoted as opportunities afford and progress in usefulness and knowledge justifies.

The compensation of employees varies with the importance and responsibility attached to the work in which they are engaged. New appointees in the inspection department are assigned to work at the lowest round of the ladder in the capacity of "helpers," their duties consisting in opening and sealing the cars and probing the grain under the direction of the track inspector—thus affording them the best of opportunities of gaining a knowledge of the work. Close application and study for three or four years will generally fit an intelligent helper for a higher position. No one is appointed as an inspector of grain without having gone through long training and experience. An inspector of grain must not only be a man of expert judgment and familiar with the different qualities of wheat grown in Minnesota and the Dakotas, but also with the character of wheat produced in Wisconsin, Iowa, Nebraska, Kansas, Montana and Washington, the receipts of which constitute a large percentage of the business done by the department each year, and which are annually increasing. In addition to this experience must be added a thorough knowledge of the different grades and varieties of corn, oats, rye, barley and flax seed. Many men who might be competent to operate a local elevator where their duties are confined to inspecting grain grown in that particular locality, would, before a period of training, find

themselves wholly at sea in endeavoring to discharge the exacting duties of a terminal inspector.

In the weighing department, while the duties performed are of a different character, they are none the less important; to insure satisfactory results, it is essential that none but honest, active, intelligent men should be employed. They must be quick and accurate at figures, and be good penman, they must be on the alert at all times to watch for possible leakages from defect of cars, elevator spouts and bins. To fulfill the duties of the position in a large terminal elevator requires a knowledge of its interior construction with its multitudinous bins, spouts, scales, etc.

Inspectors and weighmen are each required to give a bond of \$5,000.00 conditioned upon a faithful performance of their duties under the rules laid down for their government.

Old experienced employes are rarely removed from the department—and then only for a violation of the rules. Many of the employes are still connected with the service who were identified with it at its inception, and their carefully trained judgment from years of experience renders their services of inestimable value.

Third, as to whether the inspectors are in any case possessed of the knowledge of the ownership of grain or the locality from which it is shipped.

The inspectors on track in determining the grade know absolutely nothing as to the point from which the grain came or whom the shipper may be, or to whom the grain may be going, notwithstanding the prevailing ideas on this subject, nor would it be possible to furnish any such information from the inspection office, as the only record to be found there is the car number and the initial, the date of inspection, the name of inspector, the grade and dockage, and the inspector's notations or reasons for the grade. Thus every carload arriving is inspected with absolute impartiality and without the slightest knowledge of its origin or ownership.

Fourth. To indicate the percentage of receipts which are handled through the terminal elevators, I respectfully refer you to the following tables:

EXHIBIT "E."

Statement of "Out Inspection" of Spring Wheat at St. Paul, Minneapolis and Duluth, Crop of 1897, from September 1, 1897, to August 31, 1898.

| MONTHS | St. Paul | Minneapolis | Duluth | All Points | Duluth |
|----------------------|-------------|-------------|-------------|------------|----------------------------|
| | Number Cars | Number Cars | Number Cars | Total Cars | Total Bushels Into Vessels |
| September, 1897..... | 145 | 4,583 | 275 | 5,003 | 7,737,158 |
| October, 1897..... | 158 | 3,593 | 1,044 | 4,795 | 5,465,867 |
| November, 1897..... | 251 | 4,308 | 1,033 | 5,592 | 5,082,946 |
| December, 1897..... | 184 | 6,989 | 2,152 | 9,325 | 2,953,550 |
| January, 1898..... | 193 | 2,410 | 584 | 3,187 | ..... |
| February, 1898..... | 143 | 3,319 | 249 | 3,711 | ..... |
| March, 1898..... | 143 | 4,238 | 485 | 4,866 | ..... |
| April, 1898..... | 36 | 3,658 | 396 | 4,090 | 1,530,000 |
| May, 1898..... | 204 | 5,582 | 994 | 6,780 | 2,848,935 |
| June, 1898..... | 85 | 3,565 | 421 | 4,071 | 1,248,902 |
| July, 1898..... | 127 | 4,354 | 642 | 5,123 | 1,555,986 |
| August, 1898..... | ..... | 3,826 | 530 | 4,356 | 1,516,208 |
| Totals..... | 1,669 | 50,425 | 8,805 | 60,899 | 29,939,552 |

EXHIBIT "L."

Statement of "Out Inspection" into Cars and Vessels of Coarse Grain, Including Flaxseed and Winter Wheat at St. Paul, Minneapolis and Duluth, Crop of 1897, September 1, 1897, to August 31, 1898.

| MONTHS | St. Paul | | | | | Minneapolis | | | | | Duluth | | | |
|----------------------|--------------|------|------|-----|--------|-------------|--------------|-------|-------|-----|--------|-----------|--------------|------------------------|
| | Winter Wheat | Corn | Oats | Rye | Barley | Flax Seed | Winter Wheat | Corn | Oats | Rye | Barley | Flax Seed | Winter Wheat | |
| | | | | | | | | | | | | | Cars | Total Bu. Into Vessels |
| September, 1897..... | .. | 4 | 7 | 2 | 5 | .. | 1 | 14 | 383 | 2 | 21 | 5 | .. | ..... |
| October, 1897..... | .. | 4 | 1 | .. | 3 | .. | 2 | 175 | 447 | 9 | 21 | .. | .. | ..... |
| November, 1897..... | .. | 6 | 1 | 1 | 1 | 2 | 4 | 260 | 565 | 19 | 21 | 392 | 2 | ..... |
| December, 1897..... | 1 | 245 | 2 | 10 | 1 | .. | 7 | 424 | 648 | 65 | 23 | 55 | 1 | 46,944 |
| January, 1898..... | .. | 29 | .. | 25 | 7 | 1 | 38 | 135 | 352 | 18 | 20 | 5 | .. | ..... |
| February, 1898..... | .. | 3 | 13 | 2 | 9 | .. | 28 | 618 | 1,282 | 23 | 21 | 9 | .. | ..... |
| March, 1898..... | 19 | 9 | 8 | .. | 13 | .. | 34 | 597 | 1,106 | 28 | 34 | 68 | 1 | ..... |
| April, 1898..... | .. | 7 | 99 | .. | 3 | .. | 5 | 266 | 1,070 | 140 | 11 | 168 | 3 | 139,227 |
| May, 1898..... | .. | 3 | 36 | .. | 3 | 15 | 11 | 120 | 480 | 26 | 5 | 379 | .. | 80,063 |
| June, 1898..... | .. | 2 | .. | .. | .. | .. | 61 | 234 | 92 | 3 | 2 | 196 | 1 | 40,724 |
| July, 1898..... | .. | 6 | 8 | .. | 3 | .. | 159 | 86 | 133 | 14 | 3 | 67 | .. | 5,138 |
| August, 1898..... | .. | 1 | .. | .. | .. | .. | 55 | 98 | 168 | 27 | 1 | .. | .. | ..... |
| Totals..... | 20 | 319 | 175 | 40 | 48 | 18 | 405 | 3,027 | 6,706 | 374 | 183 | 1,344 | 8 | 292,096 |

EXHIBIT "L."—Continued.

| MONTHS | Duluth | | | | | | | | | |
|----------------------|--------|----------------|------|----------------|------|----------------|--------|----------------|-----------|----------------|
| | Corn | | Oats | | Rye | | Barley | | Flax Seed | |
| | Cars | Bu. in Vessels | Cars | Bu. in Vessels | Cars | Bu. in Vessels | Cars | Bu. in Vessels | Cars | Bu. in Vessels |
| September, 1897..... | 37 | 178,000 | 3 | 42,000 | 1 | 10,000 | 1 | 319,761 | .. | 805,628 |
| October, 1897..... | 2 | ..... | 9 | ..... | 1 | 50,000 | 6 | 528,371 | 3 | 455,191 |
| November, 1897..... | 3 | ..... | 6 | ..... | .. | 23,374 | 1 | 695,875 | 1 | 1,695,244 |
| December, 1897..... | 1 | ..... | 6 | ..... | .. | ..... | 4 | 46,012 | 1 | 684,030 |
| January, 1898..... | .. | ..... | .. | ..... | .. | ..... | 2 | ..... | 2 | ..... |
| February, 1898..... | .. | ..... | .. | ..... | .. | ..... | 68 | ..... | 66 | ..... |
| March, 1898..... | 1 | ..... | 2 | ..... | 1 | ..... | 192 | ..... | 91 | ..... |
| April, 1898..... | 1 | 874,822 | 6 | 1,149,783 | 2 | 937,482 | 2 | 280,857 | 2 | 351,246 |
| May, 1898..... | 1 | 308,211 | 3 | 2,321,246 | 14 | 669,157 | .. | 34,505 | 1 | 347,441 |
| June, 1898..... | 97 | 191,899 | 17 | 914,737 | .. | 107,000 | .. | 50,605 | 5 | 251,700 |
| July, 1898..... | 84 | 521,208 | 3 | 70,819 | .. | 95,912 | .. | ..... | .. | 167,200 |
| August..... | 88 | 1,276,908 | 2 | ..... | .. | 285,500 | .. | ..... | .. | 68,194 |
| Totals..... | 315 | 3,351,048 | 60 | 4,498,585 | 19 | 2,178,425 | 276 | 1,955,986 | 172 | 4,823,874 |

PUBLIC AND PRIVATE WAREHOUSES.

The terminal warehouses are divided into two classes: private and public warehouses.

All wheat arriving at terminal points not intended for immediate use is sent after inspection to the terminal elevators to be stored for future sale and shipment, or held for future needs by the millers.

The public houses comprise those which are duly bonded and operated under state licenses and in accordance with the provisions of the warehouse and grain laws of the state. In these houses a general public business is conducted. All grain received into or shipped from such warehouses must be inspected and weighed by duly authorized state officers. A complete system of accounts with each one of the public houses is kept in the office of the warehouse registrar at each terminal point where such houses are operated. Sworn statements in writing showing the amount of each kind and grade of grain received and shipped are made to the registrar by public warehousemen. These statements are carefully checked by the registrar and compared with the returns made by the state inspectors and weighers, as shown by the records of the department. All reports are thus verified before being entered in the registrar's books.

Warehouse receipts issued by public warehousemen on receipt of grain into their warehouses are registered in the office of the warehouse registrar, and upon the delivery out of store of grain rep-

resented by these receipts, they are presented for cancellation, and thus become void.

All grain of the same grade must be kept together, and stored only with grain of a similar grade, and a selection of different qualities of the same grade is prohibited. Grain of different grades cannot be mixed together under any circumstances, nor can the warehouseman deliver grain of one grade for that of another grade, or in any manner tamper with grain in his possession with a view of securing any profit to himself or any other person.

Upon request of any owner of grain, the warehouseman may place any grain of same grade belonging to said owner in official or private bins for the purpose of drying, cleaning and improving the same for account of said owner, but in such cases the warehouseman must deliver the same upon its original grade, regardless of any improvement which may have been made by reason of such drying, cleaning or handling. Thus all grain delivered from public warehouses is inspected under the grade in which it was received into store and the record in the registrar's office of receipts of all kinds and grades of grain is thus cancelled by the record of shipments preserving a complete and perfect balance.

The following statement will show the total receipts of spring wheat in bushels, during the crop year ending August 31, 1898, at Minneapolis and Duluth, also the amount handled at "public" and "private" houses:

| | | |
|--|---|----------------|
| Total receipts spring wheat, Minneapolis,..... | | 72,291,800 bu. |
| Handled at public elevators | " | 5,319,083 |
| " " private | " | 29,978,417 |
| Not received into store | " | 36,994,300 |
| Total receipts spring wheat, Duluth,..... | | 72,298,800 bu. |
| Handled at public elevators | " | 57,514,750 bu. |
| " " private | " | 32,584,090 |
| Not received into store | " | 3,518,962 |
| | | 21,411,698 |
| | | 57,514,750 bu. |

The item "not received into store" refers to wheat which is either ground at Duluth or Minneapolis, or forwarded in original cars to outside mills for the same purpose.

Regarding overages or shortages in public elevators:

The amount of grain carried over from one season to another in the large terminal elevators precludes the possibility of making a cut-off and weighing-up of grain every season, as the expense of handling such an amount is a large one. That shortages or overages must occur in a business of this nature goes without saying, but it can be stated as a demonstrated fact, that in either event the amount in such cases as have come to our attention has been infinitesimally small when the vast quantities handled are taken into consideration.

Paradoxical as it may seem, overages in public houses are always reported to the department, but shortages seldom, if ever. One reason and perhaps the most pronounced why warehousemen are averse to a publication of the fact that they are short on grain to satisfy all their outstanding receipts is the natural tendency of the public mind to exaggerate and magnify such reports. Warehousemen prefer to suffer a loss in silence rather than allow any question or possible misunderstanding as to the validity of their warehouse paper to arise.

It frequently occurs that warehousemen find themselves short of the necessary amount to satisfy all their outstanding obligations at the end of the season. In such cases they are obliged either to buy in the receipts of the necessary amount of grain to meet them. As before stated, this is done without any fuss or parade and merely treated as an incident of the business.

On the other hand, if any accumulation occurs in excess of the amount of the warehousemen's obligations, it is impossible to dispose of it without the knowledge of the department, owing to its complete censorship over public warehouses. There is stationed at each of such houses a state inspector, and an upstairs and downstairs weighman, who, in conjunction with the registrar's office, keep a complete check upon these houses. Before any overage could be shipped out, its existence would first have to be reported to the railroad and warehouse commission, and permission obtained to make such shipment. In the fourteen years existence of the department the total accumulation of so-called overages reported from all the public terminal warehouses to date is 102,249 bushels. During that period, the amount of wheat handled by the public warehousemen at terminal points approximates 350,000,000 bushels. The overages reported represent the net result from gains and losses by public warehousemen during the period mentioned, and in which this vast amount was handled. This indicates less than one-quarter of an ounce per bushel net overage.

Fifth: As to the advantages or disadvantages of private or mixing houses resulting to the producer and country shipper.

The grain handled in private houses belongs exclusively to the owners themselves. At such houses the proprietors make a business of buying grain of different grades, a certain percentage of it being out of condition, such as wet or smutty grain, and by drying, brushing, scouring and otherwise improving the same, they are able to bring it up to a higher standard. There are thirty-four of such warehouses at Minneapolis and Duluth. There is considerable competition among these buyers, resulting in making a good market for damaged grain which otherwise would be a drug, particularly

a crop like the present one, a large percentage of which is damp and exceedingly smutty.

The inspection department has frequently had controversies with the proprietors of these private warehouses, in view of their endeavors at times to unduly gain grades on their output from store. The department has always maintained a firm stand in connection with this feature of its work, insisting upon strong, average quality of grain from store, fully equal to the standards in force at public warehouses, thus guarding against any deterioration of the Minnesota grades as they go out to other markets.

Notwithstanding the unpleasant experiences incident to this work, it would be folly to decry these institutions or to attempt to belittle their importance and value to the producers of the Northwest. If it were not for their existence, the greater portion of the damaged grain, which is annually shipped in from country points, would be forced to outside markets, and sold at much lower prices. The following rules govern the inspection department in its relations with private warehousemen and effectively serve to uphold the integrity of Minnesota standards.

RULES.

"In the inspection of grain from private warehouses the inspection department will be governed by the general standard of grades in force at the public warehouses, and no grain will be allowed to pass inspection that is not fully up to the general average quality of the different grades coming out from the regular bins of the public warehouses.

Samples of standard grades will be furnished by the chief deputy inspector, upon application.

The inspection department neither claims nor assumes any supervision of grain stored in a private warehouse, and no claim based upon any previous inspection of grain, before unloading in such private warehouse, will be entertained by this department.

All scales upon which grain is weighed by a state weigher, in private warehouses, shall be subject to examination and test, at all times, by any duly authorized weighmaster, or sealer of weights and measures."

Sixth: As to whether grain received at terminals is sold in markets of the world on same grade which the country shipper receives for it.

Eastern and foreign buyers who purchase grain at Duluth, accept it on the grades fixed by the Minnesota inspection department. The delivery is made at Duluth, and must be accepted there. Although

the buyer is not present, but on the contrary he is thousands of miles distant, a feeling of confidence in the justice and reliability of Minnesota inspection inspires the buyer to accept the chances. The shipments are always accompanied by state certificates of inspection and weight.

All financial responsibility as far as the Minnesota authorities are concerned, ends with the clearance of the shipments from our markets. Formally there was much talk of Minnesota grain being tampered with in Buffalo in its transit to eastern markets, it being alleged that inferior grain was mixed into it at Buffalo, and in case of foreign shipments, at New York. Whether this has been true in past years or not, it cannot be questioned that under present facilities and conditions at Buffalo, New York and other transfer points the identity of our shipments can be and is maintained through to their final destination. At any rate, the eastern and foreign buyer who must take the chances seems to be more than ever willing to do so. At our request, we have frequently had samples of cargoes of Minnesota wheat returned to us, which had been taken from the vessels after arrival at foreign ports, and found it in every instance that the grain had reached its destination intact and in its original state of purity as to quality.

Seventh: In any markets outside of Minneapolis and Duluth, is grain inspected and sold in the dirt?

The dockage system in vogue in the markets of the northwest is unknown in other markets of the country. Over 90 per cent of the wheat brought to our terminal markets is in an unclean condition, containing foul seed, and other impurities ranging from one-half pound to ten pounds per bushel.

It is an infrequent occurrence to find cars containing as high as twenty to twenty-five bushels of foul seed alone. Under our system the inspector determines what grade the grain would be if thoroughly cleaned, and then determines by actual test with suitable apparatus how much impurity per bushel the grain contains, which is to be deducted as dockage.

In other markets of the country grain arrives in a clean condition, having been carefully and properly cleaned on the farm before being marketed. If by any chance the grain arrives at other terminal markets, not properly cleaned, instead of being docked for the dirt and given the benefit of its proper grade, it is designated as "rejected" on account of dirt, even though the grain might be very fine. The grain must then be either sent to a warehouse by the owner, to be cleaned at considerable expense, or else disposed of by sample at a large discount, entailing considerable loss.

Regarding the results of dockage on the present crop of wheat

as taken from our records, will say that of the 124,889 cars of this season's spring wheat inspected on arrival at Duluth and Minneapolis for the months of September, October, November and December, 1898, 8,523 cars were docked one-half pound per bushel; 23,062 one pound; 21,102 one and one-half pounds; 24,846 two pounds; 14,568 two and one-half pounds; 10,309 three pounds; 11,998 over three and at an average of four pounds and 10,481 without dockage. The net average dockage at those two points for the four months being 28 6-10 ounces per bushel.

Eighth. As to the standing of Minnesota inspection certificates and its public warehouse receipts in the markets of the world as compared with those of other markets.

The Minnesota grades of grain as represented by its inspection certificates have always enjoyed the fullest confidence of the purchasers and dealers of grain in other markets. The eastern holder of a carload or cargo of grain which is accompanied by a certificate of its quality and quantity under the seal the state of Minnesota, is generally satisfied that he has value received and rarely troubles himself to examine farther into its quality, or subject it to another inspection on receipt of the grain at its point of destination. Confidence in the justice and integrity of our grades seems to have been established in all markets to which northwestern grain is forwarded. As a further and still more forcible illustration of this fact, the New York Produce Exchange several years ago passed a resolution declaring public warehouse receipts for No. one Northern wheat of Minnesota inspection deliverable on contracts made on that exchange for future delivery.

When these contracts mature, the tender and delivery of Duluth public warehouse receipts calling for No. 1 Northern wheat, and which bear the registration stamp of a state registrar, are regarded as a lawful fulfillment of the contract. When it is considered that these vast transactions are based upon receipts calling for grain which may not reach New York until perhaps months later, it is a tribute not only to Minnesota inspection, but to the character and standing of our terminal public warehouses.

The inspection, weighing and registration departments are integral parts of a complete whole, and serve not only as a check upon each other, but upon the public warehousemen. In view of these safeguards, which characterize no other system so completely in the other markets of the United States, the receipts issued from the terminal public warehouses of Minnesota are regarded as of the very safest and choicest form of collateral by local and eastern banks and moneyed institutions, and advances are made upon this security considerably below normal rates of interest. No system in the country enjoys greater prestige or distinction.

Ninth. Under Minnesota laws and rules, can a shipper have his grain sold on the Minneapolis or Duluth markets, or the markets east, or across the ocean, either without inspection or regardless of it, and if so, is any grain ever so sold, and what is the volume of such business, and what the results as compared with inspected grain?

There is nothing in the grain laws of Minnesota or the rules governing inspection which would compel the country shipper against his wishes to subject his grain to inspection on arrival at terminal points. In the absence of specific notice to the contrary, the department assumes that inspection is desired, and does so inspect it. It would refrain from so doing in all cases where proper notice was received in advance. It must be borne in mind, however, that all grain must be inspected before it can be received into public warehouses, and the buyers of grain for shipment would be averse to purchasing it until its grade had been determined. Just so far this would restrict the shipper's market and confine it to the millers or such local buyers as might have immediate use for the grain.

Again, although our laws and rules require that all grain going into or shipped from public warehouses shall be duly inspected, the owner would in no wise be prevented from destroying his inspection certificate, forwarding his grain to eastern or foreign markets and disposing of it by sample regardless of inspection.

The amount of business done by the sample method is exceedingly small, the chances for dispute as to quality of the grain compared with the sample being very great and particularly so on a declining market.

Neither is it a common occurrence for shippers to forward their grain east to be sold subject to eastern inspection. Experience in such cases as have occurred have in most cases resulted in the conviction that it is preferable to have the grade question settled before the grain leaves the home market.

In closing this communication, I trust the committee will pardon its length. I neither intended or expected to occupy so much space. However, a great deal more could be said that might be interesting and instructive.

The subject is a broad one and of serious importance which is my apology for trespassing to so great an extent upon your time and patience. With the sincere assurance that my time and all information on this subject which I possess will always be at the disposal of your honorable committee, I remain,

Very respectfully yours,

[SIGNED.]

A. C. CLAUSEN,

Chief Inspector of Grain.

We do not wish to be misunderstood as to any of the features of this report. We do not make any of our statements as final,

or expect them to be accepted as authority. Many of them, to say the least, are open to argument, and may call for criticism, but we do not believe that any harm can come from the discussion and agitation of this subject; on the contrary, great good ought to result. We have gone into the subject at length, hoping to bring about agitation which will result in a better general understanding of the subject. If we succeed in interesting those who are more competent to treat of it, to the extent of getting them to express themselves in a public way, a beginning has been made, and we will be well pleased.

The Committee desires to extend its thanks, on behalf of the state, for many courtesies shown by Gov. Lind, the Legislative Committees of Minnesota, its individual members, the Minnesota Railroad and Warehouse Commissioners, Chief Inspector Clausen, his assistant, Mr. Barnard, and his force, as well as the Boards of Trade of Minneapolis, Duluth and Superior, and the individual members of those Boards, and the citizens of those cities, the representatives of the grain and milling trade and the railroad companies, all of whom united to aid the Committee in its work.

We were also greatly aided in our work by Mr. E. Y. Sarles and Roderick J. Johnson of Traill county and Mr. C. M. Johnson of Richland county, all of whom came to St. Paul in response to our general invitation. The two first named gentlemen were with us for more than a week, in St. Paul, Duluth and Superior, and placed your Committee and the people of the state under obligations to them for their unselfish, active interest taken in the work of the Committee.

Respectfully submitted.

T. F. MARSHALL,
R. N. COOPER,
J. S. JOHNSON,
ORMSBY MCHARG,
H. J. MINER. []
Committee.

Mr. Johnson of Richland moved

That the report of the joint committee to investigate grain inspection be adopted,

Which motion prevailed, and

The report was adopted.

REPORTS OF STANDING COMMITTEES.

The committee on engrossed bills made the following report:

Mr. Speaker:

Your committee on engrossed bills have examined

House bill No. 8,

A bill for an act to repeal chapter 53 of session laws of 1897, and sections 4816, 4817, 4818 and 4819 of the Revised Codes of North Dakota relating to liens for sires.

Also,

House bill No. 9,

A bill for an act requiring mortgagees of personal property to prepare and furnish and read to mortgagors copies of the mortgage instruments and making the said mortgage instruments void unless so furnished and read.

Also,

House bill No. 123,

A bill for an act regulating the operation of traction engines in this state.

Also,

House bill No. 135,

A bill for an act providing for the manner of the disposition of lands acquired by the state or the several counties of the state under the provisions of chapter 67, laws of 1897.

And find the same correctly engrossed.

A. W. THOMAS,

Chairman.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,

February 20, 1899.

Mr. Speaker:

I have the honor to transmit herewith

Senate bill No. 134,

A bill for an act amending chapter 87 of the laws of 1897 being "an act relating to societies organized for the purpose of securing homes for orphans or abandoned, neglected or grossly ill-treated children, by adoption or otherwise, and providing rules for the regulation of the same."

Also,

Senate bill No. 140,

A bill for an act to prescribe certain powers, duties and compensation of the state fish commissioner of North Dakota, and to appoint deputy fish wardens, and to prescribe their powers, duties and compensation, and to amend section 7682 of the Revised Codes of 1895, relating to seines and nets to be destroyed.

Also,

Senate bill No. 123,

A bill for an act to amend section 1 of chapter 108 of the session laws of 1897 relating to labor of convicts.

Also,

Senate bill No. 122,

A bill for an act to amend section 1538 of the Revised Codes of the state of North Dakota, relating to marks and brands.

Also,

Senate bill No. 71,

A bill for an act entitled "an act to amend section twenty-six of chapter one hundred twenty-six of the laws of 1897 relating to the assessment of bank stock and the method of determining the value thereof for purposes of assessment.

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

Very respectfully yours,

J. O. SMITH,

Secretary.

INTRODUCTION OF HOUSE BILLS.

Mr. Restemayer introduced

House bill No. 188,

A bill for an act to amend section 1255 of the Revised Codes of the state of North Dakota, 1895, relating to tax sale.

FIRST AND SECOND READING OF HOUSE BILLS.

House bill No. 188,

A bill for an act to amend section 1255 of the Revised Codes of the state of North Dakota, 1895, relating to tax sale.

Was read the first and second times, and

Referred to the committee on taxes and tax laws.

Substitute for House bill 45,

A bill for an act to amend sections 863 and 864 of the Revised Codes relating to education.

Was read the first and second times, and

Referred to the committee on engrossment.

Mr. Kennedy moved that

Senate bill No. 26,

A bill for an act to provide for paying the expense incurred by the North Dakota commission in making an exhibit on behalf of the state at the Trans-Mississippi and International Exposition

held at Omaha in the state of Nebraska in 1898, to refund money advanced by certain persons for the purpose of making said exhibit, and to appropriate money therefor.

Be recalled from the committee on state affairs and be referred to the committee on appropriations,

Which motion prevailed, and

Senate bill No. 26,

A bill for an act to provide for paying the expense incurred by the North Dakota commission in making an exhibit on behalf of the state at the Trans-Mississippi and International Exposition held at Omaha in the state of Nebraska in 1898, to refund money advanced by certain persons for the purpose of making said exhibit, and to appropriate money therefor.

Was so re-referred.

THIRD READING OF HOUSE BILLS.

House bill No. 130,

A bill for an act requiring the burial of animals that die from disease.

Was read the third time.

The question being upon the final passage of the bill

The roll was called and there were ayes 51, nays none, absent and not voting 11.

Those who voted in the affirmative were:

| | | |
|-------------|--------------|-------------|
| Messrs— | Messrs— | Messrs— |
| Aas, | Gronvold, | Restemayer, |
| Allen, | Gulack, | Sargent, |
| Allshouse, | Hale, | Stevens, |
| Berger, | Hare, | Stewart, |
| Boyd, | Hauan, | Swenson, |
| Brakke, | Herbrandson, | Stevenson, |
| Brotnov, | Kennedy, | Taylor, |
| Chacey, | Laughlin, | Thomas, |
| Clarke, | Lee, | Thomson, |
| Deisem. | Lish | Thordarson |
| Dougherty, | Lynch. | Tousley, |
| Dwire, | McLean, | Towle, |
| Engelger, | Michels, | Tufte, |
| Ferris, | Miner, | Ugland, |
| Gilbertson, | Nelson, | Wallace, |
| Glasgow, | Peek, | Wolbert, |
| Green, | Peterson, | Winslow, |

Absent and not voting:

| | | |
|-----------|--------------------|--------------|
| Messrs— | Messrs— | Messrs— |
| Bacon, | Johnson, Richland, | Sanford, |
| Cassell, | Johnston, Walsh, | Watts, |
| Earl, | McHarg, | Mr. Speaker, |
| Erickson, | Ovind, | |

Messrs. Erickson, Ovind and Mr. Speaker being excused.

So the bill passed and the title was agreed to.

Substitute for House bill No. 88,

A bill for an act to amend section 2075 of the Revised Codes of the state of North Dakota, providing for the salary of register of deeds.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 54, nays none, absent and not voting 8.

Those who voted in the affirmative were:

Messrs—

Aas,
Allen,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,
Chacey,
Clarke,
Deisem,
Dougherty,
Dwire,
Engelter,
Ferris,
Gilbertson,
Glasgow,
Green,
Gronvold,

Messrs—

Hale,
Hare,
Hauan,
Herbrandson,
Johnson, Richland
Kennedy,
Laughlin,
Lee,
Lish
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Peek,
Peterson,
Restemayer,

Messrs—

Sanford,
Sargent,
Stevens,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson
Tousley,
Towle,
Tuftte,
Ugland,
Wallace,
Watts,
Wolbert,
Winslow,

Absent and not voting:

Messrs—

Allshouse,
Cassell,
Earl,

Messrs—

Erickson,
Gulack,
Johnston, Walsh,

Messrs—

Ovind,
Mr. Speaker,

Messrs. Erickson, Ovind and Mr. Speaker being excused.

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

Mr. Dougherty moved

That the vote by which substitute for House bill No. 88 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

House bill No. 148,

A bill for an act to amend section 2669 of the Revised Codes of North Dakota, 1895, relating to township road tax and road work.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 42, nays 14, absent and not voting 6.

Those voting in the affirmative were:

| | | |
|--|--|---|
| <p>Messrs— Aas, Bacon, Berger, Boyd, Brakke, Brotnov, Chacey, Clarke, Dougherty, Ferris, Gilbertson, Glasgow, Green, Gronvold,</p> | <p>Messrs— Gulack, Hale, Hare, Hauan, Herbrandson, Johnson, Richland, Kennedy, Lee, Lish, Lynch, McHarg, McLean, Michels, Miner,</p> | <p>Messrs— Nelson, Sanford, Sargent, Stewart, Swenson, Taylor, Thomas, Thordarson, Towle, Tufte, Uglund, Wolbert, Winslow,</p> |
|--|--|---|

Those voting in the negative were:

| | | |
|--|--|--|
| <p>Messrs— Allen, Allshouse, Delsem, Dwire, Engelter,</p> | <p>Messrs— Laughlin, Peek, Peterson, Restemayer, Stevens,</p> | <p>Messrs— Stevenson, Thomson, Tousley, Wallace, Watts,</p> |
|--|--|--|

Absent and not voting:

| | | |
|---|---|--|
| <p>Messrs— Cassell, Earl,</p> | <p>Messrs— Erickson, Johnston, Walsh,</p> | <p>Messrs— Ovind, Mr. Speaker,</p> |
|---|---|--|

Messrs. Erickson, Ovind and Mr. Speaker being excused.

So the bill passed and the title was agreed to.

Mr. Stevens gave notice that on Tuesday, February 21st, he would move that the vote by which

House bill No. 148,

A bill for an act to amend section 2669 of the Revised Codes of North Dakota, 1895, relating to township road tax and road work. Passed be reconsidered.

House bill No. 2,

A bill for an act to amend section 2767 of the Revised Codes of North Dakota relating to rights and capacity of husband and wife. Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 43, nays 12, absent and not voting 7.

Those who voted in the affirmative were:

| | | |
|--|---|---|
| <p>Messrs— Allen, Allshouse, Bacon, Boyd, Brakke,</p> | <p>Messrs— Gulack, Hale, Hare, Johnson, Richland, Kennedy,</p> | <p>Messrs— Restemayer, Sanford, Sargent, Stewart, Stevenson,</p> |
|--|---|---|

Messrs—

Brotnov,
Clarke,
Deisem,
Dougherty,
Dwire,
Engelter,
Ferris,
Gilbertson,
Green,
Gronvold,

Messrs—

Laughlin,
Lish
Lynch,
McHarg,
McLean,
Michels,
Miner,
Peek,
Peterson,

Messrs—

Taylor,
Thomas,
Thomson,
Thordarson
Tousley,
Towle,
Wallace,
Watts,
Wolbert,

Those voting in the negative were:

Messrs—

Aas,
Berger,
Chacey,
Glasgow,

Messrs—

Hauan,
Herbrandson,
Lee,
Nelson,

Messrs—

Swenson,
Tufte,
Ugland,
Winslow,

Absent and not voting:

Messrs—

Cassell,
Earl,
Erickson,

Messrs—

Johnston, Walsh,
Ovind,

Messrs—

Stevens,
Mr. Speaker,

Messrs. Erickson, Ovind and Mr. Speaker being excused.

So the bill passed and the title was agreed to.

Mr. Tousley moved

That the vote by which House bill No. 2 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

The speaker announced an informal recess of ten minutes.

The house reassembled.

House bill No. 127,

A bill for an act to provide for the cutting or removing of weeds along the public highways, streets and alleys.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 54, nays none, absent and not voting 8.

Those who voted in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,
Chacey,
Clarke,
Deisem,

Messrs—

Green,
Gronvold,
Gulack,
Hale,
Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,

Messrs—

Peek,
Peterson,
Restemayer,
Sanford,
Sargent,
Stevens,
Stewart,
Swenson,
Stevenson,
Thomas,
Thomson,

Messrs—

Dougherty,
Dwire,
Earl,
Engelter,
Ferris,
Gilbertson,
Glasgow,

Messrs—

Lish
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,

Messrs—

Thordarson
Tousley,
Towle.
Tufte,
Ugland,
Wolbert,
Winslow,

Absent and not voting:

Messrs—

Cassell,
Erickson,
Hare,

Messrs—

Ovind,
Taylor,
Wallace,

Messrs—

Watts,
Mr. Speaker,

Messrs. Erickson, Ovind and Mr. Speaker being excused.

So the bill passed and the title was agreed to.

House bill No. 136,

A bill for an act requiring the owners or occupants of lands within the state to fill or cover securely any and all wells situated thereon.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 53, nays none, absent and not voting 9.

Those who voted in the affirmative were :

Messrs—

Aas,
Allen,
Allshouse,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,
Chacey,
Clarke,
Deisem,
Dougherty,
Earl,
Ferris,
Gilbertson,
Glasgow,
Green,
Gronvold,

Messrs—

Gulack,
Hale,
Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Peek,
Peterson.

Messrs—

Restemayer,
Sanford,
Sargent,
Stewart,
Swenson,
Stevenson,
Thomas,
Thomson,
Thordarson
Tousley,
Towle.
Tufte,
Ugland,
Wallace,
Watts,
Wolbert,
Winslow,

Absent and not voting:

Messrs—

Cassell,
Dwire,
Engelter,

Messrs—

Erickson,
Hare,
Ovind,

Messrs—

Stevens,
Taylor,
Mr. Speaker.

Messrs. Erickson, Ovind and Mr. Speaker being excused.

So the bill passed and the title was agreed to.

Mr. Towle moved

That the vote by which House bill No. 136 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed,

Mr. Stevens moved that

House bill No. 17,

A bill for an act providing for the collection of vital statistics.

Be re-referred to the committee on appropriations,

Which motion prevailed, and

House bill No. 17,

A bill for an act providing for the collection of vital statistics.

Was so referred.

House bill No. 135,

A bill for an act providing for the manner of the disposition of lands acquired by the state or the several counties of the state under the provisions of chapter 67, laws of 1897.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 57, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Deisem,
Dougherty,
Dwire,
Earl,
Engelter,
Ferris,
Gilbertson,
Glasgow,

Messrs—

Green,
Gronvold,
Gulack,
Hale,
Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish,
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Peek,

Messrs—

Restemayer,
Sanford,
Sargent,
Stevens,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson,
Tousley,
Towle,
Tuftte,
Ugland,
Wallace,
Watts,
Wolbert,
Winslow,

Absent and not voting:

Messrs—

Erickson,
Hare,

Messrs—

Ovind,
Peterson.

Messrs—

Mr. Speaker,

Messrs. Erickson, Ovind and Mr. Speaker being excused.

So the bill passed and the title was agreed to.

Mr. Gulack moved

That the vote by which House bill No. 135 passed be recon-

sidered, and the motion to reconsider be laid upon the table,

Which motion prevailed

The speaker announced that he was about to sign

JOINT RESOLUTION.

To the Honorable, the Governor and Legislature of the State of Minnesota:

Resolved by the Senate, the House of Representatives Concurring:

Whereas, There have been many complaints of the lack of uniformity in grading of grain at Minneapolis and Duluth under the Minnesota law, resulting in great loss to our wheat growers and shippers; and,

Whereas, The joint committee of the house and senate appointed to aid in securing legislation looking to relief from this condition after a careful investigation of the subject, believe that the measure known as the McCollom bill providing for the appointment of appeal boards at Minneapolis and Duluth, is a measure which, if it becomes a law, will in a great degree afford the desired relief; and,

Whereas, The McCollom bill is now pending in the Minnesota legislature;

Therefore, Be it Resolved, That the legislature of Minnesota is hereby earnestly requested to enact the said McCollom bill; and,

Be it Further Resolved, That the governor of Minnesota be earnestly requested to approve said measure should it be enacted by the legislature, and should it become a law with the appointing power vested in the governor, we earnestly request him to carefully consider the interests of the North Dakota producers and shippers in making his appointments, and,

Resolved, That the secretary of state is hereby instructed to forthwith transmit copies of this resolution to Hon. John Lind, governor of Minnesota, and to the senate and house of representatives of the state of Minnesota.

By unanimous consent, Mr. Brotnov offered the following amendment to

House bill No. 123,

A bill for an act regulating the operation of traction engines in this state.

And moved its adoption.

After the word "or" in line 5 of section 2, of printed bill insert the words "high graded and fenced."

Also, the same amendment in line 4, where the word "highway" occurs.

Which motion prevailed, and

The amendments were adopted.

House bill No. 123,

A bill for an act regulating the operation of traction engines in this state.

Was read the third time.

The question being upon the final passage of the bill as amended

The roll was called and there were 24 yeas 29, absent and not voting 9.

Those who voted in the affirmative were:

| | | |
|----------------|--------------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Aas, | Gulack, | Sanford, |
| Bacon, | Hale, | Swenson, |
| Berger, | Hauan, | Thomas, |
| Brotnov, | Herbrandson, | Thordarson |
| Cassell, | Johnson, Richland, | Towle. |
| Dougherty, | Lee, | Ugland, |
| Ferris, | Nelson, | Wallace, |
| Gilbertson, | Restemayer, | Winslow, |

Those voting in the negative were:

| | | |
|----------------|----------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Allen, | Green, | Peek, |
| Allshouse, | Hare, | Peterson, |
| Boyd, | Kennedy, | Sargent, |
| Brakke, | Laughlin, | Stevens, |
| Chacey, | Lish, | Stewart, |
| Deisen, | Lynch, | Taylor, |
| Dwire, | McHarg, | Tufte, |
| Earl, | McLean, | Watts, |
| Engelter, | Michels, | Wolbert, |
| Glasgow, | Miner, | |

Absent and not voting:

| | | |
|----------------|------------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Clarke, | Johnston, Walsh, | Thomson, |
| Erickson, | Ovind, | Tousley, |
| Gronvold, | Stevenson, | Mr. Speaker, |

Messrs. Clarke, Gronvold, Johnson, of Walsh, Stevenson, Thomson and Tousley, being paired.

Messrs. Erickson, Ovind and Mr. Speaker, being excused.

So the bill as amended was lost.

House bill No. 9,

A bill for an act requiring mortgagees of personal property to prepare and furnish and read to mortgagors copies of the mortgage instruments and making the said mortgage instruments void unless so furnished and read.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 19, nays 36, absent and not voting 7.

Those who voted in the affirmative were:

| | | |
|----------------|--------------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Aas, | Johnson, Richland, | Taylor, |
| Berger, | Lynch, | Thomas, |
| Brakke, | McLean, | Thomson, |
| Cassell, | Michels, | Towle. |
| Gronvold, | Nelson, | Tufte, |
| Hauan, | Swenson, | Winslow, |
| Herbrandson, | | |

Those voting in the negative were:

Messrs—

Allen,
Allhouse,
Bacon,
Chacey,
Clarke,
Deisem,
Dougherty,
Dwire,
Earl,
Engelter,
Ferris,
Gilbertson,

Messrs—

Glasgow,
Green,
Gulack,
Hale,
Hare,
Johnston, Walsh.
Kennedy,
Laughlin,
Lee,
Lish
McHarg,
Miner,

Messrs—

Peek,
Restemayer,
Sanford,
Sargent,
Stevens,
Stewart,
Stevenson,
Thordarson
Ugland,
Wallace,
Watts,
Wolbert,

Absent and not voting:

Messrs—

Boyd,
Brotnov,
Erickson,

Messrs—

Ovind,
Peterson,

Messrs—

Tousley,
Mr. Speaker.

Messrs. Erickson, Ovind and Mr. Speaker being excused.

So the bill was lost.

Substitute for House bill No. 104,

A bill for an act to amend section 2073 of the Revised Codes of the state of North Dakota, providing for the salary of county auditors.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 45, nays 5, absent and not voting 12.

Those who voted in the affirmative were :

Messrs—

Aas,
Allen,
Bacon,
Berger,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Deisem,
Dougherty,
Dwire,
Ferris,
Gilbertson,
Glasgow,

Messrs—

Green,
Gronvold,
Hare,
Huan,
Johnston, Walsh,
Laughlin,
Lee,
Lish
Lynch,
McHarg,
McLean,
Michels,
Miner,
Peek,
Restemayer,

Messrs—

Sanford,
Sargent,
Stevens,
Stewart,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson
Towle,
Tufte,
Ugland,
Wallace,
Watts,
Winslow,

Those voting in the negative were:

Messrs—

Allhouse,
Herbrandson,

Messrs—

Kennedy,
Nelson,

Messrs—

Swenson,

Absent and not voting:

Messrs—

Boyd,
Earl,
Engelter,
Erickson,

Messrs—

Gulack,
Hale,
Johnson, Richland,
Ovind,

Messrs—

Peterson,
Tousley,
Wolbert,
Mr. Speaker,

Messrs. Erickson, Ovind and Mr. Speaker being excused.

So the bill passed and the title was agreed to.

Mr. Dougherty moved

That the vote by which Substitute for House bill No. 104 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

House bill No. 115,

A bill for an act providing for listing of dogs by the county and township assessors for the purpose of taxation.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 26, nays 32, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—

Allen,
Cassell,
Dwire,
Gilbertson,
Glasgow,
Green,
Hale,
Hauan,
Herbrandson,

Messrs—

Johnson, Richland,
Lee,
Lish
Lynch,
Miner,
Nelson,
Sarford,
Stevens,
Stevenson,

Messrs—

Thomas,
Thomson,
Thordarson
Towle,
Tufte,
Wallace,
Watts,
Winslow.

Those voting in the negative were:

Messrs—

Aas,
Allshouse,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,
Chacey,
Clarke,
Deisem,
Dougherty,

Messrs—

Earl,
Engelter,
Ferris,
Gronvold,
Gulack,
Hare,
Johnston, Walsh,
Kennedy,
Laughlin,
McHarg,
McLean,

Messrs—

Michels,
Peek,
Peterson,
Restemayer,
Stewart,
Swenson,
Taylor,
Tousley,
Ugland,

Absent and not voting:

Messrs—

Erickson,
Ovind,

Messrs—

Wolbert,

Messrs—

Mr. Speaker,

Messrs. Erickson, Ovind and Mr. Speaker being excused.

So the bill was lost.

Mr. Wallace gave notice

That a motion for a reconsideration of the vote by which House bill No. 115 was lost would be made on Tuesday, February 21.

House bill No. 154,

A bill for an act to amend section 2655 of the Revised Codes, 1895, relating to pounds and poundmasters.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 55, nays none, absent and not voting 7.

Those who voted in the affirmative were :

Messrs—

Aas,
Allen,
Allhouse,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Dougherty,
Dwire,
Earl,
Engelter,
Ferris,
Gilbertson,
Glasgow,
Green,
Gronvold,

Messrs—

Gulack,
Hale,
Huan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Peek,
Peterson,

Messrs—

Restemayer,
Sanford,
Sargent,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Watts,
Wolbert,
Winslow,

Absent and not voting:

Messrs—

Bacon,
Deisem,
Erickson,

Messrs—

Hare,
Ovind,

Messrs—

Stevens,
Mr. Speaker,

Messrs. Erickson, Ovind and Mr. Speaker being excused.

So the bill passed and the title was agreed to.

House bill No. 140,

A bill for an act entitled "an act to prevent the adulteration of, and deception in the manufacture and sale of, flaxseed or linseed oil."

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 57, ayes none, absent and not voting 5.

Those who voted in the affirmative were :

Messrs—

Aas,
 Allen,
 Allshouse,
 Berger,
 Boyd,
 Brakke,
 Cassell,
 Chacey,
 Clarke,
 Deisem,
 Dougherty,
 Dwire,
 Earl,
 Engelter,
 Ferris,
 Gilbertson,
 Glasgow,
 Green,
 Gronvold,

Messrs—

Gulack,
 Hale,
 Hare,
 Hauan,
 Herbrandson,
 Johnson, Richland,
 Johnston, Walsh,
 Kennedy,
 Laughlin,
 Lee,
 Lish,
 Lynch,
 McHarg,
 McLean,
 Michels,
 Miner,
 Nelson,
 Peck,
 Peterson,

Messrs—

Restemayer,
 Sanford,
 Sargent,
 Stevens,
 Stewart,
 Swenson,
 Stevenson,
 Taylor,
 Thomas,
 Thomson,
 Thordarsou,
 Tousley,
 Towle,
 Tufte,
 Ugland,
 Wallace,
 Wats,
 Wolbert,
 Winslow,

Absent and not voting:

Messrs—

Bacon,
 Brotnov,

Messrs—

Erickson,
 Ovind,

Messrs—

Mr. Speaker,

Messrs. Erickson, Ovind and Mr. Speaker being excused.

So the bill passed and the title was agreed to.

Mr. Stevens moved

That the rules be suspended and that

House bill No. 21,

A bill for an act relating to negotiable instruments and providing for their interpretation, utterance, collection and construction.

Be considered as engrossed and transmitted to the senate,

Which motion prevailed.

MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:

EXECUTIVE CHAMBER,

BISMARCK, NORTH DAKOTA,

February 20, 1899.

To the House of Representatives:

Gentlemen: I have the honor to inform you that I have this day approved and filed with the honorable secretary of state

House bill No. 69,

A bill for an act to amend section 3203 of the Revised Codes relating to building and loan associations.

I have the honor to be,

Very respectfully yours,

F. B. FANCHER,

Governor.

By unanimous consent the house returned to the introduction of house bills.

INTRODUCTION OF HOUSE BILLS.

Mr. Stevens introduced

House bill No. 189,

A bill for an act to amend section 2459 of the Revised Codes of North Dakota relating to water works and fire apparatus in cities, towns, and villages.

Mr. Allshouse introduced

House bill No. 190,

A bill for an act to amend section 1807 of the Revised Codes of 1895, relating to printing.

Mr. Wolbert introduced

House bill No. 191.

A bill for an act to provide that the state auditor shall consecutively number all vouchers filed for bills, claims or accounts against any of the funds in the treasury of the state of North Dakota, and to issue consecutively all warrants, orders, or certificates for or upon such vouchers in the same order that such vouchers shall have been received and filed by him.

FIRST AND SECOND READING OF HOUSE BILLS.

House bill No. 189,

A bill for an act to amend section 2459 of the Revised Codes of North Dakota relating to water works and fire apparatus in cities, towns, and villages.

Was read the first and second times, and

Referred to committee on municipal corporations.

House bill No. 190,

A bill for an act to amend section 1807 of the Revised Codes of 1895, relating to printing.

Was read the first and second times, and

Referred to committee on public printing.

House bill No. 191,

A bill for an act to provide that the state auditor shall consecutively number all vouchers filed for bills, claims or accounts against any of the funds in the treasury of the state of North Dakota, and to issue consecutively all warrants, orders, or certificates for or upon such vouchers in the same order that such vouchers shall have been received and filed by him.

Was read the first and second times, and

Referred to the committee on judiciary.

REPORTS OF STANDING COMMITTEES.

The committee on engrossed bills made the following report:

Mr. Speaker:

Your committee on engrossed bills have examined

House bill No. 171,

A bill for an act to provide for the erection of necessary additional buildings for the Hospital for the Insane at Jamestown, North Dakota.

And find the same correctly engrossed.

A. W. THOMAS,
Chairman.

Mr. McHarg moved

That the rules be suspended and that

House bill No. 171,

A bill for an act to provide for the erection of necessary additional buildings for the Hospital for the Insane at Jamestown, North Dakota.

Be placed upon its third reading and final passage,

Which motion prevailed and

House bill No. 171,

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.

The question being upon the final passage of the bill.

The roll was called and there were ayes 49, nays 2, absent and not voting 11.

Those voting in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,
Bacon,
Berger,
Boyd,
Brakke,
Cassell,
Chacey,
Clarke,
Dougherty,
Dwire,
Earl,
Engelter,
Ferris,
Gilbertson,
Green,

Messrs—

Gronvoid,
Gulack,
Hale,
Hare,
Hauan,
Johnson, Richland,
Kennedy,
Laughlin,
Lish
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Peek,

Messrs—

Peterson,
Restemayer,
Sanford,
Sargent,
Stevens,
Stewart,
Taylor,
Thomas,
Thordarson
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Wolbert,
Winslow,

Absent and not voting :

Messrs—

Brotnov,
Deisem,
Erickson,
Glasgow,

Messrs—

Johnston, Walsh,
Lee,
Ovind,
Swenson,

Messrs—

Thomson,
Watts,
Mr. Speaker,

Messrs. Herbrandson and Stevenson voting in the negative.

Messrs. Erickson, Ovind and Mr. Speaker being excused.

So the bill passed and the title was agreed to.

Mr. McHarg moved

That the vote by which House bill No. 171 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Laughlin moved

That when this house adjourn, it adjourn to meet at 10 o'clock a. m.,

Which motion prevailed

Mr. Stevens moved

That the house do now concur in the senate amendment to House bill No. 102,

A bill for an act to amend section 338 of the Revised Codes of North Dakota, relating to supplies for public offices, repairs upon the capitol building and executive mansion and the public grounds and parks connected therewith, and making an annual appropriation therefor.

Which motion prevailed and

The house concurred in the amendment.

House bill No. 102,

A bill for an act to amend section 338 of the Revised Codes of North Dakota, relating to supplies for public offices, repairs upon the capitol building and executive mansion and the public grounds and parks connected therewith, and making an annual appropriation therefor.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 56, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,
Bacon,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,

Messrs—

Gronvold,
Hale,
Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,

Messrs—

Sanford,
Sargent,
Stevens,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,

Messrs—

Clarke,
Dougherty,
Dwire,
Earl,
Engelter,
Ferris,
Gilbertson,
Glasgow,
Green,
Gulack,

Messrs—

Lee,
Lish,
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Peek,
Restemayer,

Messrs—

Thordarson
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Watts,
Wolbert,
Winslow,

Absent and not voting:

Messrs—

Berger,
Deisem,

Messrs—

Erickson,
Ovind,

Messrs—

Peterson,
Mr. Speaker,

Messrs. Erickson, Ovind and Mr. Speaker being excused.
So the bill as amended passed and the title was agreed to.

Mr. Tufte moved

That the house do now concur in the senate amendments to
House bill No. 40,

A bill for an act to amend section 1786, of article 25, chapter 20,
of the Political Code of the state of North Dakota, which defines
public warehouses.

Which motion prevailed, and

The house concurred in the senate amendments.

House bill No. 40,

A bill for an act to amend section 1786, of article 25, chapter 20,
of the Political Code of the state of North Dakota, which defines
public warehouses.

The question being upon the final passage of the bill as amended

The roll was called and there were ayes 56, nays 2, absent and
not voting 4.

Those voting in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Deisem,
Dougherty,
Dwire,
Earl,
Engelter,
Ferris,
Gilbertson,
Glasgow,

Messrs—

Green,
Gronvold,
Gulack,
Hale,
Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Kennedy,
Laughlin,
Lee,
Lish,
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Peek,

Messrs—

Restemayer,
Sanford,
Sargent,
Stevens,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson
Tousley,
Towle,
Tufte,
Wallace,
Watts,
Wolbert,
Winslow,

Absent and not voting:

Messrs—

Erickson,
Ovind,

Messrs—

Peterson,

Messrs—

Mr. Speaker,

Messrs. Johnston, of Walsh, and Uglund, voted in the negative.

Messrs. Erickson, Ovind and Mr. Speaker being excused.

So the bill as amended passed and the title was agreed to.

Mr. Stevens moved that

Senate bill No. 79,

A bill for an act to promote irrigation, by means of districts, ditches or other devices for carrying and controlling water, their construction and operation, the method of raising money for defraying the expenses, and the government of the system.

Be recalled and re referred to committee on judiciary,

Which motion prevailed, and

Senate bill No. 79,

A bill for an act to promote irrigation, by means of districts, ditches or other devices for carrying and controlling water, their construction and operation, the method of raising money for defraying the expenses, and the government of the system.

Was so referred.

Mr. Dougherty moved

That the house do concur in the senate amendment to

House bill No. 66,

A bill for an act entitled, an act to provide for mortgaging the real estate of a deceased person, of a minor, or of an incompetent person.

Which motion prevailed, and

The house concurred in the senate amendment.

House bill No. 66,

A bill for an act entitled, an act to provide for mortgaging the real estate of a deceased person, of a minor, or of an incompetent person.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 56, nays 2, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,
Bacon,
Boyd,
Brakke,
Cassell,

Messrs—

Gulack,
Hale,
Hare,
Huan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,

Messrs—

Sanford,
Sargent,
Stevens,
Stewart,
Swenson,
Stevenson,
Taylor,

Messrs—

Chacey,
Clarke,
Delsem,
Dougherty,
Dwire,
Earl,
Engelter,
Ferris,
Gilbertson,
Glasgow,
Green,
Gronvold,

Messrs—

Kennedy,
Laughlin,
Lish
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Peek,
Restemayer.

Messrs—

Thomas,
Thomson,
Thordarson
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Watts,
Wolbert,
Winslow,

Absent and not voting:

Messrs—

Erickson,
Ovind,

Messrs—

Peterson,

Messrs—

Mr. Speaker.

Messrs. Brotnov and Lee voting in the negative.

Mr. Berger paired.

Messrs. Erickson, Ovind and Mr. Speaker being excused.

So the bill as amended passed and the title was agreed to.

Mr. Winslow moved

That the house do concur in the senate amendment to
House bill No. 51,

A bill for an act entitled an act to amend section 75 of chapter 126, of the session laws of 1897, entitled "an act prescribing the mode of making assessments of property, the equalization of and the levy and collection of taxes and for all other purposes relative thereto, and the repealing of sections 1176 to 1198 inclusive, 1200 to 1229 inclusive, 1231, 1234, 1237 to 1240 inclusive, 1242 to 1247 inclusive, 1250 to 1253 inclusive, 1255 to 1290 inclusive, 1294, 1296, 1309, 1321, 1325 to 1330 inclusive, 1336 to 1339 inclusive, and 1346 of the Revised Codes of North Dakota of 1895, and all other sections and parts of sections of said codes, and of all acts and parts of acts inconsistent with the provisions of this act."

Which motion prevailed, and

The house concurred in the senate amendment.

House bill No. 51,

A bill for an act entitled an act to amend section 75 of chapter 126, of the session laws of 1897, entitled "an act prescribing the mode of making assessments of property, the equalization of and the levy and collection of taxes and for all other purposes relative thereto, and the repealing of sections 1176 to 1198 inclusive, 1200 to 1229 inclusive, 1231, 1234, 1237 to 1240 inclusive, 1242 to 1247 inclusive, 1250 to 1253 inclusive, 1255 to 1290 inclusive, 1294, 1296, 1309, 1321, 1325 to 1330 inclusive, 1336 to 1339 inclusive, and 1346 of the Revised Codes of North Dakota of 1895, and all other sections and

parts of sections of said codes, and of all acts and parts of acts inconsistent with the provisions of this act."

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 57, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Deisem,
Dougherty,
Dwire,
Earl,
Engelter,
Ferris,
Gilbertson,
Glasgow,

Messrs—

Green,
Gronvold,
Gulack,
Hale,
Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish,
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Peek,

Messrs—

Restemayer,
Sanford,
Sargent,
Stevens,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Watts,
Wolbert,
Winslow,

Absent and not voting:

Messrs—

Erickson,
Hare,

Messrs—

Ovind,
Peterson,

Messrs—

Mr. Speaker,

Messrs. Erickson, Ovind and Mr. Speaker being excused.

So the bill as amended passed and the title was agreed to.

REPORTS OF STANDING COMMITTEES.

The committee on engrossed bills made the following report:

Mr. Speaker:

Your committee on engrossed bills have examined

House bill No. 65,

A bill for an act to amend sections 5848, 5861 and 5862 of the Revised Codes of North Dakota, relating to the foreclosure of mortgages by advertisement.

Also,

House bill No. 25,

A bill for an act in relation to reinsurance and the transaction of business by fire insurance companies or associations otherwise than through resident agents.

Also,

House bill No. 162,

A bill for an act to amend section 1168 of the Revised Codes of North Dakota, relating to ferries.

Also,

House bill No. 24,

A bill for an act to amend section 2464 of the Revised Codes.

Also,

House bill No. 92,

A bill for an act entitled an act authorizing cities to establish and maintain a general system of sewerage, and to provide for the cost thereof, and to create sewer improvement districts within the limits of such cities.

Also,

House bill No. 73,

A bill for an act, entitled an act to amend chapter sixty-three of the session laws of 1897 of the state of North Dakota, relating to the boundaries of the Fourth judicial district and fixing the times of holding of terms of court in the different counties thereof.

Also,

House bill No. 134,

A bill for an act to amend section 1609 of the Revised Codes of North Dakota relating to appointment of sheep inspectors.

Also,

House bill No. 96,

A bill for an act for the purpose of authorizing the commissioner of university and school lands to lease cultivated land to clear the same of noxious weeds.

Also,

House bill No. 150,

A bill for an act to amend section 3062 of the Revised Codes of 1895 relating to the building of platforms by railroad companies for the transfer of live stock, grain and other commodities from wagons or otherwise to cars, prescribing the duties of the railroad commissioners in regard thereto and the notice of the necessity of such platforms to be served upon railroad companies together with the manner of making service of notices or orders of said commissioners.

Also,

House bill No. 44,

A bill for an act to amend section 640 of the revised codes of 1895, relating to education.

Also,

House bill No. 146,

A bill for an act to amend sections 4823 and 4824 of the Revised Codes of the state of North Dakota of 1895 relating to threshing liens, providing who shall be entitled to such liens and the procedure necessary to obtain said liens.

Also,

House bill No. 81,

A bill for an act to provide for the collection of taxes on real property by action.

Also,

House bill No. 143,

A bill for an act to amend section 696 of article 6 of chapter 9 entitled education of the Revised Codes of North Dakota, of 1895.

Also,

House bill No. 167,

A bill for an act to amend chapter 87 of the laws of 1897 being "an act relating to societies organized for the purpose of securing homes for orphans or abandoned, neglected or grossly ill-treated children, by adoption or otherwise, and providing rules for the regulation of the same."

Also,

Substitute for House bill No. 104,

A bill for an act to amend section 2073 of the Revised Codes of the state of North Dakota, providing for the salary of county auditors.

Also,

House bill No. 21,

A bill for an act relating to negotiable instruments and providing for their interpretation, utterance, collection and construction. And find the same not engrossed.

A. W. THOMAS,
Chairman.

Mr. Stevens moved

That the house do now adjourn,

Which motion prevailed, and

The house adjourned until 10 a. m., Tuesday, February 21st.

J. G. HAMILTON,
Chief Clerk.

FIFTIETH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 21, 1899.

The house assembled at 10 o'clock a. m. pursuant to adjournment.

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except Mr. Erickson, who was excused, and also Messrs. Deisem, Peek and Thordarson.

PETITIONS AND COMMUNICATIONS.

Mr. Tufte presented the following petition:

NORTHWOOD, N. D., Feb. 13, 1899.

Hon. T. E. Tufte, Bismarck, N. D.:

We, the undersigned citizens of Northwood and vicinity, do hereby petition you to put forth your utmost efforts in favor of the temperance bill introduced by the Hon. Senator Arnold.

Signed by PAUL C. JOHNSON
(And 89 others).

Mr. Johnson of Richland presented the following petitions:

Feb. 6, 1899.

To the Honorable Representatives from Richland County in the House of Representatives, Bismarck, N. D.:

We, the undersigned citizens of Richland county, do hereby petition you to use all your honorable influence and power by vote and work against any resubmission of this state (liquor)—prohibition law—and against any scheme that the foes of said law might make up for the purpose of weakening the same.

Signed by OTTO ROBSON
(And 27 others.)

Also,

Feb. 6, 1899.

To the Honorable Representatives in the House of Representatives, Bismarck, N. D.:

We, the undersigned citizens of Richland county, North Dakota, do hereby petition you to use all your honorable influence and power by vote and work against any resubmission of this state (liquor)—prohibition law—and against any scheme that the foes of said law might make up for the cause of weakening the same.

Signed by AMIMA OLSON
(And 60 others.)

Mr. Kennedy requested that the privileges of the floor be extended to Lloyd McKinley Kennedy and Mrs. John Kennedy.

Mr. Allen requested that the privileges of the floor be extended to Chas. Mannkins.

Mr. Stevens requested that the privileges of the floor be extended to Mesdames C. B. Miller, G. W. Wolbert, W. D. Allen, Thos. Baker, Jr., J. D. Bacon and E. B. Thomson and Miss Eula Miller.

There being no objections, the courtesies of the floor were so extended.

Mr. Stevens moved that the rules be suspended, and that the house proceed to the third reading of senate bills.

Which motion prevailed.

THIRD READING OF SENATE BILLS.

Senate bill No. 118,

A bill for an act providing for an appropriation to pay expense of construction of drains through school lands situated in Pembina county.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 56, nays none, absent and not voting 6.

Those who voted in the affirmative were :

Messrs—

Aas,
Allen,
Allshouse,
Berger,
Brakke,
Brotnov,

Messrs—

Hale,
Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,

Messrs—

Sanford,
Sargent,
Stevens,
Stewart,
Swenson,
Stevenson,

Messrs—

Cassell,
Chacey,
Clarke,
Dougherty,
Dwire,
Earl,
Engelter,
Ferris,
Gilbertson,
Glasgow,
Green,
Gronvold,
Gulack,

Messrs—

Kennedy,
Laughlin,
Lee,
Lish,
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Ovind,
Peek,
Restemayer,

Messrs—

Taylor,
Thomas,
Thomson,
Thordarson
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Watts,
Winslow,
Mr. Speaker.

Absent and not voting:

Messrs—

Bacon,
Boyd,

Messrs—

Deisem,
Peterson,

Messrs—

Wolbert,

Mr. Erickson being excused.

So the bill passed and the title was agreed to.

Senate bill No. 41,

A bill for an act amending sections sixty and seventy-one of chapter one hundred and twenty-four of the session laws of 1897. .

Was read the third time.

The question being upon the final passage of the bill as amended

The roll was called and there were ayes 53, nays 2, absent and not voting 7.

Those who voted in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Dougherty,
Dwire,
Earl,
Engelter,
Ferris,
Gilbertson,
Glasgow,
Green,

Messrs—

Gronvold,
Gulack,
Hale,
Hauan,
Herbrandson,
Johnson, Richland
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish
Lynch,
McLean,
Michels,
Miner,
Nelson,
Ovind,
Peek,

Messrs—

Restemayer,
Sanford,
Sargent,
Stewart,
Swenson,
Taylor,
Thomas,
Thomson,
Thordarson
Towle,
Tufte,
Ugland,
Wallace,
Watts,
Wolbert,
Winslow,
Mr. Speaker,

Absent and not voting:

Messrs—

Bacon,
Deisem,
Erickson,

Messrs—

McHarg,
Peterson,

Messrs—

Stevenson,
Tousley,

Mr. Erickson being excused.

Messrs. Hare and Stevens voting in the negative.

So the bill passed and the title as amended was agreed to.

Mr. Cassell moved the following amendments to the title of Senate bill No. 41,

A bill for an act amending sections sixty and seventy-one of chapter one hundred and twenty-four of the session laws of 1897.

And moved its adoption:

Strike out the words "one hundred and twenty-four" and insert in lieu thereof the words "one hundred and twenty-six," and after the figures "1897" add the words "relating to revenue and taxation."

Which motion prevailed, and

The title to

Senate bill No. 41,

A bill for an act amending sections sixty and seventy-one of chapter one hundred and twenty-four of the session laws of 1897.

Was so amended.

Mr. Dougherty moved

That the vote by which

Senate bill No. 41,

A bill for an act amending sections sixty and seventy-one of chapter one hundred and twenty-four of the session laws of 1897.

Passed be reconsidered,

Which motion prevailed.

Mr. Hare moved that

Senate bill No. 41,

A bill for an act amending sections sixty and seventy-one of chapter one hundred and twenty-four of the session laws of 1897.

Be re-referred to the committee on taxes and tax laws.

Mr. Thomas moved as a substitute that

Senate bill No. 41,

A bill for an act amending sections sixty and seventy-one of chapter one hundred and twenty-four of the session laws of 1897.

Be referred to general orders.

Which motion prevailed and

Senate bill No. 41,

A bill for an act amending sections sixty and seventy-one of chapter one hundred and twenty-four of the session laws of 1897.

Was referred to general orders.

Senate bill No. 73.

A joint memorial of the senate and house of representatives of the state of North Dakota to the senate and house of representatives of the United States, praying for an act to encourage the shipment of grain to China and Japan by granting subsidies to steamship companies.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 50, nays 3, absent and not voting 9.

Those voting in the affirmative were:

| | | |
|----------------|--------------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Aas, | Gulack, | Peek, |
| Allen, | Hale, | Restemayer, |
| Allshouse, | Hare, | Sargent, |
| Bacon, | Hauan, | Stewart, |
| Berger, | Herbrandson, | Swenson, |
| Boyd, | Johnson, Richland, | Stevenson, |
| Brakke, | Johnston, Walsh, | Taylor, |
| Cassell, | Kennedy, | Thomas, |
| Chacey, | Laughlin, | Thomson, |
| Clarke, | Lee, | Thordarson |
| Dougherty, | Lish | Towle, |
| Dwire, | Lynch, | Tufte, |
| Engelter, | McLean, | Ugland, |
| Gilbertson, | Michels, | Wolbert, |
| Glasgow, | Miner, | Winslow, |
| Green, | Nelson, | Mr. Speaker, |
| Gronvold, | Ovind, | |

Those voting in the negative were:

| | | |
|----------------|----------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Brotnov, | Ferris, | Wallace, |

Absent and not voting:

| | | |
|----------------|----------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Delsem, | McHarg, | Stevens, |
| Earl, | Peterson, | Tousley, |
| Erickson, | Sanford, | Watts, |

Mr. Erickson being excused.

So the bill passed and the title was agreed to.

Mr. Hale moved

That the vote by which Senate bill No. 73 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed

Mr. Sargent moved

To amend the title of
Senate bill No. 69,

A bill for an act to amend section 237 of article 4, of chapter 4, of the Political Code.

By adding after the word "Code," in the title of the bill, the words "relating to state depositories."

Which motion prevailed and

The title of

Senate bill No. 69,

A bill for an act to amend section 237 of article 4, of chapter 4, of the Political Code.

Was so amended.

Senate bill No. 69,

A bill for an act to amend section 237 of article 4, of chapter 4, of the Political Code.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 55, nays 1, absent and not voting 6.

Those who voted in the affirmative were:

Messrs—

Aas,
Allen,
Allhouse,
Berger,
Boyd,
Brakke,
Brotnov,
Chacey,
Clarke,
Dougherty,
Dwire,
Engelter,
Ferris,
Gilbertson,
Glasgow,
Green,
Gronvold,
Gulack,
Hale,

Messrs—

Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Ovind,
Peek,
Restemayer,

Messrs—

Sanford,
Sargent,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Watts,
Wolbert.
Winslow,
Mr. Speaker,

Absent and not voting:

Messrs—

Bacon,
Cassell,

Messrs—

Deisem,
Erickson,

Messrs—

Peterson,
Stevens,

Mr. Erickson being excused.

Mr. Earl voting in the negative.

So the bill as amended passed and the title as amended was agreed to

Mr. Wolbert moved to amend the title of

Senate bill, No. 54,

A bill for an act to amend section 5887 of the revised codes.

By striking out the word "Dakota" and inserting in lieu thereof the word "code."

Which motion prevailed and

The title was so amended.

Senate bill, No. 54,

A bill for an act to amend section 5887 of the revised codes.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 55, nays 2, absent and not voting 5.

Those who voted in the affirmative were :

Messrs—

Aas,
Allen,
Allshouse,
Bacon,
Berger,
Boyd,
Brakke,
Chacey,
Clarke,
Dougherty,
Dwire,
Earl,
Engelter,
Ferris,
Gilbertson,
Glasgow,
Green,
Gronvold,
Gulack,

Messrs—

Hale,
Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Ovind,
Peek,

Messrs—

Restemayer.
Sanford,
Sargent,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson
Tousley,
Towie,
Tufte,
Ugland,
Wallace,
Watts,
Wolbert,
Mr. Speaker,

Absent and not voting:

Messrs—

Cassell,
Delsem,

Messrs—

Erickson,
Peterson,

Messrs—

Stevens,

Mr. Erickson being excused.

Messrs. Brotnov and Winslow voting in the negative.

So the bill passed and the title as amended was agreed to.

The speaker called Mr. Hale to the chair.

Mr. Hale called Mr. Stevens to the chair.

Senate bill No. 39,

A bill for an act to amend section 82 of chapter 126 of the laws of 1897 relating to revenue and taxation.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 54, nays 4, absent and not voting 4.

Those who voted in the affirmative were:

| | | |
|----------------|--------------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Aas, | Gronvold, | Peek, |
| Allen, | Gulack, | Restemayer, |
| Allshouse, | Hale, | Sarford, |
| Bacon, | Hare, | Sargent, |
| Berger, | Hauan, | Stevens, |
| Boyd, | Johnson, Richland, | Stewart, |
| Brakke, | Johnston, Walsh, | Stevenson, |
| Brotnov, | Kennedy, | Thomas, |
| Chacey, | Laughlin, | Thomson, |
| Clarke, | Lee, | Thordarson, |
| Dougherty, | Lish, | Tousley, |
| Dwire, | Lynch, | Towle, |
| Earl, | McHarg, | Tufte, |
| Engelter, | McLean, | Ugland, |
| Ferris, | Michels, | Watts, |
| Gilbertson, | Miner, | Wolbert, |
| Glasgow, | Nelson, | Winslow, |
| Green, | Ovind, | Mr. Speaker, |

Those voting in the negative were:

| | | |
|----------------|----------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Herbrandson, | Taylor, | Wallace, |
| Swenson, | | |

Absent and not voting:

| | | |
|----------------|----------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Cassell, | Erickson, | Peterson, |
| Deisem, | | |

Mr. Erickson being excused.

So the bill passed and the title was agreed to.

Mr. Hale moved

That the vote by which Senate bill No. 39 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Hale resumed the chair.

Senate bill No. 24,

A bill for an act to define the duties of the commissioner of agriculture and labor.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 52, nays 2, absent and not voting 8.

Those who voted in the affirmative were:

| | | |
|----------------|--------------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Bacon, | Hale, | Stevens, |
| Berger, | Hauan, | Stewart, |
| Boyd, | Herbrandson, | Swenson, |
| Brakke, | Johnson, Richland, | Stevenson, |
| Brotnov, | Johnston, Walsh, | Taylor, |
| Cassell, | Laughlin, | Thomas, |

Messrs—

Chacey,
Clarke,
Dougherty,
Dwire,
Earl,
Engelter,
Ferris,
Gilbertson,
Glasgow,
Green,
Gronvold,
Gulack,

Messrs—

Lee,
Lish
Lynch,
McLean,
Michels,
Miner,
Ovind,
Peek,
Restemayer,
Sanford,
Sargent,

Messrs—

Thomson,
Thordarson
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Watts,
Wolbert,
Winslow,
Mr. Speaker,

Absent and not voting:

Messrs—

Allen,
Allshouse,
Deisem,

Messrs—

Erickson,
Hare,
Kennedy,

Messrs—

McHarg,
Peterson,

Mr. Erickson being excused.

Messrs. Aas and Nelson voting in the negative.

So the bill passed and the title was agreed to.

Mr. Laughlin moved

That the vote by which Senate bill No. 24 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed,

Senate bill No. 23,

A bill for an act providing for judgment of dissolution in certain actions against corporations.

Was read the third time.

The question being upon the final passage of the bill

The roll was called and there were ayes 51, nays none, absent and not voting 11.

Those who voted in the affirmative were:

Messrs—

Aas,
Allshouse,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Dougherty,
Dwire,
Earl,
Engelter,
Ferris,
Gilbertson,
Glasgow,

Messrs—

Green,
Gronvold,
Gulack,
Hale,
Hauan,
Johnson, Richland,
Johnston, Walsh,
Laughlin,
Lee,
Lish
Lynch,
McLean,
Michels,
Miner,
Nelson,
Ovind,
Peek,

Messrs—

Restemayer,
Sanford,
Sargent,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thordarson
Tousley,
Towle,
Tufte,
Ugland,
Watts,
Wolbert,
Winslow,
Mr. Speaker,

Absent and not voting:

Messrs—

Allen,
Deisem,
Erickson,
Hare,

Messrs—

Herbrandson,
Kennedy,
McHarg,
Peterson,

Messrs—

Stevens,
Thomson,
Wallace,

Mr. Erickson being excused.

So the bill passed and the title was agreed to.

The speaker resumed the chair

Senate bill No. 48,

A bill for an act to amend section 3598 of the Revised Codes, relating to the recording of certain instruments.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 50, nays none, [absent and not voting 12.

Those who voted in the affirmative were :

Messrs—

Aas,
Allshouse,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Dougherty,
Dwire,
Engelter,
Ferris,
Gilbertson,
Glasgow,
Green,

Messrs—

Gronvold,
Gulack,
Hare,
Hauan,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish,
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Ovind,

Messrs—

Peek,
Restemayer,
Sanford,
Sargent,
Stewart,
Taylor,
Thomas,
Thordarson,
Tousley,
Towle,
Tufte,
Ugland,
Watts,
Wolbert,
Winslow,
Mr. Speaker,

Absent and not voting:

Messrs—

Allen,
Deisem,
Earl,
Erickson,

Messrs—

Hale,
Herbrandson,
Peterson,
Stevens,

Messrs—

Swenson,
Stevenson,
Thomson,
Wallace,

Mr. Erickson being excused.

So the bill passed and the title was agreed to.

The speaker announced that he was about to sign

House bill No. 28,

A bill for an act to amend an act entitled an act to amend section 2591 of the Revised Codes of North Dakota, relating to the meeting of township boards of supervisors, passed by the

Fifth legislative assembly of North Dakota, relating to meetings of boards of township supervisors.

Also,

House bill No. 18,

A bill for an act entitled an act to amend section 8531 of the Revised Codes of 1895 and to repeal section 8538 of said Codes.

Also,

House bill No. 75,

A bill for an act to amend chapter 114, session laws of 1897, entitled "an act to amend section 76 of the Revised Codes of North Dakota, relating to accounts for printing and binding required by state officers and making an annual appropriation therefor."

Also,

House bill No. 129,

A bill for an act entitled an act establishing a hard fibre twine and cordage plant at the state penitentiary near Bismarck, and authorizing the board of trustees of the said state penitentiary to construct and operate said plant on the state's account, and prescribing certain duties for the state auditor and state treasurer in connection therewith.

THIRD READING OF SENATE BILLS.

Senate bill No. 61,

A bill for an act to amend section 5574 of the Revised Codes of North Dakota of 1895 by allowing the same statutory costs in cases appealed from a justice court as in cases originally commenced in the district court.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 48, ayes 6, absent and not voting 8.

Those who voted in the affirmative were:

Messrs—

Aas,
Allshouse,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Dougherty,
Engelter,
Ferris,

Messrs—

Gronvold,
Gulack,
Hare,
Hauan,
Johnson, Richland,
Kennedy,
Lee,
Lish,
Lynch,
McHarg,
McLean,
Miner,
Nelson,

Messrs—

Sargent,
Stevens,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson,
Tousley,
Towle,
Tufte,
Watts,

Messrs—
Gilbertson,
Glasgow,
Green,

Messrs—
Peek,
Restemayer,
Sanford,

Messrs—
Wolbert,
Winslow,
Mr. Speaker,

Those voting in the negative were:

Messrs—
Dwire,
Johnston, Walsh,

Messrs—
Laughlin,
Michels,

Messrs—
Ovind,
Ugland,

Absent and not voting:

Messrs—
Allen,
Delsem,
Earl,

Messrs—
Erickson,
Hale,
Herbrandson,

Messrs—
Peterson,
Wallace,

Mr. Erickson being excused.

So the bill passed and the title was agreed to.

Mr. Thomson asked unanimous consent to amend Senate bill No. 62,

A bill for an act to amend sections 245, 249 and 252 of the Revised Codes of the state of North Dakota, relating to county boards of health.

By striking out the word "one," in line 10, page 1, of the printed bill, and insert in lieu thereof the word "two."

Mr. Hale objected.

Senate bill No. 62,

A bill for an act to amend sections 245, 249 and 252 of the Revised Codes of the state of North Dakota, relating to county boards of health.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 56, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs—
Aas,
Allen,
Allshouse,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Dougherty,
Dwire,
Earl,
Engelster,
Ferris,

Messrs—
Gronvold,
Gulack,
Hale,
Hare,
Hauan,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish,
Lynch,
McLean,
Michels,
Miner,
Nelson,

Messrs—
Sanford,
Sargent,
Stevens,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson,
Tousley,
Towle,
Tufte,
Ugland,
Watts,
Wolbert,

Messrs—Gilbertson,
Glasgow,
Green,**Messrs—**Ovind,
Peek,
Restemayer,**Messrs—**Winslow,
Mr. Speaker,

Absent and not voting:

Messrs—Delsem,
Erickson,**Messrs—**Herbrandson,
McHarg,**Messrs—**Peterson,
Wallace,

Mr. Erickson being excused.

So the bill passed and the title was agreed to.

Mr. Gilbertson moved

That the vote by which Senate bill No. 62 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

The committee on enrolled bills made the following report:

Mr. Speaker:

Your committee on enrolled bills have examined

House bill No. 28,

A bill for an act to amend an act entitled an act to amend section 2591 of the Revised Codes of North Dakota, relating to the meeting of township boards of supervisors, passed by the Fifth legislative assembly of North Dakota, relating to meetings of boards of township supervisors.

Also,

House bill No. 18,

A bill for an act entitled an act to amend section 8531 of the Revised Codes of 1895 and to repeal section 8538 of said Codes.

Also,

House bill No. 75,

A bill for an act to amend chapter 114, session laws of 1897, entitled "an act to amend section 76 of the Revised Codes of North Dakota, relating to accounts for printing and binding required by state officers and making an annual appropriation therefor."

Also,

House bill No. 129,

A bill for an act entitled an act establishing a hard fibre twine and cordage plant at the state penitentiary near Bismarck, and authorizing the board of trustees of the said state penitentiary to construct and operate said plant on the state's account, and prescribing certain duties for the state auditor and state treasurer in connection therewith.

And find the same correctly enrolled.

M. B. CASSELL,
Chairman.

THIRD READING OF SENATE BILLS.

Senate bill No. 65,

A bill for an act to amend section 5226, of the Revised Codes of the state of North Dakota, relating to the appointment of a guardian ad litem, presented as a substitute bill for senate bills Nos. 7 and 32 by the committee on judiciary.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 53, nays none, absent and not voting 9.

Those voting in the affirmative were:

| | | |
|-------------|--------------------|--------------|
| Messrs— | Messrs— | Messrs— |
| Aas, | Gronvold, | Sanford, |
| Allen, | Hale, | Stewart, |
| Bacon, | Hare, | Swenson, |
| Berger, | Hauan, | Stevenson, |
| Boyd, | Johnson, Richland, | Taylor, |
| Brakke, | Johnston, Walsh, | Thomas, |
| Brotnov, | Laughlin, | Thomson, |
| Cassell, | Lee, | Thordarson |
| Chacey, | Lish | Tousley, |
| Clarke, | Lynch, | Towle, |
| Dougherty, | McHarg, | Tufte, |
| Dwire, | McLean, | Ugland, |
| Earl, | Michels, | Wallace, |
| Engelter, | Miner, | Watts, |
| Ferris, | Nelson, | Wolbert, |
| Gilbertson, | Ovind, | Winslow, |
| Glasgow, | Peek, | Mr. Speaker. |
| Green, | Restemayer, | |

Absent and not voting:

| | | |
|------------|--------------|-----------|
| Messrs— | Messrs— | Messrs— |
| Allshouse, | Gulack, | Peterson, |
| Delsem, | Herbrandson, | Sargent, |
| Erickson, | Kennedy, | Stevens, |

Mr. Erickson being excused.

So the bill passed and the title was agreed to.

Senate bill No. 12,

A bill for an act to amend section 2761 of the Revised Codes of the state of North Dakota, of the revision of 1895, relating to the granting of alimony in divorce cases.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 54, nays none, absent and not voting 8.

Those who voted in the affirmative were:

| | | |
|-------------|--------------------|--------------|
| Messrs— | Messrs— | Messrs— |
| Aas, | Hale, | Sanford, |
| Bacon, | Hare, | Sargent, |
| Boyd, | Hauan, | Stewart, |
| Brakke, | Johnson, Richland, | Swenson, |
| Brotnov, | Johnston, Walsh, | Stevenson, |
| Cassell, | Kennedy, | Taylor, |
| Chacey, | Laughlin, | Thomas, |
| Clarke, | Lee, | Thomson, |
| Dougherty, | Lish, | Thordarson |
| Dwire, | Lynch, | Tousley, |
| Earl, | McHarg, | Towle, |
| Engelter, | McLean, | Tufte, |
| Ferris, | Michels, | Ugland, |
| Gilbertson, | Miner, | Wallace, |
| Glasgow, | Nelson, | Wats, |
| Green, | Ovind, | Wolbert, |
| Gronvold, | Peek, | Winslow, |
| Gulack, | Restemayer, | Mr. Speaker, |

Absent and not voting:

| | | |
|-----------|--------------|-----------|
| Messrs— | Messrs— | Messrs— |
| Allen, | Deisem, | Peterson, |
| Allhouse, | Erickson, | Stevens, |
| Berger, | Herbrandson, | |

Mr. Erickson being excused.

So the bill passed and the title was agreed to.

Senate bill No. 21,

A bill for an act to amend section 3119 of article 6, of the Revised Codes of North Dakota relating to the publication of annual statements of insurance companies.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 56, nays none, absent and not voting 6.

Those who voted in the affirmative were:

| | | |
|------------|--------------------|------------|
| Messrs— | Messrs— | Messrs— |
| Aas, | Gulack, | Sanford, |
| Allhouse, | Hale, | Sargent, |
| Bacon, | Hare, | Stewart, |
| Berger, | Hauan, | Swenson, |
| Boyd, | Johnson, Richland, | Stevenson, |
| Brakke, | Johnston, Walsh, | Taylor, |
| Brotnov, | Kennedy, | Thomas, |
| Cassell, | Laughlin, | Thomson, |
| Chacey, | Lee, | Thordarson |
| Clarke, | Lish, | Tousley, |
| Dougherty, | Lynch, | Towle, |
| Dwire, | McHarg, | Tufte, |

Messrs—

Earl,
Engelter,
Ferris,
Gilbertson,
Glasgow,
Green,
Gronvold,

Messrs—

McLean,
Michels,
Miner,
Nelson,
Ovind,
Peek,
Restemayer,

Messrs—

Ugland,
Wallace,
Watts,
Wolbert,
Winslow,
Mr. Speaker,

Absent and not voting :

Messrs—

Allen,
Deisem,

Messrs—

Erickson,
Herbrandson,

Messrs—

Peterson,
Stevens,

Mr. Erickson being excused.

So the bill passed and the title was agreed to.

Mr. Laughlin moved

That the vote by which Senate bill No. 21 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Senate bill No. 29,

A bill for an act requiring county auditors and county treasurers to make out and publish quarterly statements.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 17, nays 37, absent and not voting 8.

Those who voted in the affirmative were:

Messrs—

Allshouse,
Bacon,
Cassell,
Chacey,
Clarke,
Dwire,

Messrs—

Earl,
Engelter,
Green,
Gronvold,
Hale,
Kennedy,

Messrs—

Laughlin,
Lish,
Peek,
Sanford,
Stevenson,

Those voting in the negative were:

Messrs—

Aas,
Berger,
Brakke,
Brotnov,
Dougherty,
Ferris,
Gilbertson,
Glasgow,
Hare,
Huan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,

Messrs—

Lee,
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Ovind,
Restemayer,
Sargent,
Stewart,
Swenson,

Messrs—

Taylor,
Thomas,
Thomson,
Thordarson,
Towle,
Tufté,
Ugland,
Wallace,
Watts,
Wolbert,
Winslow,
Mr. Speaker,

Absent and not voting:

Messrs—

Allen,
Boyd,
Deisen,

Messrs—

Erickson,
Gulack,
Peterson,

Messrs—

Stevens,
Tousley,

Mr. Erickson being excused.

So the bill was lost.

Mr. Sargent moved to adopt

CONCURRENT RESOLUTION.

Be it Resolved by the Senate, the House of Representatives Concurring: Whereas, From the treasurer's report it appears that \$22,700 of 4 per cent. interest bearing bonds, issued for the University of North Dakota, dated May 1, 1889, and due May 1, 1909, with payment optional May 1, 1899; and

Whereas, The board of university and school lands has money enough on hand at all times to take up said bonds; therefore, be it

Resolved, That the board of university and school lands is hereby requested to bid for said bonds, part to bear interest at the rate of 4 per cent per annum, payable semi annually, and that the treasurer of the state of North Dakota be and he is hereby instructed to redeem said bonds, May 1, 1899, and re-issue them to the board of university and school lands at 4 per cent interest, payable semi-annually, to run twenty years from date of issue, providing said board bids in compliance with this resolution; and be it further

Resolved, That a copy of this resolution be presented to the secretary of said board and another to the state treasurer.

Which motion prevailed and

The concurrent resolution was adopted.

Mr. Hale moved

That the house do now take a recess until 2 o'clock p. m.,

Which motion prevailed and

The house took such recess.

The house reassembled.

Mr. Sargent moved

That the chief clerk be instructed to message all bills that are ready to the senate as soon as possible,

Which motion prevailed.

THIRD READING OF SENATE BILLS.

Senate bill No. 9.

A concurrent resolution amending section 162 of the constitution of the state of North Dakota.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 56, nays none, absent and not voting 6.

Those voting in the affirmative were:

Messrs—

Aas,
 Allen,
 Allshouse,
 Bacon,
 Berger,
 Boyd,
 Brakke,
 Brotnov,
 Cassell,
 Chacey,
 Clarke,
 Deisem,
 Dougherty,
 Dwire,
 Earl,
 Engelter,
 Ferris,
 Gilbertson,
 Glasgow,

Messrs—

Green,
 Gronvold,
 Gulack,
 Hale,
 Hauan,
 Herbrandson,
 Johnston, Walsh,
 Kennedy,
 Laughlin,
 Lee,
 Lish
 Lynch,
 McHarg,
 McLean,
 Michels,
 Miner,
 Nelson,
 Ovind,
 Peek,

Messrs—

Peterson,
 Restemayer,
 Sanford,
 Sargent,
 Stevens,
 Stewart,
 Swenson,
 Stevenson,
 Taylor,
 Thomas,
 Thordarson
 Tousley,
 Tufte,
 Ugland,
 Wallace,
 Watts,
 Winslow.
 Mr. Speaker,

Absent and not voting :

Messrs—

Erickson,
 Hare,

Messrs—

Johnson, Richland,
 Thomson,

Messrs—

Towle,
 Wolbert,

Messrs. Erickson and Towle being excused.

So the bill passed and the title was agreed to.

Mr. Sargent moved

That the vote by which Senate bill No. 9 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Senate bill No. 84,

A bill for an act authorizing the commissioner of university and school lands to charge certain fees for services and to establish the same.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 56, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs—

Aas,
 Allen,
 Allshouse,
 Bacon,
 Berger,
 Boyd,
 Brakke,
 Brotnov,
 Cassell,
 Chacey,
 Deisem,

Messrs—

Gronvold,
 Gulack,
 Hale,
 Hauan,
 Herbrandson,
 Johnson, Richland,
 Kennedy,
 Laughlin,
 Lee,
 Lish
 Lynch,

Messrs—

Restemayer,
 Sanford,
 Sargent,
 Stevens,
 Stewart,
 Swenson,
 Stevenson,
 Taylor,
 Thomas,
 Thordarson
 Tousley,

Messrs—

Dougherty,
Dwire,
Earl,
Engelter,
Ferris,
Gilbertson,
Glasgow,
Green,

Absent and not voting:

Clarke,
Erickson,

Messrs—

McHarg,
McLean,
Michels,
Miner,
Nelson,
Ovind,
Peek,
Peterson,

Hare,
Johnson, Walsh,

Messrs—

Tufte,
Ugland,
Wallace,
Watts,
Wolbert,
Winslow,
Mr. Speaker.

Thomson,
Towle,

Messrs. Erickson and Towle being excused.

So the bill passed and the title was agreed to.

Mr. Bacon moved

That the vote by which Senate bill No. 84 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Hale moved that the title to
Senate bill No. 107,

A bill for an act to amend section 404 of the Revised Codes of the state of North Dakota.

Be amended as follows:

By adding the words "relating to terms of court in the Second judicial district."

Which motion prevailed and
The title as amended was adopted.

Senate bill No. 107,

A bill for an act to amend section 404 of the Revised Codes of the state of North Dakota, relating to terms of court in the Second judicial district.

Was read the third time.

The question being upon the final passage of the bill as amended,
The roll was called and there were ayes 57, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,

Messrs—

Green,
Gronvold,
Gulack,
Hale,
Hauan,
Herbrandson,
Johnson, Richland,
Johnson, Richland,
Kennedy,
Lee,

Messrs—

Peterson,
Restemayer,
Sanford,
Sargent,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,

Messrs—

Clarke,
Deisem,
Dougherty,
Dwire,
Earl,
Engelter,
Ferris,
Gilbertson,
Glasgow,

Messrs—

Lish,
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Ovind,
Peek,

Messrs—

Thordarson
Tousley,
Tufte,
Ugland,
Wallace,
Watts,
Wolbert,
Winslow,
Mr. Speaker,

Absent and not voting:

Messrs—

Erickson,
Hare,

Messrs—

Laughlin,
Stevens,

Messrs—

Towle,

Messrs. Erickson and Towle being excused.

So the bill passed and the title as amended was agreed to.

Mr. Hale moved

That the vote by which Senate bill No. 107 passed be reconsidered, and the motion to reconsider be laid upon the table.

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
February 21, 1899.

Mr. Speaker:

I have the honor to transmit herewith

Senate bill No. 138.

A bill for an act to authorize the purchase of tools and machinery for making roads, in certain cases, and to prescribe the manner of payment therefor, and the use and care of same.

Also,

Senate bill No. 120,

A bill for an act providing for the assessment and taxation of grain in elevators, warehouses and grain houses, and providing for penalties for the violation of the provisions of the act.

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

Very respectfully yours,

J. O. SMITH,
Secretary.

Senate bill No. 99,

A bill for an act entitled "an act taxing the occupation of hawking and peddling, and regulating the licensing of persons engaged in such occupation."

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 40, nays 19, absent and not voting 3.

Those who voted in the affirmative were :

| | | |
|----------------|--------------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Allen, | Hale, | Ovind, |
| Allshouse, | Hauan, | Peterson, |
| Berger, | Herbrandson, | Restemayer, |
| Boyd, | Johnson, Richland, | Sargent, |
| Brakke, | Kennedy, | Stewart, |
| Cassell, | Lee, | Taylor, |
| Chacey, | Lish, | Thomas, |
| Deisem, | Lynch, | Thordarson, |
| Dougherty, | McHarg, | Wallace, |
| Earl, | McLean, | Watts, |
| Gilbertson, | Michels, | Wolbert, |
| Green, | Miner, | Winslow, |
| Gronvold, | Nelson, | Mr. Speaker, |
| Gulack, | | |

Those voting in the negative were:

| | | |
|----------------|------------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Aas, | Hare, | Swenson, |
| Bacon, | Johnston, Walsh, | Stevenson, |
| Brotnov, | Laughlin, | Thomson, |
| Dwire, | Peek, | Tousley, |
| Engelter, | Sanford, | Tufte, |
| Ferris, | Stevens, | Ugland, |
| Glasgow, | | |

Absent and not voting:

| | | |
|----------------|----------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Clarke, | Erickson, | Towle, |

Messrs. Erickson and Towle being excused.

So the bill passed and the title was agreed to.

Mr. Wolbert moved

That the vote by which Senate bill No. 99 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed,

Senate bill No. 92,

A bill for an act to repeal section 4718 of the Revised Codes of North Dakota relating to the discharge by entry in the margin of the record thereof.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 50, nays 6, absent and not voting 6.

Those who voted in the affirmative were :

Messrs—

Allen,
Allshouse,
Berger,
Boyd,
Brakke,
Cassell,
Clarke,
Deisem,
Dougherty,
Dwire,
Earl,
Engelter,
Ferris,
Gilbertson,
Glasgow,
Green,
Gronvold,

Messrs—

Gulack,
Hale,
Hare,
Huan,
Herbrandson,
Kennedy,
Laughlin,
Lee,
Lish,
Lynch,
McHarg,
McLean,
Michels,
Nelson,
Peek,
Peterson,
Sargent,

Messrs—

Stevens,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson
Tousley,
Tufte,
Ugland,
Wallace,
Watts,
Wolbert,
Winslow,
Mr. Speaker.

Those voting in the negative were:

Messrs—

Brotnov,
Johnson, Richland,

Messrs—

Johnston, Walsh,
Miner,

Messrs—

Ovind,
Restemayer,

Absent and not voting:

Messrs—

Aas,
Bacon,

Messrs—

Chacey,
Erickson,

Messrs—

Sanford,
Towle.

Messrs. Erickson and Towle being excused.

So the bill passed and the title was agreed to.

Senate bill No. 97,

A bill for an act to amend sections 1663, 1664 and 1667 of the Revised Codes of the state of North Dakota of 1895, relating to the purchase of tools and appliances for making fire breaks and for the prevention of prairie fires, prescribing the duties of county commissioners in regard to the prevention of prairie fires, providing for the appointment of fire wardens, fixing the bonds and prescribing the duties thereof and providing for the levy of a tax by the county commissioners for the prevention of prairie fires, also for the repeal of sections 1665, 1666, 1670, 1671 and 1672 of said Revised Codes.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 48, nays 11, absent and not voting 3.

Those who voted in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,
Bacon,
Boyd,

Messrs—

Glasgow,
Green,
Gronvold,
Gulack,
Hale,

Messrs—

Ovind,
Peek,
Restemayer,
Sanford,
Sargent,

Messrs—

Brakke,
Cassell,
Chacey,
Clarke,
Deisen,
Dougherty,
Dwire,
Earl,
Engelter,
Ferris,
Gilbertson,

Messrs—

Hare,
Hauan,
Herbrandson,
Kennedy,
Laughlin,
Lee,
Lish,
McHarg,
Michels,
Miner,
Nelson,

Messrs—

Stevens,
Swenson,
Stevenson,
Thordarson,
Tousley,
Tufté,
Ugland,
Wallace,
Watts,
Wolbert,
Mr. Speaker,

Those voting in the negative were:

Messrs—

Berger,
Brotnov,
Johnson, Richland,
Lynch,

Messrs—

McLean,
Peterson,
Stewart,
Taylor,

Messrs—

Thomas,
Thomson,
Winslow,

Absent and not voting:

Messrs—

Erickson,

Messrs—

Johnston, Walsh,

Messrs—

Towle,

Messrs. Erickson and Towle being excused.

So the bill passed and the title was agreed to.

Mr. Stevens moved

That the vote by which Senate bill No. 97 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Stevens moved to recommit

Senate bill No. 47,

A bill for an act to amend section 5422 of the Revised Codes, relating to note of issue, notice of trial and order of trials.

To the committee on judiciary,

Which motion prevailed and

Senate bill No. 47,

A bill for an act to amend section 5422 of the Revised Codes, relating to note of issue, notice of trial and order of trials.

Was so referred.

Senate bill No. 124,

A bill for an act to cure defective acknowledgments.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 53, nays none, absent and not voting 9.

Those who voted in the affirmative were:

Messrs—

Aas,
Allshouse,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Clarke,
Dougherty,
Dwire,
Earl,
Engelter,
Ferris,
Gilbertson,
Glasgow,
Green,
Gronvold,
Gulack,

Messrs—

Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Ovind,
Peek,
Peterson,

Messrs—

Restemayer,
Sanford,
Sargent,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson
Tousley,
Tuft,
Ugland,
Wallace,
Watts,
Winslow,
Mr. Speaker,

Absent and not voting:

Messrs—

Allen,
Bacon,
Chacey,

Messrs—

Deisem,
Erickson,
Hale,

Messrs—

Stevens,
Towle,
Wolbert.

Messrs. Erickson and Towle being excused.

So the bill passed and the title was agreed to.

Mr. Laughlin moved

That the House return to reports of standing committees,
Which motion prevailed

REPORTS OF STANDING COMMITTEES.

The committee on agriculture made the following report:

Mr. Speaker:

Your committee on agriculture to whom was re-referred
Senate bill No. 91,

A bill for an act to amend section 6156 of the Revised Codes relating to custody of trespassing animals until damages are paid.

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

In line 6, of printed bill after the word "said" add the following: "Township or county as provided for in case bond and arrest notice of the giving of such security must be given the person holding such stock, at least one day before the approval of such security with the day and hour when such security will be submitted, such justice for approval, when such security is approved as herein provided, said justice shall issue an order directly to the person holding such stock to forthwith deliver such stock to the party entitled thereto, and the official receiving such order shall take such stock and deliver the same to the person entitled thereto. The costs may be charged as part of the cost in the action to determine the rights of the parties regarding such stock."

And when so amended recommend that the same do pass.

O. C. HAUAN,
Chairman.

The committee on appropriations made the following report:

Mr. Speaker:

Your committee on appropriations to whom was referred
Senate bill No. 55,

A bill for an act making appropriation for repairing and furnishing the executive mansion.

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

W. D. ALLEN,
Chairman.

The committee on military affairs made the following report:

Mr. Speaker:

Your committee on military affairs to whom was referred
House bill No. 183,

A bill for an act to amend section 1419 of chapter 19 of the Revised Codes of 1895, entitled Militia.

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

A. H. LAUGHLIN,
Chairman.

The committee on engrossed bills made the following report:

Mr. Speaker:

Your committee on engrossed bills have examined
Substitute for House bill 45,

A bill for an act to amend sections 863 and 864 of the Revised Codes relating to education.

Also,

House bill No. 170,

A bill for an act prescribing the method of investing the permanent funds derived from the sale of public lands, or from any other source, in first mortgages on farm lands, the duty of certain state and county offices in relation thereto, and fixing the liability of the several counties of the state for the preservation of such funds.

Also,

House bill No. 118,

A bill for an act to amend section 1794 of the revised codes of North Dakota relating to storage of grain.

Also,

House bill No. 181,

A bill for an act to enable the substitution of lost papers or papers destroyed by fire in the county courts of this state and providing the manner of said substitution.

Also,

House bill No. 172,

A bill for an act to provide for the destruction of grasshoppers and Rocky Mountain locusts.

And find the same correctly engrossed.

A. W. THOMAS,

Chairman.

The committee on county and county boundaries made the following report:

Mr. Speaker:

Your committee on county and county boundaries to whom was referred

House bill No. 175,

A bill for an act to settle disputes as to county boundaries and to confirm the acts of officials in counties that have exercised jurisdiction over territory not clearly within county boundaries.

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

W. W. GLASGOW,

Chairman.

The committee on appropriations made the following report:

Mr. Speaker:

Your committee on appropriations to whom was referred

Senate bill No. 26,

A bill for an act to provide for paying the expense incurred by the North Dakota commission in making an exhibit on behalf of the state at the Trans-Mississippi and International Exposition held at Omaha in the state of Nebraska in 1898, to refund money advanced by certain persons for the purpose of making said exhibit, and to appropriate money therefor.

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

That in line 2, section 1 of printed bill the sum of "\$2,024.25" be stricken out and the sum of "\$1,824.25" be inserted in lieu thereof.

And when so amended recommend that the same do pass.

W. D. ALLEN,

Chairman.

Mr. Allen moved

That the report of the committee on appropriations on Senate bill No. 26,

A bill for an act to provide for paying the expense incurred by the North Dakota commission in making an exhibit on behalf of the state at the Trans-Mississippi and International Exposition held at Omaha in the state of Nebraska in 1898, to refund money advanced by certain persons for the purpose of making said exhibit, and to appropriate money therefor.

Be adopted.

Which motion prevailed, and

The report was adopted.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

House bill No. 155,

A bill for an act to amend section 1494 of the Revised Codes of the state of North Dakota, relating to relief of poor strangers and counties' liabilities.

Have had the same under consideration and recommend that the same be indefinitely postponed.

R. N. STEVENS,
Chairman.

Mr. Deisem moved

That the report of the committee on judiciary on

House bill No. 155,

A bill for an act to amend section 1494 of the Revised Codes of the state of North Dakota, relating to relief of poor strangers and counties' liabilities.

Be adopted.

Which motion prevailed, and

The report was adopted.

And the further consideration of

House bill No. 155,

A bill for an act to amend section 1494 of the Revised Codes of the state of North Dakota, relating to relief of poor strangers and counties' liabilities.

Was indefinitely postponed.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

House bill No. 182,

A bill for an act to amend section 373 of the Revised Statutes of North Dakota, relating to deputies.

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

Also,

House bill No. 180,

A bill for an act to amend section 7665 of the Revised Codes of North Dakota, relating to concealing estrays, lost goods, and altering or defacing brands.

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

Also,

House bill No. 178,

A bill for an act to amend section 7306, chapter 40 of the Revised Codes.

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

Also,

House bill No. 153,

A bill for an act to amend section 1325 of the Revised Codes of 1895 relating to the filing and recording of deeds, mortgages, deeds of trust or other encumbrance or transfer of real property.

Have had the same under consideration and recommend that the same be indefinitely postponed.

R. N. STEVENS,
Chairman.

Mr. Deisem moved

That the report of the committee on judiciary on

House bill No. 153,

A bill for an act to amend section 1325 of the Revised Codes of 1895 relating to the filing and recording of deeds, mortgages, deeds of trust or other encumbrance or transfer of real property.

Be adopted.

Which motion prevailed and

The report of the committee was adopted, and

The further consideration of

House bill No. 153,

A bill for an act to amend section 1325 of the Revised Codes of 1895 relating to the filing and recording of deeds, mortgages, deeds of trust or other encumbrance or transfer of real property.

Was indefinitely postponed.

The committee on agriculture made the following report:

Mr. Speaker:

A majority of your committee on agriculture to whom was referred

House bill No. 185,

A bill for an act to provide a bounty for the destruction of gophers.

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

O. GILBERTSON,
D. STEVENSON,
D. N. GREEN,
A. H. LAUGHLIN,
E. B. THOMSON,

A minority of your committee on agriculture to whom was referred

House bill No. 185,

A bill for an act to provide a bounty for the destruction of gophers.

Have had the same under consideration and recommend that the same be indefinitely postponed.

O. C. HAUAN,
S. C. SWENSON,
E. H. RESTEMAYER,
K. O. BROTONOV,

Mr. Hale moved

That the report of the majority of the committee on agriculture on

House bill No. 185,

A bill for an act to provide a bounty for the destruction of gophers.

Be adopted.

Mr. Sargent moved

As a substitute that

House bill No. 185,

A bill for an act to provide a bounty for the destruction of gophers.

Be referred to general orders,

Which motion prevailed and

House bill No. 185,

A bill for an act to provide a bounty for the destruction of gophers.

Was so referred.

The committee on mines and mining made the following report:
Mr. Speaker:

Your committee on mines and mining to whom was referred
 Senate bill No. 131,

A bill for an act providing for a geological survey of North
 Dakota.

Have had the same under consideration and recommend that
 the same be indefinitely postponed.

G. O. GULACK,
 Chairman.

Mr. McHarg moved

That the report of the committee on mines and mining on
 Senate bill No. 131,

A bill for an act providing for a geological survey of North
 Dakota.

Be adopted.

Mr. Bacon moved

As a substitute that
 Senate bill No. 131,

A bill for an act providing for a geological survey of North
 Dakota.

Be referred to committee on judiciary,
 Which motion prevailed.

The committee on education made the following report:

Mr. Speaker:

Your committee on education to whom was referred
 House bill No. 139,

A bill for an act to amend sections 797 and 846 of the Revised
 Codes, 1895, relating to the powers and duties of boards of educa-
 tion in special and independent school districts.

Have had the same under consideration and recommend that
 the same be indefinitely postponed.

C. A. SANFORD,
 Chairman.

Mr. Sanford moved

That the report of the committee on education on
 House bill No. 139,

A bill for an act to amend sections 797 and 846 of the Revised
 Codes, 1895, relating to the powers and duties of boards of educa-
 tion in special and independent school districts.

Be adopted.

Which motion prevailed, and

The report of the committee was adopted, and
The further consideration of
House bill No. 139,

A bill for an act to amend sections 797 and 846 of the Revised Codes, 1895, relating to the powers and duties of boards of education in special and independent school districts.

Was indefinitely postponed.

The committee on education made the following report:

Mr. Speaker:

Your committee on education to whom was referred
House bill No. 59,

A bill for an act to amend section 722, Revised Codes, 1895, relating to the levy of taxes for school purposes.

Have had the same under consideration and recommend that the attached bill be substituted for the same:

Substitute for house bill No. 59,

A bill for an act to amend sections 710, 711, 713, 715, 716, 719, and 722 Revised Codes, relating to education, and providing for the apportionment of the special tuition fund by the county superintendent of schools and the payment thereof by the county treasurer to school district treasurers.

And recommend that the substitute bill do pass.

C. A. SANFORD,
Chairman.

Mr. McHarg moved

That the report of the committee on education on
House bill No. 59,

A bill for an act to amend section 722, Revised Codes, 1895 relating to the levy of taxes for school purposes.

Be adopted, and that

Substitute for house bill No. 59,

A bill for an act to amend sections 710, 711, 713, 715, 716, 719, and 722 Revised Codes, relating to education, and providing for the apportionment of the special tuition fund by the county superintendent of schools and the payment thereof by the county treasurer to school district treasurers.

Be printed.

Which motion prevailed, and
The report was adopted.

The speaker announced that he was about to sign
Senate bill No. 129,

A memorial and concurrent resolution relating to Devils Lake.

Also,

Senate bill No. 74,

A bill for an act to amend section 3549 of the Revised Codes of North Dakota relating to incumbrances.

The speaker announced an informal recess of fifteen minutes.

House reassembled.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
February 21, 1899.

Mr. Speaker:

I have the honor to inform you that the senate has refused to concur in the house amendment to

Senate bill No. 24,

A bill for an act to define the duties of the commissioner of agriculture and labor.

And ask that a committee of conference be appointed.

The president has appointed as such conference committee of the senate, Messrs. LaMoure, Sharpe and Hegge.

Very respectfully yours,

J. O. SMITH,
Secretary.

By unanimous consent Mr. Hare moved to amend

Senate bill No. 26,

A bill for an act to provide for paying the expense incurred by the North Dakota commission in making an exhibit on behalf of the state at the Trans-Mississippi and International Exposition held at Omaha in the state of Nebraska in 1898. to refund money advanced by certain persons for the purpose of making said exhibit, and to appropriate money therefor.

By re-incorporating item No. 10, and that the report of the committee on appropriations on

Senate bill No. 26,

A bill for an act to provide for paying the expense incurred by the North Dakota commission in making an exhibit on behalf of the state at the Trans-Mississippi and International Exposition held at Omaha in the state of Nebraska in 1898. to refund money advanced by certain persons for the purpose of making said exhibit, and to appropriate money therefor.

Be stricken out,

Which motion prevailed, and

Senate bill No. 26,

A bill for an act to provide for paying the expense incurred by the North Dakota commission in making an exhibit on behalf of the state at the Trans-Mississippi and International Exposition held at Omaha in the state of Nebraska in 1898, to refund money advanced by certain persons for the purpose of making said exhibit, and to appropriate money therefor.

Was so amended.

Mr. Hare moved

That the rules be suspended and that

Senate bill No. 26,

A bill for an act to provide for paying the expense incurred by the North Dakota commission in making an exhibit on behalf of the state at the Trans-Mississippi and International Exposition held at Omaha in the state of Nebraska in 1898, so refund money advanced by certain persons for the purpose of making said exhibit, and to appropriate money therefor.

Be considered engrossed and placed upon its third reading and final passage,

Which motion prevailed, and

Senate bill No. 26,

A bill for an act to provide for paying the expense incurred by the North Dakota commission in making an exhibit on behalf of the state at the Trans-Mississippi and International Exposition held at Omaha in the state of Nebraska in 1898, to refund money advanced by certain persons for the purpose of making said exhibit, and to appropriate money therefor.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 25, nays 30, absent and not voting 7.

Those who voted in the affirmative were:

Messrs—

Allen,
Boyd,
Brakke,
Cassell,
Chacey,
Delsem,
Dwire,
Earl,
Engelter,

Messrs—

Green,
Hare,
Johnson, Richland,
Kennedy,
Laughlin,
Lee,
Lish,
Lynch,

Messrs—

McHarg,
Miner,
Stevenson,
Thomson,
Thordarson,
Wallace,
Wolbert,
Mr. Speaker,

Those voting in the negative were:

Messrs—

Aas,
Allshouse,
Bacon,

Messrs—

Hale,
Hauan,
Herbrandson,

Messrs—

Restemayer,
Sanford,
Sargent,

Messrs—

Berger,
Brotnov,
Dougherty,
Ferris,
Gilbertson,
Glasgow,
Gulack,

Messrs—

Johnston. Walsh,
McLean,
Michels,
Nelson,
Ovind,
Peek,
Peterson,

Messrs—

Stevens,
Stewart,
Swenson,
Taylor,
Thomas,
Tufte,
Watts,

Absent and not voting:

Messrs—

Clarke,
Erickson,
Gronvold,

Messrs—

Tousley,
Towle,

Messrs—

Ugland,
Winslow,

Messrs. Erickson and Towle being excused.

So the bill was lost.

Mr. Sargent gave notice that he would move a reconsideration of the vote by which

Senate bill No. 26,

A bill for an act to provide for paying the expense incurred by the North Dakota commission in making an exhibit on behalf of the state at the Trans-Mississippi and International Exposition held at Omaha in the state of Nebraska in 1898, to refund money advanced by certain persons for the purpose of making said exhibit, and to appropriate money therefor.

Was lost, on Thursday, February 23d.

Mr. McHarg moved

That a committee of three be appointed from the house to confer with a like committee appointed from the senate relative to

Senate bill No. 24,

A bill for an act to define the duties of the commissioner of agriculture and labor.

Which motion prevailed.

Mr. Laughlin moved that

House bill No. 117,

A bill for an act to amend chapters 67 and 68 of the penal code of the revised codes of North Dakota, relating to adulterated dairy products, and selling adulterated and unwholesome food or medicine, and to create a deputy commissioner of agriculture with certain duties in connection therewith, and fixing his salary.

Be recalled from general orders and placed upon its third reading and final passage.

Which motion was lost.

REPORTS OF STANDING COMMITTEES.

The committee on enrolled bills made the following report:

Mr. Speaker:

Your committee on enrolled bills have examined

House bill No. 40,

A bill for an act to amend section 1786, of article 25, chapter 20, of the Political Code of the state of North Dakota, which defines public warehouses.

And find the same correctly enrolled.

M. B. CASSELL,

Chairman.

The speaker announced that he was about to sign

House bill No. 40,

A bill for an act to amend section 1786, of article 25, chapter 20, of the Political Code of the state of North Dakota, which defines public warehouses.

Mr. Chacey moved

That the house returned to the introduction of house bills,
Which motion prevailed.

INTRODUCTION OF HOUSE BILLS.

Mr. Chacey introduced

House bill No. 192,

A bill for an act to amend sections 1550, 1551, 1552 and 1553 of the Revised Codes of 1895.

Mr. Allen introduced

House bill No. 193, •

A bill for an act to provide for the issuance of a summons and the service thereof, and for the service of an answer in actions in the district court wherein affirmative relief is sought by a party defendant against another party defendant not a resident of this state, and providing for a reply to such answer.

Mr. Allen introduced

House bill No. 194,

A bill for an act to amend 2859, chapter 11 of the Revised Codes of North Dakota.

FIRST AND SECOND READING OF HOUSE BILLS.

House bill No. 192,

A bill for an act to amend sections 1550, 1551, 1552 and 1553 of the Revised Codes of 1895.

Was read the first and second times, and

Referred to the committee on judiciary.

House bill No. 193,

A bill for an act to provide for the issuance of a summons and the service thereof, and for the service of an answer in actions in the district court wherein affirmative relief is sought by a party

defendant against another party defendant not a resident of this state, and providing for a reply to such answer.

Was read the first and second times, and

Referred to the committee on judiciary.

House bill No. 194,

A bill for an act to amend section 2859, chapter 11 of the Revised Codes of North Dakota.

Was read the first and second times, and

Referred to the committee on judiciary.

The speaker announced as members of the steering committee Messrs. Wallace, chairman, Wolbert and Stevens.

The speaker called Mr. Tousley to the chair.

THIRD READING OF HOUSE BILLS.

House bill No. 24,

A bill for an act to amend section 2464 of the Revised Codes.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 53, nays none; absent and not voting 9.

Those who voted in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,
Chacey,
Clarke,
Delsem,
Dougherty,
Dwire,
Engelter,
Ferris,
Gilbertson,
Glasgow,
Green,

Messrs—

Gronvold,
Gulack,
Hale,
Hare,
Hauan,
Herbrandson,
Johnson, Richland
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish
Lynch,
McLean,
Michels,
Miner,
Nelson,
Ovind,

Messrs—

Peek,
Peterson,
Restemayer,
Sanford,
Sargent,
Stevens,
Stewart,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson
Tousley,
Tufte,
Ugland,
Wallace,
Watts,

Absent and not voting:

Messrs—

Cassell,
Earl,
Erickson,

Messrs—

McHarg,
Swenson,
Towle,

Messrs—

Wolbert,
Winslow,
Mr. Speaker,

Messrs. Erickson and Towle, being excused.

So the bill passed and the title was agreed to.

Mr. Stevens moved

That the rules be suspended, and that
Senate bill No. 21,

A bill for an act to amend section 3119 of article 6, of the Revised Codes of North Dakota relating to the publication of annual statements of insurance companies.

Be recalled from the senate.

Which motion prevailed.

Mr. Stevens moved

That the vote by which
Senate bill No. 21,

A bill for an act to amend section 3119 of article 6, of the Revised Codes of North Dakota relating to the publication of annual statements of insurance companies.

Passed be reconsidered,

Which motion prevailed.

The speaker announced as the conference committee on
Senate bill No. 24,

A bill for an act to define the duties of the commissioner of agriculture and labor.

Messrs. McHarg, chairman, Michels and Laughlin.

House bill No. 44,

A bill for an act to amend section 640 of the revised codes of 1895, relating to education.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 42, nays 9, absent and not voting 11.

Those voting in the affirmative were:

Messrs—

Aas,
Berger,
Boyd,
Brakke,
Brotnov,
Chacey,
Deisem,
Dougherty,
Ferris,
Gilbertson,
Glasgow,
Green,
Gronvold,
Hare,

Messrs—

Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish
Lynch,
McLean,
Miner,
Nelson,
Ovind,
Peek,

Messrs—

Restemayer,
Sargent,
Stewart,
Swenson,
Taylor,
Thomas,
Thomson,
Thordarson
Tousley,
Tufte,
Ugland,
Watts,
Wolbert,
Mr. Speaker,

Those voting in the negative were:

Messrs—
Allen,
Allshouse,
Bacon,

Messrs—
Hale,
McHarg,
Michels,

Messrs—
Sanford,
Stevens,
Wallace,

Absent and not voting:

Messrs—
Cassell,
Clarke,
Dwire,
Earl,

Messrs—
Engelter,
Erickson,
Gulack,
Peterson,

Messrs—
Stevenson,
Towle,
Winslow,

Messrs. Erickson and Towle being excused.

So the bill passed and the title was agreed to.

Mr. Thomas moved

That the vote by which House bill No. 44 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed

House bill No. 25,

A bill for an act in relation to reinsurance and the transaction of business by fire insurance companies or associations otherwise than through resident agents.

Was read the third time.

The question being upon the final passage of the bill

The roll was called and there were ayes 55, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs—
Aas,
Allen,
Allshouse,
Bacon,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Deisem,
Dougherty,
Dwire,
Earl,
Engelter,
Ferris,
Gilbertson,
Glasgow,
Green,

Messrs—
Gronvold,
Gulack,
Hale,
Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish,
Lynch,
McLean,
Michels,
Miner,
Nelson,
Peek,
Restemayer,

Messrs—
Sanford,
Sargent,
Stevens,
Stewart,
Swenson,
Stevenson,
Thomas,
Thomson,
Thordarson,
Tousley,
Tufte,
Ugland,
Wallace,
Watts,
Wolbert,
Winslow,
Mr. Speaker,

Absent and not voting:

Messrs—
Berger,
Erickson,
McHarg,

Messrs—
Ovind,
Peterson,

Messrs—
Taylor,
Towle,

Messrs. Erickson and Towle, being excused.

So the bill passed and the title was agreed to.

Mr. Bacon moved

That the vote by which House bill No. 25 passed be reconsidered and the motion to reconsider be laid upon the table,

Which motion prevailed.

House bill No. 65,

A bill for an act to amend sections 5848, 5861 and 5862 of the Revised Codes of North Dakota, relating to the foreclosure of mortgages by advertisement.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 51, nays 5, absent and not voting 6.

Those who voted in the affirmative were:

| | | |
|-------------|--------------------|--------------|
| Messrs— | Messrs— | Messrs— |
| Aas, | Glasgow, | Miner, |
| Allen, | Green, | Peek, |
| Allshouse, | Gronvold, | Peterson, |
| Bacon, | Gulack, | Restemayer, |
| Berger, | Hale, | Sargent, |
| Boyd, | Hare, | Stevens, |
| Brakke, | Hauan, | Stevenson, |
| Cassell, | Herbrandson, | Thomas, |
| Chacey, | Johnson, Richland, | Thomson, |
| Clarke, | Johnston, Walsh, | Thordarson |
| Delsam, | Kennedy, | Tousley, |
| Dougherty, | Laughlin, | Ugland, |
| Dwire, | Lee, | Wallace, |
| Earl, | Lish, | Watts, |
| Engelter, | Lynch, | Wolbert, |
| Ferris, | McHarg, | Winslow, |
| Gilbertson, | McLean, | Mr. Speaker, |

Those voting in the negative were:

| | | |
|---------|----------|---------|
| Messrs— | Messrs— | Messrs— |
| Nelson, | Sanford, | Tufte, |
| Ovind, | Swenson, | |

Absent and not voting:

| | | |
|-----------|----------|---------|
| Messrs— | Messrs— | Messrs— |
| Brotnov, | Michels, | Taylor, |
| Erickson, | Stewart, | Towle. |

Mr. Erickson and Towle being excused.

So the bill passed and the title was agreed to.

Mr. Hare moved

That the vote by which House bill No. 65 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

House bill No. 73,

A bill for an act, entitled an act to amend chapter sixty-three of the session laws of 1897 of the state of North Dakota, relating to the boundaries of the Fourth judicial district and fixing the times of holding of terms of court in the different counties thereof.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 57, nays none, absent and not voting 5.

Those who voted in the affirmative were :

Messrs—

Aas,
Allen,
Alishouse,
Bacon,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Deisem,
Dougherty,
Dwire,
Earl,
Engelter,
Ferris,
Gilbertson,
Glasgow,
Green,

Messrs—

Gronvold,
Gulack,
Hale,
Hare,
Hauan,
Herbrandson,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish,
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Ovind,
Peek,

Messrs—

Peterson,
Restenayer,
Sanford,
Sargent,
Stevens,
Stewart,
Swenson,
Stevenson,
Thomas,
Thomson,
Thordarson,
Tufte,
Tousley,
Ugland,
Wallace,
Watts,
Wolbert,
Winslow,
Mr. Speaker,

Absent and not voting:

Messrs—

Berger,
Erickson,

Messrs—

Johnson, Richland,
Taylor,

Messrs—

Towle,

Messrs. Erickson and Towle being excused.

So the bill passed and the title was agreed to.

The speaker resumed the chair

GENERAL ORDERS

Mr. Laughlin moved

That the House resolve itself into a committee of the whole for the consideration of

House bill No. 117,

A bill for an act to amend chapters 67 and 68 of the penal code of the revised codes of North Dakota, relating to adulterated dairy products, and selling adulterated and unwholesome food or medicine, and to create a deputy commissioner of agriculture with certain duties in connection therewith, and fixing his salary.

Which motion prevailed, and

The House resolved itself into a committee of the whole.

The Speaker called Mr. Tousley to the chair.

When the committee arose, it submitted the following report:

Mr. Speaker:

Your committee of the whole have had under consideration
House bill No. 117,

A bill for an act to amend chapters 67 and 68 of the penal code of the revised codes of North Dakota, relating to adulterated dairy products, and selling adulterated and unwholesome food or medicine, and to create a deputy commissioner of agriculture with certain duties in connection therewith, and fixing his salary.

And recommend that the bill be amended as follows:

In line 9, strike out the word "twelve" and insert the word "six."

In line 13, strike out the word "two" and insert the word "one."

In line 17, after the word "state" strike out the word "treasury" and insert the words "school fund."

And when so amended recommend that the same do pass.

W. W. TOUSLEY,

Chairman.

Mr. Sargent moved

That the report of the committee of the whole be adopted,

Which motion prevailed, and

The report of the committee of the whole was adopted,

Mr. Sargent moved

That the rules be suspended and that

House bill No. 117,

A bill for an act to amend chapters 67 and 68 of the penal code of the revised codes of North Dakota, relating to adulterated dairy products, and selling adulterated and unwholesome food or medicine, and to create a deputy commissioner of agriculture with certain duties in connection therewith, and fixing his salary.

Be considered engrossed and placed upon its third reading and final passage,

Which motion prevailed.

House bill No. 117,

A bill for an act to amend chapters 67 and 68 of the penal code of the revised codes of North Dakota, relating to adulterated dairy products, and selling adulterated and unwholesome food or medicine, and to create a deputy commissioner of agriculture with certain duties in connection therewith, and fixing his salary.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 41, nays 11, absent and not voting 10.

Those who voted in the affirmative were:

| Messrs— | Messrs— | Messrs— |
|-------------|-----------|--------------|
| Allen, | Green, | Peterson, |
| Allshouse, | Gronvold, | Sanford, |
| Bacon, | Gulack, | Sargent, |
| Boyd, | Hale, | Stevens, |
| Brakke, | Hare, | Stewart, |
| Cassell, | Hauan, | Stevenson, |
| Chacey, | Kennedy, | Thomas, |
| Clarke, | Laughlin, | Thomson, |
| Dwire, | Lish, | Tousley, |
| Earl, | Lynch, | Ugland, |
| Engelter, | McHarg, | Wolbert, |
| Ferris, | Michels, | Winslow, |
| Gilbertson, | Miner, | Mr. Speaker, |
| Glasgow, | Peek, | |

Those voting in the negative were:

| Messrs— | Messrs— | Messrs— |
|--------------|--------------------|----------|
| Berger, | Johnson, Richland, | Tufte, |
| Brotnov, | McLean, | Wallace, |
| Dougherty, | Ovind, | Watts, |
| Herbrandson, | Thordarson, | |

Absent and not voting:

| | | |
|------------------|-------------|----------|
| Aas, | Lee, | Swenson, |
| Deisem, | Nelson, | Taylor, |
| Erickson, | Restemayer, | Towle, |
| Johnston, Walsh, | | |

Messrs. Erickson and Towle being excused.

So the bill passed and the title was agreed to.

Mr. Laughlin moved

That the vote by which House bill No. 117 passed be reconsidered, and the motion to reconsider be laid upon the table, which motion prevailed.

The speaker announced that there would be a joint session on Wednesday, February 22, for memorial services for Governor Briggs.

Mr. Stevenson moved

That the house do now adjourn,

Which motion prevailed, and

The house adjourned until 10 o'clock a. m. Thursday.

J. G. HAMILTON,
Chief Clerk.

The house adjourned to meet with the senate February 22 for memorial services of Governor Frank A. Briggs, and upon the conclusion of said services so meet Thursday, February 23, at 10 o'clock, a. m.

FIFTY-SECOND DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 23, 1899.

The house assembled at 10 o'clock a. m. pursuant to adjournment.

The speaker presiding.

Prayer by Mr. Sanford.

Roll called.

All members present.

Mr. Lish requested the privileges of the floor be extended to Perry Tingle and H. D. Stevenson.

The speaker requested that the privileges of the floor be extended to Charles E. Wilson of Fargo.

Mr. Winslow requested that the privileges of the floor be extended to A. M. Baldwin of Cooperstown.

Mr. Bacon requested that the privileges of the floor be extended to E. T. Sarles of Hillsboro.

Mr. Laughlin requested that the privileges of the floor be extended to H. S. Oliver, Ed Pierce and W. W. McIlvaine, commandant of soldiers' home of Lisbon.

Mr. Johnson of Richland requested that the privileges of the floor be extended to M. Olson and O. Olson of Richland county.

There being no objections, the privileges of the floor were so extended.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

Your committee on revision and correction of the Journal respectfully report that they have carefully examined the Journal of the forty-ninth day, and recommend the following corrections:

On page 1, line 22, strike out the figures "20" and insert in lieu thereof the figures "30."

On page 6, lines 26, 31 and 36, strike out the word "to" between the words "act" and "prohibiting."

On page 59, line 45, strike out the word "ayes" after the figures "57" and insert in lieu thereof the word "nays."

On page 5, line 19, correct the spelling of the word "members."

And when so amended recommend that the Journal of the forty-ninth day be approved.

JOHN KENNEDY,
Chairman.

Mr. Kennedy moved.

That the report of the committee on revision and correction of the Journal be adopted,

Which motion prevailed, and

The report was adopted.

REPORTS OF STANDING COMMITTEES.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

House bill No. 179,

A bill for an act to repeal chapter twenty-nine (29) of the session laws of 1897.

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

R. N. STEVENS,
Chairman.

The committee on engrossed bills made the following report:

Mr. Speaker:

Your committee on engrossed bills have examined

House bill No. 183,

A bill for an act to amend section 1419 of chapter 19 of the Revised Codes of 1895, entitled Militia.

Also.

House bill No. 175,

A bill for an act to settle disputes as to county boundaries and to confirm the acts of officials in counties that have exercised jurisdiction over territory not clearly within county boundaries.

Also,

House bill No. 180.

A bill for an act to amend section 7665 of the Revised Codes of North Dakota, relating to concealing estrays, lost goods, and altering or defacing brands.

Also,

House bill No. 182,

A bill for an act to amend section 373 of the Revised Statutes of North Dakota, relating to deputies.

Also,

Substitute for House bill No. 88,

A bill for an act to amend section 2075 of the Revised Codes of the state of North Dakota, providing for the salary of register of deeds.

Also,

House bill No. 179,

A bill for an act to repeal chapter twenty-nine (29) of the session laws of 1897.

And find the same correctly engrossed.

A. W. THOMAS,
Chairman.

The committee on enrolled bills made the following report:
Mr. Speaker:

Your committee on enrolled bills have examined

House bill No. 51,

A bill for an act entitled an act to amend section 75 of chapter 126, of the session laws of 1897, entitled "an act prescribing the mode of making assessments of property, the equalization of and the levy and collection of taxes and for all other purposes relative thereto, and the repealing of sections 1176 to 1198 inclusive, 1200 to 1229 inclusive, 1231, 1234, 1237 to 1240 inclusive, 1242 to 1247 inclusive, 1250 to 1253 inclusive, 1255 to 1290 inclusive, 1294, 1296, 1309, 1321, 1325 to 1330 inclusive, 1336 to 1339 inclusive, and 1346 of the Revised Codes of North Dakota of 1895, and all other sections and parts of sections of said codes, and of all acts and parts of acts inconsistent with the provisions of this act."

Also,

House bill No. 66,

A bill for an act entitled, an act to provide for mortgaging the real estate of a deceased person, of a minor, or of an incompetent person.

Also,

House bill No. 102,

A bill for an act to amend section 338 of the Revised Codes of North Dakota, relating to supplies for public offices, repairs upon the capitol building and executive mansion and the public grounds and parks connected therewith, and making an annual appropriation therefor.

And find the same correctly enrolled.

M. B. CASSELL,
Chairman.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

Senate bill No. 47,

A bill for an act to amend section 5422 of the Revised Codes, relating to note of issue, notice of trial and order of trials.

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

Also,

House bill No. 62,

A bill for an act repealing sections 5844 to 5864, inclusive, of the Revised Codes relating to the foreclosure of real estate mortgages by advertisement.

Have had the same under consideration and recommend that the same be indefinitely postponed.

R. N. STEVENS,
Chairman.

Mr. Dougherty moved

That the report of the committee on judiciary on

House bill No. 62,

A bill for an act repealing sections 5844 to 5864, inclusive, of the Revised Codes relating to the foreclosure of real estate mortgages by advertisement.

Be adopted,

Which motion prevailed and

The further consideration of

House bill No. 62,

A bill for an act repealing sections 5844 to 5864, inclusive, of the Revised Codes relating to the foreclosure of real estate mortgages by advertisement

Was indefinitely postponed.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

House bill 169,

A bill for an act entitled "an act making real estate mortgage forms uniform.

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

After the word "in," in line 2, page 1, of the printed bill, insert the word "substantially."

And when so amended recommend that the same do pass.

Also,

House bill No. 176,

A bill for an act to provide for the payment of expenses incurred in litigation arising for the enforcement of orders of the board of commissioners of railroads or other litigation in charge of the attorney general.

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

Also,

Senate bill No. 131,

A bill for an act providing for a geological survey of North Dakota.

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

After the word "state," in line 11, page 1, of the printed bill, strike out the words "especially that part known as the Missouri slope."

And when so amended recommend that the same do pass.

R. N. STEVENS,

Chairman.

The chief clerk announced that the speaker was about to sign House bill No. 51,

A bill for an act entitled an act to amend section 75 of chapter 126, of the session laws of 1897, entitled "an act prescribing the mode of making assessments of property, the equalization of and the levy and collection of taxes and for all other purposes relative thereto, and the repealing of sections 1176 to 1198 inclusive, 1200 to 1229 inclusive, 1231, 1234, 1237 to 1240 inclusive, 1242 to 1247 inclusive, 1250 to 1253 inclusive, 1255 to 1290 inclusive, 1294, 1296, 1309, 1321, 1325 to 1330 inclusive, 1336 to 1339 inclusive, and 1346 of the

Revised Codes of North Dakota of 1895, and all other sections and parts of sections of said codes, and of all acts and parts of acts inconsistent with the provisions of this act.”

Also,

House bill No. 102,

A bill for an act to amend section 338 of the Revised Codes of North Dakota, relating to supplies for public offices, repairs upon the capitol building and executive mansion and the public grounds and parks connected therewith, and making an annual appropriation therefor.

Also,

House bill No. 66,

A bill for an act entitled, an act to provide for mortgaging the real estate of a deceased person, of a minor, or of an incompetent person.

Mr. Bacon moved

That the rules be suspended and that

Senate bill No. 131,

A bill for an act providing for a geological survey of North Dakota.

As amended be placed upon its third reading and final passage, Which motion prevailed, and

Senate bill No. 131,

A bill for an act providing for a geological survey of North Dakota.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were, ayes 48; nays 8, absent and not voting, 6.

Those voting in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Dougherty,
Dwire,
Earl,
Erickson,
Ferris,
Gilbertson,

Messrs—

Green,
Gronvold,
Glasgow,
Gulack,
Hale,
Hare,
Hauan,
Herbrandson,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish,
McLean,
Michels,
Miner,
Ovind,

Messrs—

Peek,
Peterson,
Restemayer,
Sanford,
Sargent,
Stevens,
Stewart,
Stevenson,
Taylor,
Thomson,
Thordarson,
Ugland,
Wallace,
Watts,
Wolbert,
Winslow,

Those voting in the negative were:

Messrs—

Engelter,
Lynch,

Messrs—

Swenson,
Thomas,

Messrs—

Tousley,
Tufte,

Absent and not voting:

Messrs—

Deisem,
Johnson, Richland,

Messrs—

McHarg,
Nelson,

Messrs—

Towle,
Mr. Speaker,

Messrs. Johnson, of Richland, Towle and Mr. Speaker, being excused.

So the bill as amended passed and the title was agreed to.

Mr. Bacon moved

That the vote by which Senate bill No. 131 was passed reconsidered and that the motion to reconsider be laid upon the table.

Which motion prevailed.

The speaker called Mr. Stevens to the chair.

REPORTS OF STANDING COMMITTEES.

The committee on appropriations made the following report:

Mr. Speaker:

Your committee on appropriations to whom was referred

House bill No. 72,

A bill for an act making an appropriation to provide for the payment of deficiency expenses incurred by the board of university and school lands with reference to the leasing of lands.

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

Also,

Senate bill, No. 53,

A bill for an act to provide for the paying of the expenses incurred in the railroad rate case, and to refund money advanced by certain persons for the prosecution of said suit.

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

W. D. ALLEN,
Chairman.

The speaker resumed the chair.

The committee on education made the following report:

Mr. Speaker:

Your committee on education to whom was referred

House bill No. 186,

A bill for an act relating to organization of school districts and school townships.

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

Also,

House bill No. 166,

A bill for an act to amend section 777 of the Revised Codes as amended by chapter 75 of the session laws of 1897 relating to education.

Have had the same under consideration and recommend that the same be indefinitely postponed.

C. A. SANFORD,
Chairman.

Mr. Sanford moved

That the report of the committee on education on

House bill No. 166,

A bill for an act to amend section 777 of the Revised Codes as amended by chapter 75 of the session laws of 1897 relating to education.

Be adopted,

Which motion prevailed, and

The further consideration of

House bill No. 166,

A bill for an act to amend section 777 of the Revised Codes as amended by chapter 75 of the session laws of 1897 relating to education.

Was indefinitely postponed.

The committee on education made the following report:

Mr. Speaker:

Your committee on education to whom was referred

House bill No. 95,

A bill for an act to amend section 960 of the Revised Codes of North Dakota relating to residents entitled to education free.

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

Amend title by striking out all after the word "of," and inserting in lieu thereof "chapter 10 of the Revised Codes of North Dakota, relating to educational and charitable institutions."

In line 1 of the printed bill, before the word "that," insert the words "Section 1. Amendment," and after the word "of" insert the words "chapter 10 of."

In line 3, before the word "all," insert the words "Section 960. Certain residents entitled to education free. Power of board."

After the word "deaf," in line 3, insert the words "and deaf and dumb," and after the word "state" strike out all commencing with the word "who" and ending with the word "age" in line 4, and insert "and all persons."

After the word "schools," in line 5, insert "and who are over seven and under twenty-one years of age."

And when so amended recommend that the same do pass.

C. A. SANFORD,
Chairman.

The committee on engrossed bills made the following report:

Mr. Speaker:

Your committee on engrossed bills have examined
Substitute for House bill No. 90,

A bill for an act to repeal Sec. 30 of the Revised Codes of 1895, of the state of North Dakota, relative to assistant legislative clerks and employes.

Also,

Substitute for House bill No. 119,

A bill for an act to amend section 308 of the civil code of the laws of 1895.

And find the same correctly engrossed.

A. W. THOMAS,
Chairman.

The committee on education made the following report:

Mr. Speaker:

Your committee on education to whom was referred
Senate bill No. 78,

A bill for an act to amend sections 625, 707, 751, and 757 of the Revised Codes, as amended by chapter 75 of the laws of 1897, and sections 703, 704, 755, 868, 869, 870, 871, 872, and 873 of the Revised Codes, relating to education.

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

After the word "office" at the end of line 87, of the printed bill, the following: "Provided, that special school districts, independent districts, and districts organized for school purposes under special laws shall enumerate their children of school age on the first day of December or within the next twenty days following, and such enumeration shall be reported to the county superintendent by the clerk.

And when so amended recommend that the same do pass.

C. A. SANFORD,
Chairman.

MOTIONS AND RESOLUTIONS

Mr. Wallace offered the following concurrent resolution and moved its adoption,

Which motion prevailed, and

The following concurrent resolution was adopted:

CONCURRENT RESOLUTION.

Whereas, at a time when the sunlight of peace was obscured by the sullen cloud of war, when the shackles of slavery and misery forged of oppression and cruelty, weighed down to death and desolation countless thousands of despairing fellow creatures; when the battered wreck of a proud battleship, and the mangled bodies of the sailors of a free and friendly people hurled to sudden death in the foul waters of Havana harbor, crowned fear with treachery and hatred with infamy, there went forth from this land a citizen soldiery whose ranks were a bulwark of liberty and justice, and whose tread was the grandest music of patriotism; and,

Whereas, none in this grand army of liberty that shall carry light and freedom through darkness and ignorance have been found more loyal or unwavering in devotion to duty than the soldiers of North Dakota who, under southern stars and in a distant clime, with patriotism as the needle which points them to the bright guide star of duty are battling with a treacherous foe and with insidious disease, pressing forward the unfurled stripes and stars beneath a merciless sun, through a leaden hail, unwavering, unfaltering and hesitating not, but with a courage and patriotism that shall rank them with earth's heroes; therefore,

Be it resolved, by the house of representatives of the Sixth Legislative assembly, the senate concurring, that there is inspired in this legislative assembly a sense of pride and gratitude that is not expressible in words, but that finds expression in a simple message of proud commendation, thankfulness and good cheer, and in an earnest prayer to the God of battles that He do cherish, guard and protect the soldiers of this state and of the union, as it shall seem well in His wisdom so to do; and, be it further

Resolved, that a copy of these resolutions be forwarded to the commander of the First North Dakota regiment at Manilla, Lieut.-Col. W. C. Truemann.

INTRODUCTION OF HOUSE BILLS.

Mr. Dwire introduced

House bill No. 195,

A bill for an act to amend section 1, of chapter 131, of the session laws of 1897, relating to funding the outstanding indebtedness of the soldier's home, at Lisbon, North Dakota, and providing funds for the permanent improvement of said home.

Mr. Laughlin introduced

House bill No. 196,

A bill for an act to amend section 803 of the Revised Codes of the state of North Dakota relating to education.

FIRST AND SECOND READING OF HOUSE BILLS.

House bill No. 195,

A bill for an act to amend section 1, of chapter 131, of the session laws of 1897, relating to funding the outstanding indebtedness of the soldier's home, at Lisbon, North Dakota, and providing funds for the permanent improvement of said home.

Was read the first and second times, and

Referred to the committee on judiciary.

House bill No. 196,

A bill for an act to amend section 803 of the Revised Codes of the state of North Dakota relating to education.

Was read the first and second times, and

Referred to the committee on judiciary.

FIRST READING OF HOUSE BILLS.

Substitute for house bill No. 59,

A bill for an act to amend sections 710, 711, 713, 715, 716, 719, and 722 Revised Codes, relating to education, and providing for the apportionment of the special tuition fund by the county superintendent of schools and the payment thereof by the county treasurer to school district treasurers.

Was read the first and second times. --1

Mr. Hale moved that

Substitute for house bill No. 59,

A bill for an act to amend sections 710, 711, 713, 715, 716, 719, and 722 Revised Codes, relating to education, and providing for the apportionment of the special tuition fund by the county superintendent of schools and the payment thereof by the county treasurer to school district treasurers.

Be considered engrossed and referred to its third reading,

Which motion prevailed.

THIRD READING OF HOUSE BILLS.

House bill No. 8,

A bill for an act to repeal chapter 53 of session laws of 1897, and sections 4816, 4817, 4818 and 4819 of the Revised Codes of North Dakota relating to liens for sires.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 47, nays 8, absent and not voting 7.

Those who voted in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,
Bacon,
Boyd,
Brakke,
Brotnov,
Chacey,
Clarke,
Engelter,
Erickson,
Gilbertson,
Glasgow,
Green,
Gronvold,
Gulack,

Messrs—

Hale,
Hauan,
Herbrandson,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish
McHarg,
Michels,
Nelson,
Ovind,
Peek,
Peterson,
Restemayer.
Sanford,

Messrs—

Sargent,
Swenson,
Stevenson,
Taylor,
Thomson,
Thordarson
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Watts,
Wolbert.
Winslow.
Mr. Speaker,

Those voting in the negative were:

Messrs—

Berger,
Dougherty,
Hare,

Messrs—

Lynch,
McLean,
Miner,

Messrs—

Stewart,
Thomas,

Absent and not voting:

Messrs—

Cassell,
Dalsem,
Dwire,

Messrs—

Earl,
Ferris,

Messrs—

Johnson, Richland,
Stevens,

Mr. Johnson of Richland being excused.

So the bill as amended passed and the title was agreed to.

Mr. Tufte moved

That the vote by which House bill No. 8 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

House bill No. 143,

A bill for an act to amend section 696 of article 6 of chapter 9 entitled education of the Revised Codes of North Dakota, of 1895.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 57, nays none, absent and not voting 5.

Those voting in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,
Bacon,
Berger,
Boyd,
Brakke.

Messrs—

Gronvold,
Gulack,
Hale,
Hare,
Hauan,
Herbrandson,
Johnston, Walsh,

Messrs—

Restemayer,
Sanford,
Stevens,
Stewart,
Swenson,
Stevenson,
Taylor,

Messrs—

Brotnov,
Cassell,
Chacey,
Clarke,
Dougherty,
Earl,
Engelter,
Erickson,
Ferris,
Gilbertson,
Glasgow,
Green,

Messrs—

Kennedy,
Lee,
Lish,
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Ovind,
Peek,
Peterson,

Messrs—

Thomas,
Thomson,
Thordarson
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Watts,
Wolbert,
Winslow,
Mr. Speaker,

Absent and not voting:

Messrs—

Deisem,
Dwire,

Messrs—

Laughlin,
Johnson, Richland,

Messrs—

Sargent,

Mr. Johnson of Richland being excused.

So the bill passed and the title was agreed to.

Mr. Allen moved

That the courtesies of the floor be extended to Col. E. C. Geary.

There being no objections, the request was granted and the privileges of the floor were so extended.

Mr. Hale moved

That the vote by which House bill No. 143 passed, be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

House bill No. 134,

A bill for an act to amend section 1609 of the Revised Codes of North Dakota relating to appointment of sheep inspectors.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 57, nays none, absent and not voting 5.

Those voting in the affirmative were:

Messrs—

Aas,
Allen,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Dougherty,
Dwire,
Earl,

Messrs—

Gronvold,
Gulack,
Hale,
Hare,
Hauan,
Johnston, Walsh,
Kennedy,
Lee,
Lish,
Lynch,
McHarg,
McLean,
Michels,

Messrs—

Sanford,
Sargent,
Stevens,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson
Tousley,
Towle,
Tufte,

| | | |
|---|---|--|
| <p>Messrs— Engelter, Erickson, Ferris, Gilbertson, Glasgow, Green,</p> | <p>Messrs— Miner, Nelson, Ovind, Peek, Peterson, Restemayer,</p> | <p>Messrs— Ugland, Wallace, Watts, Wolbert, Winslow. Mr. Speaker,</p> |
|---|---|--|

Absent and not voting:

| | | |
|--|---|--|
| <p>Messrs— Allshouse, Deisem,</p> | <p>Messrs— Herbrandson, Johnson, Richland,</p> | <p>Messrs— Laughlin,</p> |
|--|---|--|

Messrs. Johnson, of Richland, being excused.

So the bill passed and the title was agreed to.

Mr. Tufte moved

That the vote by which House bill No. 134 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

The speaker called Mr. Thomas to the chair.

House bill No. 162,

A bill for an act to amend section 1168 of the Revised Codes of North Dakota, relating to ferries.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 56, nays none, absent and not voting 6.

Those who voted in the affirmative were:

| | | |
|---|---|---|
| <p>Messrs— Aas, Allen, Bacon, Berger, Brakke, Brotnov, Cassell, Chacey, Clarke, Dougherty, Dwire, Earl, Engelter, Erickson, Ferris, Gilbertson, Glasgow, Green, Gronvold,</p> | <p>Messrs— Gulack, Hale, Hare, Hauan, Herbrandson, Johnston, Walsh, Kennedy, Lee, Lish, Lynch, McHarg, McLean, Michels, Miner, Nelson, Ovind, Peek, Peterson, Restemayer,</p> | <p>Messrs— Sanford, Sargent, Stevens, Stewart, Swenson, Stevenson, Taylor, Thomas, Thomson, Thordarson, Tousley, Towle, Tufte, Ugland, Wallace, Watts, Wolbert, Winslow,</p> |
|---|---|---|

Absent and not voting:

| | | |
|--|--|--|
| <p>Messrs— Allshouse, Boyd,</p> | <p>Messrs— Deisem, Johnson, Richland,</p> | <p>Messrs— Laughlin, Mr. Speaker.</p> |
|--|--|--|

Mr. Johnson of Richland being excused.

So the bill passed and the title was agreed to.

Mr. Gulack moved

That the vote by which House bill No. 162 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

By unanimous consent Mr. Tousley moved the following amendments to

House bill No. 167,

A bill for an act to amend chapter 87 of the laws of 1897 being "an act relating to societies organized for the purpose of securing homes for orphans or abandoned, neglected or grossly ill-treated children, by adoption or otherwise, and providing rules for the regulation of the same."

Amend title of bill by inserting after the word "amend" the words "sections 2 and 5 of."

Amend by inserting after the word "that" in line 1, of section 1 in the printed bill, the words "sections 2 and 5 of."

Amend by striking out the word "is" where it appears in line 6, of section 1, in the printed bill, and by inserting in the place thereof the word "are."

Amend by striking out in lines 6 and 7 of section 1, in the printed bill, the words "as hereinafter prescribed," and substituting therefor the words "to read as follows."

Amend by striking out lines 1 and 2, of section 2, of the printed bill.

Amend by inserting in line 15 of section 2, in printed bill, after the word "children," the words "and such agent of said society shall have the power to administer oaths and acknowledge affidavits in all matters pertaining to the business of such society."

Amend by striking out all of lines "1 and 2" of section 3, in the printed bill.

Amend by striking out the number "3" after the word "section" in line 3, of section 3, of the printed bill, and by inserting in lieu thereof the number "5"

Amend by striking out all of section 4.

Amend by striking out the words "section 5" at the beginning of the emergency clause.

Amend by inserting the word "the" before the word "duty" in line 34, of the printed bill.

Which motion prevailed and

House bill No. 167,

A bill for an act to amend chapter 87 of the laws of 1897 being "an act relating to societies organized for the purpose of securing homes for orphans or abandoned, neglected or grossly ill-treated children, by adoption or otherwise, and providing rules for the regulation of the same."

Was so amended.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 52, nays 1, absent and not voting 9.

Those who voted in the affirmative were:

| | | |
|----------------|------------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Aas, | Gronvold, | Peek, |
| Allshouse, | Gulack, | Sanford, |
| Berger, | Hale, | Sargent, |
| Boyd, | Hare, | Swenson, |
| Brakke, | Hauan, | Stevenson, |
| Brotnov, | Herbrandson, | Taylor, |
| Cassell, | Johnston, Walsh, | Thomas, |
| Chacey, | Kennedy, | Thomson, |
| Clarke, | Laughlin, | Thordarson |
| Dougherty, | Lee, | Tousley, |
| Dwire, | Lish | Towle. |
| Earl, | McHarg, | Tufte, |
| Engelter, | McLean, | Ugland, |
| Erickson, | Michels, | Wallace, |
| Ferris, | Miner. | Watts, |
| Gilbertson, | Nelson, | Wolbert, |
| Glasgow, | Ovind, | Winslow, |
| Green, | | |

Absent and not voting:

| | | |
|----------------|--------------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Allen, | Johnson, Richland, | Stevens, |
| Bacon, | Peterson, | Stewart. |
| Deisen, | Restemayer, | Mr. Speaker, |

Mr. Lynch voted in the negative.

Mr. Johnson of Richland being excused

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

House bill No. 96.

A bill for an act for the purpose of authorizing the commissioner of university and school lands to lease cultivated land to clear the same of noxious weeds.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 48, nays 8, absent and not voting 6.

Those who voted in the affirmative were:

| | | |
|----------------|----------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Aas, | Gulack, | Peek, |
| Allshouse, | Hale, | Sanford, |
| Bacon, | Hare, | Sargent, |
| Berger, | Hauan, | Stevens, |
| Boyd, | Herbrandson, | Stewart, |
| Brakke, | Kennedy, | Stevenson, |
| Cassell, | Laughlin, | Thomas, |
| Chacey, | Lee, | Thomson, |
| Clarke, | Lish | Thordarson |
| Dougherty, | Lynch, | Tousley, |
| Dwire, | McHarg, | Towle, |
| Earl, | McLean, | Tufte, |
| Engelter, | Michels, | Ugland, |
| Glasgow, | Miner, | Wallace, |
| Green, | Nelson, | Watts, |
| Gronvold, | Ovind, | Wolbert, |

Those voting in the negative were:

| | | |
|-----------|------------------|----------|
| Messrs— | Messrs— | Messrs— |
| Brotnov, | Gilbertson, | Swenson, |
| Erickson, | Johnston, Walsh, | Winslow, |
| Ferris, | Restemayer, | |

Absent and not voting :

| | | |
|---------|--------------------|--------------|
| Messrs— | Messrs— | Messrs— |
| Allen, | Johnson, Richland, | Taylor, |
| Deisem, | Peterson, | Mr. Speaker, |

Mr. Johnson of Richland being excused.

So the bill passed and the title was agreed to.

Mr. Earl moved

That the vote by which House bill No. 96 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

The speaker resumed the chair.

House bill No. 81,

A bill for an act to provide for the collection of taxes on real property by action.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 43, nays 12, absent and not voting 7.

Those voting in the affirmative were:

| | | |
|------------|------------------|--------------|
| Messrs— | Messrs— | Messrs— |
| Aas, | Erickson, | Peek, |
| Allshouse, | Ferris, | Peterson, |
| Bacon, | Glasgow, | Restemayer, |
| Berger, | Green, | Stevens, |
| Boyd, | Gronvold, | Stewart, |
| Brakke, | Gulack, | Thomson, |
| Brotnov, | Hare, | Thordarson |
| Cassell, | Johnston, Walsh, | Tufte, |
| Chacey, | Kennedy, | Ugland, |
| Clarke, | Lee, | Wallace, |
| Dougherty, | Lish, | Watts, |
| Dwire, | McHarg, | Wolbert, |
| Earl, | McLean, | Winslow, |
| Engelter, | Michels, | Mr. Speaker, |

Those voting in the negative were:

| | | |
|--------------|----------|------------|
| Messrs— | Messrs— | Messrs— |
| Gilbertson, | Ovind, | Stevenson, |
| Huan, | Sanford, | Taylor, |
| Herbrandson, | Sargent, | Thomas, |
| Laughlin, | Swenson, | Towle, |
| Nelson, | | |

Absent and not voting:

| | | |
|---------|--------------------|----------|
| Messrs— | Messrs— | Messrs— |
| Allen, | Johnson, Richland, | Miner, |
| Deisem, | Lynch, | Tousley, |
| Hale, | | |

Mr. Johnson of Richland being excused.

So the bill passed and the title was agreed to.

House bill No. 182,

A bill for an act to amend section 373 of the Revised Statutes of North Dakota, relating to deputies.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 59, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs—

Aas,
Allshouse,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Dougherty,
Dwire,
Earl,
Engelter,
Erickson,
Ferris,
Gilbertson,
Glasgow,
Green,
Gronvold,

Messrs—

Gulack,
Hale,
Hare,
Hauan,
Herbrandson,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish,
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Ovind,
Peek,
Peterson,
Restemayer,

Messrs—

Sanford,
Sargent,
Stevens,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson,
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Watts,
Wolbert,
Winslow,
Mr. Speaker,

Absent and not voting:

Messrs—

Allen,

Messrs—

Deisem,

Messrs—

Johnson, Richland,

Mr. Johnson of Richland being excused.

So the bill passed and the title was agreed to.

Mr. Allshouse moved

That the vote by which House bill No. 182 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Aas moved

That the house take a recess until 2:30 o'clock p. m.,

Which motion prevailed and

The house took such recess.

The house reassembled.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
February 23, 1899.

Mr. Speaker:

I have the honor to inform you that the senate has non-concurred in the house amendments to

Senate bill No. 69,

A bill for an act to amend section 237 of article 4, of chapter 4, of the Political Code.

And the senate has appointed a conference committee on the same consisting of Messrs. Cashel and Little, and requests the house to appoint a similar committee.

Very respectfully yours,
J. O. SMITH,
Secretary.

Mr. Stevens moved

That the request of the senate be granted, and that a conference committee of two be appointed,

Which motion prevailed.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the governor:

EXECUTIVE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 23, 1899.

To the House of Representatives:

Gentlemen: I have the honor to inform you that I have this day approved and filed with the honorable secretary of state.

House bill No. 18,

A bill for an act entitled an act to amend section 8531 of the Revised Codes of 1895 and to repeal section 8538 of said Codes.

Also,

House bill No. 28,

A bill for an act to amend an act entitled an act to amend section 2591 of the Revised Codes of North Dakota, relating to the meeting of township boards of supervisors, passed by the Fifth legislative assembly of North Dakota, relating to meetings of boards of township supervisors.

Also,

House bill No. 40,

An act to amend section 1786, article 25, chapter 20, political code of the state of North Dakota, which defines public warehouses.

Also,

House bill No. 75,

A bill for an act to amend chapter 114, session laws of 1897, entitled "an act to amend section 76 of the Revised Codes of North Dakota, relating to accounts for printing and binding required by state officers and making an annual appropriation therefor."

I have the honor to be,

Very respectfully yours,

F. B. FANCHER,

Governor.

Mr. Earl moved

That the house return to the order of reports of standing committees,

Which motion prevailed

REPORTS OF STANDING COMMITTEES.

The committee on taxes and tax laws made the following report:

Mr. Speaker:

Your committee on taxes and tax laws to whom was referred
Senate bill No. 68,

A bill for an act to amend section 55, chapter 126, of the session laws of 1897, relating to revenue and taxation.

Have had the same under consideration and recommend that the same be indefinitely postponed.

G. W. EARL,

Chairman.

Mr. Earl moved

That the report of the committee on taxes and tax laws on
Senate bill No. 68,

A bill for an act to amend section 55, chapter 126, of the session laws of 1897, relating to revenue and taxation.

Be adopted.

Which motion prevailed, and

The further consideration of

Senate bill No. 68,

A bill for an act to amend section 55, chapter 126, of the session laws of 1897, relating to revenue and taxation.

Was indefinitely postponed.

The committee on taxes and tax laws made the following report:
Mr. Speaker:

Your committee on taxes and tax laws to whom was referred
House bill No. 133,

A bill for an act to amend section 32 of chapter 126, session
laws of 1897 relating to payment of district assessors.

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

In line 24 of the printed bill, after the word "assessment," insert the
following: "but shall not receive more than sixty dollars for assessing
any one civil township."

In the same line of the printed bill, after the word "nor," strike out the
word "shall."

In line 25 of the same bill, after the word "district," insert the words
"other than civil townships."

And when so amended recommend that the same do pass.

G. W. EARL,
Chairman.

Mr. Stevens moved

That the report of the committee on taxes and tax laws on
House bill No. 133,

A bill for an act to amend section 32 of chapter 126, session
laws of 1897 relating to payment of district assessors.

Be adopted.

Which motion prevailed and

The report was adopted.

Mr. Stevens moved that

House bill No. 133,

A bill for an act to amend section 32 of chapter 126, session
laws of 1897 relating to payment of district assessors.

Be referred to committee on engrossment,

Which motion prevailed, and

The bill was so referred.

Mr. Hale moved

That Myron Bacon be appointed as page for the day,

Which motion prevailed.

The committee on education made the following report:

Mr. Speaker:

Your committee on education to whom was referred
Senate bill No. 126,

A bill for an act relating to physical education as a regular
branch of instruction in the public schools of the state and educa-
tional institutions receiving aid from the state.

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

Also,

House bill No. 84,

A bill for an act to amend section 736 of the Revised Codes, and sections 740, 741, 742 and 743, of the Revised Codes as amended by chapter 75 of the laws of 1897, relating to education.

Have had the same under consideration and submit a substitute bill for the same.

And recommend that the substitute bill do pass.

C. A. SANFORD,
Chairman.

Mr. Sanford moved

That the report of the committee on education on

House bill No. 84,

A bill for an act to amend section 736 of the Revised Codes, and sections 740, 741, 742 and 743, of the Revised Codes as amended by chapter 75 of the laws of 1897, relating to education.

Be adopted, and the substitute for House bill, No. 84, be printed.

Which motion prevailed.

The committee on education made the following report:

Mr. Speaker:

Your committee on education to whom was referred

House bill No. 126,

A bill for an act relating to physical culture in state educational institutions and in state high schools.

Have had the same under consideration and recommend that the same be indefinitely postponed.

As the same subject is covered in

Senate bill No. 126,

A bill for an act relating to physical education as a regular branch of instruction in the public schools of the state and educational institutions receiving aid from the state.

Which is recommended to pass.

C. A. SANFORD,
Chairman.

Mr. Sanford moved

That the report of the committee on education on

House bill No. 126,

A bill for an act relating to physical culture in state educational institutions and in state high schools.

Be adopted,

Which motion prevailed and
The report was adopted.

The committee on education made the following report:

Mr. Speaker:

Your committee on education to whom was referred
House bill No. 63,

A bill for an act providing for the publication of reports of
school districts by the superintendent of schools, where the board
fail to do so.

Have had the same under consideration and recommend that
the same be indefinitely postponed.

C. A. SANFORD,
Chairman.

Mr. Sanford moved

That the report of the committee on education on
House bill No. 63,

A bill for an act providing for the publication of reports of
school districts by the superintendent of schools, where the board
fail to do so.

Be adopted.

Mr. Stevens offered the substitute motion,
That the further consideration of
House bill No. 63,

A bill for an act providing for the publication of reports of
school districts by the superintendent of schools, where the board
fail to do so.

Be referred to general orders.

Which substitute motion prevailed, and
House bill No. 63,

A bill for an act providing for the publication of reports of
school districts by the superintendent of schools, where the board
fail to do so.

Was so referred.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred
House bill No. 131,

A bill for an act to regulate the taking up of estrays and for
the disposition of the same and for the recovery of damages
resulting therefrom.

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

Strike out the word "five" in line 2, in section 2, of the printed bill, and insert in lieu thereof the word "ten."

After the words "cents" in line 9, section 2, page 2 of the printed bill, add the words "it shall also be the duty of any person taking up an estray animal that is branded, or ear-marked to notify the secretary of state, within seven days, by registered letter, of the time and place of the taking up of such animal, together with a description of the brand or ear-mark on the same, and it shall be the duty of the secretary of state, if such brand or ear-mark has been recorded in his office, to notify the owner thereof of the taking up of such estray; and if such brand or ear-mark has not been recorded in the office of the secretary of state, the said secretary of state shall notify the party taking up such estray, that there is no such brand or ear-mark recorded in his office."

Strike out the word "misdemeanor" at the end of line 10, in section 2, page 2 of the printed bill, and insert in lieu thereof the word "felony."

In lines 2 and 3, section 5, page 3, of the printed bill, strike out the words "ten cents per mile for travel to and from the office of the register of deeds to file said notice."

In lines 4 and 5, section 5, page 3 of the printed bill, strike out the words as follows: "...Horses, mares, colts, mules, or asses, twenty cents per day, and neat cattle, sheep, hogs or goats ten cents per day."

Strike out the word "mileage" in line 8, section 5, page 3 of the printed bill, and insert in lieu thereof the word "costs."

And when so amended recommend that the same do pass.

R. N. STEVENS,
Chairman.

REPORT OF CONFERENCE COMMITTEE.

The conference committee on
Senate bill No. 24,

A bill for an act to define the duties of the commissioner of agriculture and labor.

Made the following report:

We, the conference committee appointed to confer upon
Senate bill No. 24,

A bill for an act to define the duties of the commissioner of agriculture and labor.

Beg leave to report as follows:

That we unanimously advise that the house do not recede from its amendment, and that the senate do concur in said amendment.

O. McHARG,
Chairman.

Mr. Cashel moved

That the report of the conference committee on
Senate bill No. 24,

A bill for an act to define the duties of the commissioner of agriculture and labor.

Be adopted,

Which motion prevailed, and

The report was adopted.

The speaker appointed as a committee upon conference on
Senate bill No. 69,

A bill for an act to amend section 237 of article 4, of chapter
4, of the Political Code.

Messrs. Stevens and Bacon.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
February 23, 1899.

Mr. Speaker

I have the honor to transmit herewith

Senate bill No. 100,

A bill for an act to amend section 8494 of the Revised Codes of
1895 relating to the governor demanding the return of fugitives
from justice in this state of the executive authority of any other
state or territory within the United States providing for the
appointment of agents to receive and return such fugitives and
providing for payment of such agents.

Also,

Senate bill No. 103,

A bill for an act to provide necessary assistance in the depart-
ment of the state examiner.

Also,

Senate bill No. 111,

A bill for an act to appropriate the sum of eight hundred dollars
to pay C. A. Leck and H. P. Leck, composing the firm of Leck &
Leck, for work and labor done and material furnished for the North
Dakota Agricultural College at Fargo, North Dakota.

Also,

Senate bill No. 136,

A bill for an act to amend section 2061 of the Revised Codes
relating to compensation of clerks of the district courts.

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

Also,

House bill No. 36,

A bill for an act to amend sections 3229 and 3230 of the Revised
Codes of North Dakota, relating to the powers of banking corpora-
tions organized under the laws of the state of North Dakota.

Which the senate has amended as follows:

In section 8, line 39, of the printed bill, after the word "security," add the words "and they shall only be upon first mortgages."

And passed as amended.

Very respectfully yours,

J. O. SMITH,

Secretary.

Mr. Baker moved

That the house return to the introduction of house bills and memorials,

Which motion prevailed

INTRODUCTION OF HOUSE BILLS.

Mr. McHarg, by request, introduced

House bill No. 197,

A bill for an act to amend chapter 49 of the general laws of 1897:

Mr. McHarg, by request, introduced

House bill No. 198,

A bill for an act to amend chapter 39 of the laws of North Dakota, for the year 1897.

Mr. McHarg, by request, introduced

House bill No. 199,

A bill for an act to amend section 8369 of the Revised Codes of North Dakota.

Mr. McHarg, by request, introduced

House bill No. 200,

A bill for an act to amend section 8408 of the Revised Codes of North Dakota.

Mr. Bacon, by request, introduced

House bill No. 201,

A bill for an act entitled an act to amend section 82 of chapter 126 of the session laws of 1897, relating to the redemption of land sold for taxes.

Mr. Bacon, by request, introduced

House bill No. 202,

A bill for an act entitled an act providing for the payment of subsequent taxes by the purchaser at a tax sale and the redemption therefrom.

Mr. Sargent introduced

House bill No. 203,

A bill for an act entitled an act to provide for special agents for the enforcement of the laws, prescribing their duties and the duties of the governor and attorney general in connection therewith, and making an appropriation therefor.

Mr. Thomas objected to the introduction of
House bill No. 203,

A bill for an act entitled an act to provide for special agents for the enforcement of the laws, prescribing their duties and the duties of the governor and attorney general in connection therewith, and making an appropriation therefor.

Mr. Thomas withdrew his objections, but Mr. Stevens renewed it, and requested that

House bill No. 203,

A bill for an act entitled an act to provide for special agents for the enforcement of the laws, prescribing their duties and the duties of the governor and attorney general in connection therewith, and making an appropriation therefor.

Be printed.

Mr. Glasgow, by request, introduced
House bill No. 204,

A bill for an act defining libel and prescribing the procedure, justification, privileged communications, mitigation of damages and other matters pertaining thereto.

FIRST AND SECOND READING OF HOUSE BILLS.

House bill No. 197,

A bill for an act to amend chapter 49 of the general laws of 1897.
Was read the first and second times, and
Referred to the committee on judiciary.

House bill No. 198,

A bill for an act to amend chapter 39 of the laws of North Dakota, for the year 1897.

Was read the first and second times, and
Referred to the committee on judiciary.

House bill No. 199,

A bill for an act to amend section 8369 of the Revised Codes of North Dakota.

Was read the first and second times, and
Referred to the committee on judiciary.

House bill No. 200,

A bill for an act to amend section 8408 of the Revised Codes of North Dakota.

Was read the first and second times, and
Referred to the committee on judiciary.

House bill No. 201,

A bill for an act entitled an act to amend section 82 of chapter

126 of the session laws of 1897, relating to the redemption of land sold for taxes.

Was read the first and second times, and

Referred to the committee on taxation and tax laws.

House bill No. 202,

A bill for an act entitled an act providing for the payment of subsequent taxes by the purchaser at a tax sale and the redemption therefrom.

Was read the first and second times, and

Referred to the committee on taxation and tax laws.

House bill No. 203,

A bill for an act entitled an act to provide for special agents for the enforcement of the laws, prescribing their duties and the duties of the governor and attorney general in connection therewith, and making an appropriation therefor.

Was read the first and second times.

House bill No. 204,

A bill for an act defining libel and prescribing the procedure, justification, privileged communications, mitigation of damages and other matters pertaining thereto.

Was read the first and second times, and

Referred to the committee on judiciary.

The chief clerk announced that the speaker was about to sign

Senate bill No. 39,

A bill for an act to amend section 82 of chapter 126 of the laws of 1897 relating to revenue and taxation.

Also,

Senate bill No. 92,

A bill for an act to repeal section 4718 of the Revised Codes of North Dakota relating to the discharge by entry in the margin of the record thereof.

Also,

Senate bill No. 118,

A bill for an act providing for an appropriation to pay expense of construction of drains through school lands situated in Pembina county.

Also,

Senate bill No. 99,

A bill for an act entitled "an act taxing the occupation of hawking and peddling, and regulating the licensing of persons engaged in such occupation."

Also,

Senate bill No. 62,

A bill for an act to amend sections 245, 249 and 252 of the Revised Codes of the state of North Dakota, relating to county boards of health.

Also,

Senate bill No. 61,

A bill for an act to amend section 5574 of the Revised Codes of North Dakota of 1895 by allowing the same statutory costs in cases appealed from a justice court as in cases originally commenced in the district court.

Also,

Senate bill No. 9.

A concurrent resolution amending section 162 of the constitution of the state of North Dakota.

Also,

Senate bill No. 21,

A bill for an act to amend section 3119 of article 6, of the Revised Codes of North Dakota relating to the publication of annual statements of insurance companies.

Also,

Senate bill No. 107,

A bill for an act to amend section 404 of the Revised Codes of the state of North Dakota.

Also,

Senate bill No. 48,

A bill for an act to amend section 3598 of the Revised Codes, relating to the recording of certain instruments.

Also,

Senate bill No. 23,

A bill for an act providing for judgment of dissolution in certain actions against corporations.

Also,

Senate bill No. 124,

A bill for an act to cure defective acknowledgments.

Also,

Senate bill No. 12,

A bill for an act to amend section 2761 of the Revised Codes of the state of North Dakota, of the revision of 1895, relating to the granting of alimony in divorce cases.

Also,

Senate bill No. 84,

A bill for an act authorizing the commissioner of university

and school lands to charge certain fees for services and to establish the same.

Also,

Senate bill No. 97,

A bill for an act to amend sections 1663, 1664 and 1667 of the Revised Codes of the state of North Dakota of 1895, relating to the purchase of tools and appliances for making fire breaks and for the prevention of prairie fires, prescribing the duties of county commissioners in regard to the prevention of prairie fires, providing for the appointment of fire wardens, fixing the bonds and prescribing the duties thereof and providing for the levy of a tax by the county commissioners for the prevention of prairie fires, also for the repeal of sections 1665, 1666, 1670, 1671 and 1672 of said Revised Codes.

Also,

Senate bill No. 65,

A bill for an act to amend section 5226, of the Revised Codes of the state of North Dakota, relating to the appointment of a guardian ad litem, presented as a substitute bill for senate bills Nos. 7 and 32 by the committee on judiciary.

Also,

CONCURRENT RESOLUTION

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

Whereas, From the treasurer's report it appears that \$22,700 of 4 per cent interest bearing bonds, issued for the University of North Dakota, dated May 1, 1889, and due May 1, 1909, with payment optional May 1, 1899; and

Whereas, The board of university and school lands has money enough on hand at all times to take up said bonds: therefore, be it

Resolved, That the board of university and school lands is hereby requested to bid for said bonds, par, to bear interest at the rate of 4 per cent per annum, payable semi-annually, and that the treasurer of the state of North Dakota be and he is hereby instructed to redeem said bonds, May 1, 1899, and re-issue them to the board of university and school lands at 4 per cent interest, payable semi-annually, to run twenty years from date of issue, providing said board bids in compliance with this resolution; and be it further

Resolved, That a copy of this resolution be presented to the secretary of said board and another to the state treasurer.

MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:

EXECUTIVE CHAMBER,

BISMARCK, NORTH DAKOTA,

February 21, 1899.

To the House of Representatives:

Gentlemen: I have the honor to inform you that I have this day

approved and filed with the honorable secretary of state
House bill No. 129,

A bill for an act entitled an act establishing a hard fibre twine and cordage plant at the state penitentiary near Bismarck, and authorizing the board of trustees of the said state penitentiary to construct and operate said plant on the state's account, and prescribing certain duties for the state auditor and state treasurer in connection therewith.

I have the honor to be,

Very respectfully yours,
F. B. FANCHER,
Governor.

Mr. Stevens moved

That the house do now resolve itself into a committee of the whole for the consideration of general orders,

Which motion prevailed.

And the house resolved itself into a committee of the whole.

The speaker called Mr. Boyd to the chair.

When the committee arose the following report was submitted:

Mr. Speaker:

Your committee of the whole have had under consideration

The concurrent resolution requesting our members in congress to favor the prohibition of the sale of malt and intoxicating liquors in the army canteen,

And recommend that the concurrent resolution be amended as follows:

In third line of printed resolution insert the first name of senators and representative instead of initial, viz: "Henry, William and Martin."

Also add the following:

"And be it further resolved, that engrossed copies of this resolution, properly attested, be forwarded to the aforesaid senators and representative."

Also by adding: "Provided, that all legislation restricting the sale or use of malt or spiritous liquors by the army of the United States should be made to apply to officers and enlisted men alike."

And when so amended recommend the passage of the concurrent resolution.

Also,

House bill No. 158,

A bill for an act to prohibiting selling or giving fire arms to minors, and prescribing penalty for violation.

And recommend that the further consideration of the bill be indefinitely postponed.

Also,

Senate bill No. 121,

A bill for an act relating to titles to real property.

And recommend that the same be amended as follows :

That after the word "notwithstanding" at the end of section 1, in the printed bill, add the words, "provided, that nothing in this act shall repeal section 84 of chapter 126 of the laws of 1897."

And when so amended recommend that the same do pass.

Also,

Substitute for House bill No. 3,

A bill for an act to provide for the appointment of a state board of chief inspectors to inspect and license district boiler inspectors, providing for their compensation and prescribing their duties.

And recommend that section 10 be amended:

By striking out the word "three," in line 4, and inserting the word "one" in lieu thereof.

After line 5, section 10, add the words: "That the inspector shall pay to the owner of the boiler three dollars for each hour that he may keep the owner waiting after the hour set for inspection."

Amend section 11 as follows-

In line 11, after the word "correctly," strike out the word "record" and insert the word "indicate" in lieu thereof.

In line 2, section 15, strike out the words "Valley City" and insert the words "Grand Forks" in lieu thereof.

And when so amended recommend that the further consideration of the bill be indefinitely postponed.

R. B. BOYD,
Chairman.

Mr. Tufte moved

That the report of the committee of the whole be adopted.

Which motion prevailed, and

The report was adopted.

MESSAGES FROM THE SENATE.

The following messages were received from the senate:

SENATE CHAMBER,
February 23, 1899.

Mr. Speaker:

I have the honor to transmit herewith

Senate bill No. 102,

A bill for an act providing that the provisions of the act entitled "an act to amend section 2755 of the Revised Codes of North Dakota relating to dissolution of marriage," shall not apply to any

action in which the complaint shall have been filed in the office of the clerk of the district court prior to July 1st, 1899.

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

Also,

I am instructed to request the recall from the house of Senate bill No. 96,

A concurrent resolution to amend section 176 of the constitution of the state of North Dakota.

To correct errors in engrossment.

Very respectfully yours,

J. O. SMITH,

Secretary.

Mr. Tousley moved

That the request of the senate for the recall of Senate bill No. 96,

A concurrent resolution to amend section 176 of the constitution of the state of North Dakota.

Be complied with,

Which motion prevailed.

SENATE CHAMBER,
February 23, 1899.

Mr. Speaker:

I have the honor to transmit herewith

Senate bill, No. 56,

A bill for an act making appropriation for a deficit in the miscellaneous expenses incurred in the maintenance of the University of North Dakota.

Also,

Senate bill No. 133,

A bill for an act to provide for the maintenance of the industrial school and school for manual training of North Dakota, located at Ellendale, and for necessary improvements and making an appropriation therefor.

Also,

Senate bill No. 130,

A bill for an act making an annual appropriation for the maintenance of the state university.

Also,

Senate bill No. 8.

An act to provide an appropriation for the current and contingent expenses, and to provide for new buildings and for making

needed permanent improvements for the hospital for the insane at Jamestown.

Also,

Senate bill No. 18,

For an act entitled an act making appropriations for the current and contingent expenses of the state penitentiary and for making permanent improvements and additions thereto.

Also,

Senate bill No. 30,

A bill for an act to provide for the maintenance of the deaf and dumb asylum of North Dakota, located at Devils Lake, and for necessary improvement and repairs, and making and appropriation therefor.

Also.

Senate bill No. 31,

A bill for an act providing for an appropriation for the maintenance and improvement of the state normal school at Valley City, North Dakota.

Also,

Senate bill No. 38,

A bill for an act providing for an appropriation for the maintenance and improvement of the state normal school at Mayville, North Dakota.

Senate bill No. 42,

A bill for an act providing for an appropriation for the erection of additional buildings and for the payment of the contingent expenses of the North Dakota Agricultural College and Experimental Station, located at Fargo, North Dakota.

Also,

Senate bill, No. 52,

A bill for an act to appropriate for current and contingent expenses, furnishing, and for making needed permanent improvements for the State Soldiers Home at Lisbon.

Also,

Senate bill No. 105,

A bill for an act relating to clerk hire in office of the commissioner of agriculture and labor.

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

Very respectfully yours,

J. O. SMITH,
Secretary.

REPORTS OF STANDING COMMITTEES.

The committee on taxes and tax laws made the following report:

Mr. Speaker:

Your committee on taxes and tax laws to whom was referred
Senate bill No. 96,

A concurrent resolution to amend section 176 of the constitution
of the state or North Dakota.

Return the same to the house to be transmitted to the senate
for corrections in engrossment.

G. W. EARL,
Chairman.

Mr. Allen moved

That the rules be suspended, and all Senate appropriation bills
now in the house be given their first and second readings, and be
referred to the proper committee.

Which motion prevailed.

FIRST AND SECOND READING OF SENATE BILLS.

Senate bill, No. 56,

A bill for an act making appropriation for a deficit in the miscel-
laneous expenses incurred in the maintenance of the University of
North Dakota.

Was read the first and second times, and

Referred to the committee on appropriations.

Senate bill No. 133,

A bill for an act to provide for the maintenance of the industrial
school and school for manual training of North Dakota, located at
Ellendale, and for necessary improvements and making an appro-
priation therefor.

Was read the first and second times, and

Referred to the committee on appropriations.

Senate bill No. 130,

A bill for an act making an annual appropriation for the main-
tenance of the state university.

Was read the first and second times, and

Referred to the committee on appropriations.

Senate bill, No. 52,

A bill for an act to appropriate for current and contingent ex-
penses, furnishing, and for making needed permanent improve-
ments for the State Soldiers Home at Lisbon.

Was read the first and second times, and

Referred to the committee on appropriations.

Senate bill No. 8.

An act to provide an appropriation for the current and contingent expenses, and to provide for new buildings and for making needed permanent improvements for the hospital for the insane at Jamestown.

Was read the first and second times, and

Referred to the committee on appropriations.

Senate bill No. 30,

A bill for an act to provide for the maintenance of the deaf and dumb asylum of North Dakota, located at Devils Lake, and for necessary improvement and repairs, and making and appropriation therefor.

Was read the first and second times, and

Referred to the committee on appropriations.

Senate bill No. 31,

A bill for an act providing for an appropriation for the maintenance and improvement of the state normal school at Valley City, North Dakota.

Was read the first and second times, and

Referred to the committee on appropriations.

Senate bill No. 38,

A bill for an act providing for an appropriation for the maintenance and improvement of the state normal school at Mayville, North Dakota.

Was read the first and second times, and

Referred to the committee on appropriations.

Senate bill No. 42,

A bill for an act providing for an appropriation for the erection of additional buildings and for the payment of the contingent expenses of the North Dakota Agricultural College and Experimental Station, located at Fargo, North Dakota.

Was read the first and second times, and

Referred to the committee on appropriations.

Senate bill No. 18,

For an act entitled an act making appropriations for the current and contingent expenses of the state penitentiary and for making permanent improvements and additions thereto.

Was read the first and second times, and

Referred to the committee on appropriations.

Senate bill No. 105,

A bill for an act relating to clerk hire in office of the commissioner of agriculture and labor.

Was read the first and second times, and
 Referred to the committee on appropriations.

REPORTS OF STANDING COMMITTEES.

The committee on engrossed bills made the following report:

Mr. Speaker:

Your committee on engrossed bills have examined
 Substitute for
 House bill No. 146,

A bill for an act to amend sections 4823 and 4824 of the Revised Codes of the state of North Dakota of 1895 relating to threshing liens, providing who shall be entitled to such liens and the procedure necessary to obtain said liens.

Also,

House bill No. 2,

A bill for an act to amend section 2767 of the Revised Codes of North Dakota relating to rights and capacity of husband and wife.

Also,

House bill No. 186,

A bill for an act relating to organization of school districts and school townships.

Also,

House bill No. 72,

A bill for an act making an appropriation to provide for the payment of deficiency expenses incurred by the board of university and school lands with reference to the leasing of lands.

Also,

House bill No. 176,

A bill for an act to provide for the payment of expenses incurred in litigation arising for the enforcement of orders of the board of commissioners of railroads or other litigation in charge of the attorney general.

And find the same correctly engrossed.

A. W. THOMAS,

Chairman.

Mr. Bacon moved
 That the house do now adjourn,
 Which motion prevailed, and
 The house adjourned.

J. G. HAMILTON,

Chief Clerk.

FIFTY-THIRD DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 24, 1899.

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

The speaker presiding.

Prayer by the chaplain.

Roll called.

A members present except Messrs. Gulack and Watts, who were excused.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

Your committee on revision and correction of the Journal respectfully report that they have carefully examined the Journal of the fiftieth day, and recommend the following corrections:

On page 11, line 29, strike out the word "ayes" after the figures "48" and insert in lieu thereof the word "nays."

On page 19, line 45, strike out the name "Johnson, Richland" and insert in lieu thereof the name "Johnston, Walsh."

On page 20, line 29, correct the spelling of the word "the."

On page 25, line 27, insert abbreviation "No."

On page 33, after line 27, paragraph and insert, "Was read the third time."

Strike out all from line 1 to 16, both inclusive, on page 37.

On page 35, line 30, insert the word "section" after the word "amend."

And when so amended recommend that the Journal of the fiftieth day be approved.

Also,

Your committee on revision and correction of the Journal respectfully report that they have carefully examined the Journal of the fifty-second day, and recommend the following corrections:

After line 23, on page 2, paragraph and insert "That the report of the committee on revision and correction of the Journal be adopted."

On page 2, strike out lines 26 and 27.

On page 2, strike out lines 39 and 40 the same being superfluous.

On page 32, line 32, correct the spelling of the word "messages."

On page 31, line 40, after the word "act" strike out the word "to."

On page 34, line 12, after the word "making" strike out the word "and" and insert in lieu thereof the word "an."

On page 36, line 12, after the word "making" strike out the word "and" insert in lieu thereof the word "an."

And when so amended recommend that the Journal of the fifty-second day be approved.

JOHN KENNEDY,
Chairman.

Mr. Kennedy moved

That the reports of the committee on revision and correction of the Journal be adopted,

Which motion prevailed, and

The reports were adopted.

Mr. Tufte requested the privileges of the floor for John Scott of Grand Forks.

Mr. Bacon requested the privileges of the floor for E. Y. Sarles of Hillsboro.

There being no objections, the courtesies of the floor were so extended.

PRESENTATION OF PETITIONS.

Mr. Tufte presented the following petitions:

To Hon. H. F. Arnold, W. W. Glasgow and T. E. Tufte, Senator and Representatives, Fifth District:

We, the undersigned, voters of the Fifth legislative district, hereby request that each one of you will use your utmost endeavors, by both your votes in the legislature and your influence among your fellow members, to defeat Senate bill No. 4, and any other measure that may be introduced looking to the repeal of chapter 128 session law of 1897, relating to investment of school fund, and we further urge you to use all honorable means in your power to strengthen the law by such amendments or additions to it as will make it more complete.

ANDREW WICKEY,
(and 65 others.)

To Hon. H. F. Arnold, W. W. Glasgow and T. E. Tufte, Senator and Representatives, Fifth District:

We, the undersigned, voters of the Fifth legislative district, hereby request that each one of you will use your utmost endeavors, by both your votes in the legislature and your influence among your fellow members, to defeat Senate bill No. 4 and any other measure that may be introduced looking to the repeal of chapter 128 session law of 1897, relating to investment of school fund, and we further urge you to use all honorable means in your power to strengthen the law by such amendments or additions to it as will make it more complete.

EDON I. LARSON,
(and 36 others.)

Mr. McHarg presented the following petition:

JAMESTOWN, N. D., Jan. 17, 1899.

To the Honored Gentlemen, B. W. Fuller, Senator; Ormsby McHarg and C. A. Sanford, Representatives:

We, the undersigned citizens and taxpayers of the county of Stutsman, respectfully petition you to use all honorable means to pass at this legislative assembly the bill, House bill No. 110, providing for the holding of a state fair at the city of Jamestown and an appropriation for the same for which we will ever pray.

Signed by CHURCHILL WEBSTER
(And 96 others.)

REPORTS OF STANDING COMMITTEES.

The committee on state affairs made the following report:

Mr. Speaker:

Your committee on state affairs to whom was referred

House bill No. 145,

A bill for an act to provide for the compensation of the state oil inspector and his deputies and to define the duties thereof.

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

In section 4 of printed bill after the word "office" in line 3 add the following: "Except in case mileage is collected as provided in section 5 of this act."

Strike out all of section 5 of printed bill and insert the following: "Section 5. All illuminating oils when shipped into the state shall be inspected on entering the state. The following points being designated as ports of entry: Fairmont, Wahpeton, Fargo, Grand Forks, Oakes and Ellendale. For making inspection at other than said points the inspector or his deputies shall be entitled in addition to fees prescribed to mileage at the rate of 10 cents per mile for each mile actually traveled. Such mileage to be paid by the party for whom inspection is made, and to be retained by inspector or deputy making inspection."

Amend further by striking out all of section 7 in the printed bill:

And when so amended recommend that the same do pass.

Also,

House bill No. 98,

A bill for an act to amend sections 2063 and 2067 of the Revised Codes of North Dakota relating to the appointment of deputy clerks of court and their salaries, and fees to be charged by the clerks of district court.

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

In line 18, article 4 of printed bill, strike out the word "five" and insert in lieu thereof the word "seven."

In line 25, article 8 of printed bill, strike out the word "two" and insert in lieu thereof the word "one."

In line 31, article 11 of printed bill, strike out the word "one" and insert in lieu thereof the words "fifty cents."

At the end of line 2, section 2 of printed bill, add the following: "For making certified transcript of any judgment, one dollar."

"For filing and docketing transcript of judgment from justices court, one dollar."

And when so amended recommend that the same do pass.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

Senate bill No. 3,

A bill for an act to repeal section 395, Revised Codes of North Dakota, as amended by chapter 138, laws of North Dakota for the year 1897, relating to the salary of supreme court reporter and providing a compensation for the supreme court reporter.

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

R. N. STEVENS,
Chairman.

The committee on judiciary submitted the following communication:

February 16, 1899.

Hon. R. N. Stevens, Chairman House Judiciary Committee, Bismarck, N. D.:

Dear Sir: Pursuant to your request, made to me some days ago, I have carefully considered the matter of compensation of the supreme court reporter. The work attached to the position is constantly increasing in amount and in importance, and its proper performance demands first-class legal ability. From my investigation and personal knowledge. I regard the sum of \$1,500, as

fixed by Senate bill No. 3, as no more than a fair and just salary covering the entire expense of the office of reporter.

I am sir, Very truly yours,

J. M. BARTHOLOMEW, C. J.

I fully concur in the above.

N. C. YOUNG, Judge.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

Senate bill No. 89,

A bill for an act to amend section 4791 of the Revised Codes of North Dakota.

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

Also.

House bill No. 184,

A bill for an act to regulate the method of the collection of debts and tax liens and judgments.

Have had the same under consideration and recommend that the same be indefinitely postponed.

R. N. STEVENS,

Chairman.

Mr. Laughlin moved

That the report of the committee on judiciary on

House bill No. 184,

A bill for an act to regulate the method of the collection of debts and tax liens and judgments.

Be adopted.

Which motion prevailed, and

The further consideration of House bill No. 184 was indefinitely postponed,

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

House bill No. 100,

A bill for an act to enforce the payment of taxes which became delinquent on or prior to January first, eighteen hundred and ninety-eight.

Have had the same under consideration and recommend that the same be indefinitely postponed.

R. N. STEVENS,

Chairman.

Mr. Wolbert moved

That the report of the committee on judiciary on
House bill No. 100,

A bill for an act to enforce the payment of taxes which became delinquent on or prior to January first, eighteen hundred and ninety-eight.

Be adopted.

Which motion prevailed, and

The report of the committee was adopted, and

The further consideration of

House bill No. 100,

A bill for an act to enforce the payment of taxes which became delinquent on or prior to January first, eighteen hundred and ninety-eight.

Was indefinitely postponed.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

House bill No. 99,

A bill for an act to cancel sales of land for taxes upon which no taxes were due.

Have had the same under consideration and recommend that the same be indefinitely postponed.

R. N. STEVENS,
Chairman.

Mr. Wolbert moved

That the report of the committee on judiciary on

House bill No. 99,

A bill for an act to cancel sales of land for taxes upon which no taxes were due.

Be adopted.

Which motion prevailed, and

The report of the committee was adopted, and

The further consideration of

House bill No. 99,

A bill for an act to cancel sales of land for taxes upon which no taxes were due.

Was indefinitely postponed.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

House bill No. 194,

A bill for an act to amend chapter 49 of the general laws of 1897.

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

Also,

House bill No. 192,

A bill for an act to amend sections 1550, 1551, 1552 and 1553 of the Revised Codes of 1895.

Have had the same under consideration and recommend that the same be indefinitely postponed.

R. N. STEVENS,
Chairman.

Mr. Stevens moved

That the report of the committee on judiciary on

House bill No. 192,

A bill for an act to amend sections 1550, 1551, 1552 and 1553 of the Revised Codes of 1895.

Be adopted.

Which motion prevailed, and

The report of the committee was adopted, and

The further consideration of

House bill No. 192,

A bill for an act to amend sections 1550, 1551, 1552 and 1553 of the Revised Codes of 1895.

Was indefinitely postponed.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

House bill No. 157,

A bill for an act to provide for the redemption of real property sold for taxes at tax sale in the year 1896 to an actual purchaser and to fix the limit of time for such redemption, and for the issuance of a deed of such real property to such purchaser and defining his rights if the same is not redeemed, and for the repealing of all acts and parts of acts inconsistent with the provisions of this act or repugnant thereto.

Have had the same under consideration and recommend that the same be indefinitely postponed.

R. N. STEVENS,
Chairman.

Mr. Wolbert moved

That the report of the committee on judiciary on

House bill No. 157,

A bill for an act to provide for the redemption of real property sold for taxes at tax sale in the year 1896 to an actual purchaser

and to fix the limit of time for such redemption, and for the issuance of a deed of such real property to such purchaser and defining his rights if the same is not redeemed, and for the repealing of all acts and parts of acts inconsistent with the provisions of this act or repugnant thereto.

Be adopted.

Which motion prevailed and

The report was adopted.

And the further consideration of

House bill No. 157,

A bill for an act to provide for the redemption of real property sold for taxes at tax sale in the year 1896 to an actual purchaser and to fix the limit of time for such redemption, and for the issuance of a deed of such real property to such purchaser and defining his rights if the same is not redeemed, and for the repealing of all acts and parts of acts inconsistent with the provisions of this act or repugnant thereto.

Was indefinitely postponed.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

House bill No. 159,

A bill for an act to amend section 4788, of chapter 77, of the Revised Codes of 1895, relating to mechanics liens.

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

After the word "that," page 2, line 12, of the printed bill, strike out the words "the person filing said lien shall notify the owner of his intention by registered mail previous to the completion of said contract" and insert in lieu thereof the words "no person who furnishes any materials, machinery or fixtures as aforesaid, for a contractor or sub-contractor, shall be entitled to file such lien, unless he notify the owner of the land, by registred letter, previous to the completion of said contract, that he has furnished such materials, machinery, or fixtures."

Also, insert the following as an enacting clause: "Be it enacted by the legislative assembly of the state of North Dakota."

Also, insert after the enacting clause, the following: "Section 1. That section 4788 of the Revised Codes be amended to read as follows:"

And when so amended recommend that the same do pass.

Also,

Senate bill No. 101

A bill for an act legalizing the acts of officers and stockholders of corporations as notaries public in cases where the corporation is interested.

Also,

House bill No. 195,

A bill for an act to amend section 1 of chapter 131 of the session laws of 1897, relating to funding the outstanding indebtedness of the soldiers' home at Lisbon, North Dakota, and providing funds for the permanent improvement of said home.

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

R. N. STEVENS,
Chairman.

The committee on banks and banking made the following report:

Mr. Speaker:

The committee on banks and banking to whom was referred Senate bill No. 72,

A bill for an act to define and limit the officers before whom the proof or acknowledgment of certain instruments may be made, and the relationship which may exist between the parties to instruments, and officers taking the proof or acknowledgment of the same.

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

That the title to said act be amended to read as follows:

"A bill for an act to define and limit the officers before whom affidavits and the proof or acknowledgment of certain instruments may be made, and the relationship which may exist between the parties to instruments and officers taking the proof or acknowledgment of the same, and of affidavits."

After the word "instruments," line 2, section 1, of the printed bill, insert the words "or affidavit."

After the word "acknowledgment," line 3, section 1, of the printed bill, insert the words "or affidavit."

Before the word "shall," line 3, section 2, of the printed bill, insert the words "and taking of affidavits."

After the word "acknowledgment," line 3, section 2, of the printed bill, insert the words "or affidavit."

After the word "acknowledged," line 5, section 2, insert the words "or sworn to."

Before the word "and," line 9, section 2, insert the words "or affidavits."

After the word "acknowledgments," line 11, section 3, insert the words "and affidavits."

After the word "instruments," line 2, section 3, insert the words "and affidavits."

After the word "thereof," line 4, section 4, insert the words "and affidavits."

And when so amended recommend that the same do pass.

J. D. WALLACE,
Chairman.

The committee on railroads made the following report:

Mr. Speaker:

Your committee on railroads to whom was referred
House bill No. 187,

A bill for an act to provide for the construction of highways over right-of-way and tracks of railroad corporations, prohibiting the removal of buildings of such corporations in certain cases and defining the powers and duties of the board of railroad commissioners in relation thereto.

Have had the same under consideration and recommend that the same be indefinitely postponed.

O. McHARG,
Chairman.

Mr. McHarg moved

That the report of the committee on railroads on
House bill No. 187,

A bill for an act to provide for the construction of highways over right-of-way and tracks of railroad corporations, prohibiting the removal of buildings of such corporations in certain cases and defining the powers and duties of the board of railroad commissioners in relation thereto.

Be adopted.

Mr. Sanford offered as a substitute motion that
House bill No. 187,

A bill for an act to provide for the construction of highways over right-of-way and tracks of railroad corporations, prohibiting the removal of buildings of such corporations in certain cases and defining the powers and duties of the board of railroad commissioners in relation thereto.

Be referred to general orders,

Which motion prevailed, and

House bill No. 187,

A bill for an act to provide for the construction of highways over right-of-way and tracks of railroad corporations, prohibiting the removal of buildings of such corporations in certain cases and defining the powers and duties of the board of railroad commissioners in relation thereto.

Was so referred.

The committee on railroads made the following report:

Mr. Speaker:

Your committee on railroads to whom was referred
House bill No. 177,

A bill for an act to amend section 3067 of the Revised Codes of 1895, providing for the constructing and maintaining of a Y

and other tracks to connect railroad lines, defining the duties of railroad commissioners in relation thereto and prescribing the manner of enforcing the orders of such commissioners by proper courts.

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

Also,

House bill No. 173,

A bill for an act to prohibit railroad companies or any common carriers from discriminating against any person or persons in the providing of cars or means of transportation for grain, or other freight or passengers, or in the providing of warehouses or platform room for the holding or handling of grain or other freight.

Have had the same under consideration and recommend that the same be indefinitely postponed.

O. McHARG,
Chairman.

Mr. McHarg moved

That the report of the committee on railroads on
House bill No. 173,

A bill for an act to prohibit railroad companies or any common carriers from discriminating against any person or persons in the providing of cars or means of transportation for grain, or other freight or passengers, or in the providing of warehouses or platform room for the holding or handling of grain or other freight.

Be adopted,

Which motion prevailed and

The report was adopted.

And the further consideration of
House bill No. 173,

A bill for an act to prohibit railroad companies or any common carriers from discriminating against any person or persons in the providing of cars or means of transportation for grain, or other freight or passengers, or in the providing of warehouses or platform room for the holding or handling of grain or other freight.

Was indefinitely postponed.

The committee on railroads made the following report:

Mr. Speaker:

Your committee on railroads to whom was referred

House bill No. 55,

A bill for an act to amend section 2985 of the civil code of the state of North Dakota relating to when station house to be maintained.

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

After the word "year" at the end of the 7th line, be inserted: "Provided, that this shall apply only to stations where 25 per cent of the business done is for charges upon incoming freight."

And when so amended recommend that the same do pass.

O. McHARG,
Chairman.

The committee on appropriations made the following report:

Mr. Speaker:

Your committee on appropriations to whom was referred House bill No. 97,

A bill for an act to create a department of agriculture for the promotion of agriculture, stock breeding, etc., the appointment of three trustees to carry out the work of the department for the holding of a state fair at Valley City and an appropriation of money therefor.

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

First, That there be added to the title of printed bill the following clause: "and repealing chapter 134 of the session laws of 1897."

Second. That there be added to section 7 of printed bill the following clause: "including chapter 134 of the laws passed at the Fifth session of the legislative assembly of the state of North Dakota."

And when so amended recommend that the same do pass.

W. D. ALLEN,
Chairman.

Mr. Stevenson moved that

House bill No. 97,

A bill for an act to create a department of agriculture for the promotion of agriculture, stock breeding, etc., the appointment of three trustees to carry out the work of the department for the holding of a state fair at Valley City and an appropriation of money therefor.

Be re-referred to the committee appropriations,

Which motion prevailed, and

House bill No. 97,

A bill for an act to create a department of agriculture for the promotion of agriculture, stock breeding, etc., the appointment of three trustees to carry out the work of the department for the holding of a state fair at Valley City and an appropriation of money therefor.

Was so re-referred.

The committee on appropriations made the following report:

Mr. Speaker:

Your committee on appropriations to whom was referred
Senate bill No. 105,

A bill for an act relating to clerk hire in office of the
commissioner of agriculture and labor.

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

W. D. ALLEN,
Chairman.

Mr. Lynch moved

That the further consideration of
Senate bill No. 105,

A bill for an act relating to clerk hire in office of the
commissioner of agriculture and labor.

Be referred to general orders,

Which motion prevailed, and

Senate bill No. 105,

A bill for an act relating to clerk hire in office of the com-
missioner of agriculture and labor.

Was so referred.

The committee on appropriations made the following report:

Mr. Speaker:

Your committee on appropriations to whom was referred
Senate bill No. 130,

A bill for an act making an annual appropriation for the main-
tenance of the state university.

Also,

Senate bill, No. 56,

A bill for an act making appropriation for a deficit in the misce-
laneous expenses incurred in the maintenance of the University of
North Dakota.

Also,

Senate bill, No. 52,

A bill for an act to appropriate for current and contingent ex-
penses, furnishing, and for making needed permanent improve-
ments for the State Soldiers Home at Lisbon.

Also,

Senate bill No. 38,

A bill for an act providing for an appropriation for the mainten-
ance and improvement of the state normal school at Mayville, North
Dakota.

Also,

Senate bill No. 18,

For an act entitled an act making appropriations for the current and contingent expenses of the state penitentiary and for making permanent improvements and additions thereto.

Also,

Senate bill No. 31,

A bill for an act providing for an appropriation for the maintenance and improvement of the state normal school at Valley City, North Dakota.

Also,

Senate bill No. 30,

A bill for an act to provide for the maintenance of the deaf and dumb asylum of North Dakota, located at Devils Lake, and for necessary improvement and repairs, and making and appropriation therefor.

Also,

Senate bill No. 8.

A bill for an act to provide an appropriation for the current and contingent expenses, and to provide for new buildings and for making needed permanent improvements for the hospital for the insane at Jamestown.

Also,

Senate bill No. 133,

A bill for an act to provide for the maintenance of the industrial school and school for manual training of North Dakota, located at Ellendale, and for necessary improvements and making an appropriation therefor.

Also,

Senate bill No. 42,

A bill for an act providing for an appropriation for the erection of additional buildings and for the payment of the contingent expenses of the North Dakota Agricultural College and Experimental Station, located at Fargo, North Dakota.

Also,

House bill No. 31,

A bill for an act to promote immigration.

Also,

House bill No. 38,

A bill for an act to provide an annual contingency fund, to be placed at the disposal of the governor.

Also,

Senate bill No. 3,

A bill for an act to repeal section 395, Revised Codes of North Dakota, as amended by chapter 138, laws of North Dakota for the year 1897, relating to the salary of supreme court reporter and providing a compensation for the supreme court reporter.

Also,

Senate bill, No. 55,

A bill for an act making an appropriation for repairing and furnishing the executive mansion.

Also,

Senate bill No. 112,

A bill for an act to appropriate money to pay S. E. Olson Co. for furniture furnished for the capitol building during the year 1894.

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

W. D. ALLEN,

Chairman.

Mr. Stevens moved

That the rules be suspended, and that all the bills reported by the committee on appropriations, including

House bill No. 195,

A bill for an act to amend section 1 of chapter 131 of the session laws of 1897, relating to funding the outstanding indebtedness of the soldiers' home at Lisbon, North Dakota, and providing funds for the permanent improvement of said home.

Also,

House bill No. 183,

A bill for an act to amend section 1419 of chapter 19 of the Revised Codes of 1895, entitled Militia.

Reported back from the committee on judiciary with the recommendation "do pass," be considered engrossed, and placed upon their third reading and final passage,

Which motion prevailed.

Mr. McHarg moved

That the rules be suspended, and that

House bill No. 194,

A bill for an act to amend section 2895, chapter 11 of the Revised Codes of North Dakota.

Be considered engrossed, and placed upon its third reading and final passage,

Which motion prevailed.

Senate bill No. 130,

A bill for an act making an annual appropriation for the maintenance of the state university.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 53, nays 4, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—

Aas,
Allen,
Bacon,
Berger,
Boyd,
Brakke,
Cassell,
Chacey,
Clarke,
Deisem,
Dougherty,
Dwire,
Earl,
Engelter,
Erickson,
Ferris,
Gilbertson,
Glasgow,

Messrs—

Green,
Gronvold,
Hale,
Hare,
Hauan,
Herbrandson,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Ovind,

Messrs—

Peek,
Peterson,
Restemayer,
Sargent,
Stevens,
Stewart,
Stevenson,
Taylor,
Thomson,
Thordarson
Tousley,
Tufte,
Ugland,
Wallace,
Wolbert,
Winslow,
Mr. Speaker,

Those voting in the negative were:

Messrs—

Brotnov,
Johnson, Richland,

Messrs—

Thomas,

Messrs—

Towle,

Absent and not voting:

Messrs—

Allshouse,
Gulack,

Messrs—

Sanford,
Swenson,

Messrs—

Watts,

Messrs. Gulack and Watts being excused.

So the bill passed and the title was agreed to.

Mr. Hale moved

That the vote by which Senate bill No. 130 passed be reconsidered, and the motion to reconsider be laid upon the table.

Which motion prevailed.

House bill No. 195,

A bill for an act to amend section 1 of chapter 131 of the session laws of 1897, relating to funding the outstanding indebtedness of the soldiers' home at Lisbon, North Dakota, and providing funds for the permanent improvement of said home.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 55, nays 3, absent and not voting 4.

Those voting in the affirmative were:

| | | |
|-------------|--------------------|--------------|
| Messrs— | Messrs— | Messrs— |
| Aas, | Gronvold, | Restemayer. |
| Allen, | Hale, | Sargent, |
| Allshouse, | Hare, | Stevens, |
| Bacon, | Hauan, | Stewart, |
| Boyd, | Herbrandson, | Swenson, |
| Brakke, | Johnson, Richland, | Stevenson, |
| Cassell, | Kennedy, | Taylor, |
| Chacey, | Laughlin, | Thomas, |
| Clarke, | Lee, | Thomson, |
| Deisem, | Lish, | Thordarson |
| Dougherty, | Lynch, | Tousley, |
| Dwire, | McHarg, | Towle, |
| Earl, | McLean, | Tufte, |
| Engelter, | Michels, | Ugland, |
| Erickson, | Miner, | Wallace, |
| Ferris, | Ovind, | Wolbert, |
| Gilbertson, | Peek, | Winslow. |
| Glasgow, | Peterson, | Mr. Speaker, |
| Green, | | |

Those voting in the negative were:

| | | |
|---------|----------|------------------|
| Messrs— | Messrs— | Messrs— |
| Berger, | Brotnov, | Johnston, Walsh, |

Absent and not voting:

| | | |
|---------|----------|---------|
| Messrs— | Messrs— | Messrs— |
| Gulack, | Sanford, | Watts, |
| Nelson, | | |

Messrs. Gulack and Watts being excused.

So the bill passed and the title was agreed to.

Mr. Laughlin moved

That the vote by which House bill No. 195 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Senate bill No. 42,

A bill for an act providing for an appropriation for the erection of additional buildings and for the payment of the contingent expenses of the North Dakota Agricultural College and Experimental Station, located at Fargo, North Dakota.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 56, nays 1, absent and not voting 5.

Those who voted in the affirmative were:

| | | |
|------------|--------------|-------------|
| Messrs— | Messrs— | Messrs— |
| Aas, | Green, | Peterson, |
| Allen, | Gronvold, | Restemayer, |
| Allshouse, | Hale, | Sargent, |
| Bacon, | Hare, | Stevens, |
| Berger, | Hauan, | Stewart, |
| Boyd, | Herbrandson, | Swenson, |

Messrs—

Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Deisem,
Dougherty,
Dwire,
Earl,
Erickson,
Ferris,
Gilbertson,
Glasgow,

Absent and not voting:

Messrs—

Engelter,
Gulack,

Messrs—

Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish,
Lynch,
McHarg,
McLean,
Miner,
Nelson,
Ovind,
Peek,

Messrs—

Stevenson,
Taylor,
Thomson,
Thordarson
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Wolbert,
Winslow,
Mr. Speaker.

Messrs—

Watts,

Mr. Thomas voting in the negative.

Messrs. Gulack and Watts being excused.

So the bill passed and the title was agreed to.

Mr. Allen moved

That the vote by which Senate bill No. 42 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Senate bill No. 3,

A bill for an act to repeal section 395, Revised Codes of North Dakota, as amended by chapter 138, laws of North Dakota for the year 1897, relating to the salary of supreme court reporter and providing a compensation for the supreme court reporter

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 52, nays 5, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Deisen,
Dougherty,
Dwire,
Earl,
Erickson,
Ferris,
Gilbertson,

Messrs—

Glasgow,
Green,
Gronvold,
Hale,
Hare,
Huan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish,
McHarg,
McLean,
Miner,
Ovind,

Messrs—

Peek,
Peterson,
Restemayer,
Sargent,
Stevens,
Stewart,
Stevenson,
Taylor,
Thomson,
Thordarson
Tousley,
Tufte,
Ugland,
Wallace,
Wolbert,
Winslow,
Mr. Speaker,

Those voting in the negative were:

| | | |
|-------------------------------------|---------------------------------------|--------------------------|
| Messrs— Lynch, Nelson, | Messrs— Swenson, Thomas, | Messrs— Towle, |
|-------------------------------------|---------------------------------------|--------------------------|

Absent and not voting:

| | | |
|--|--|--------------------------|
| Messrs— Engelter, Gulack, | Messrs— Michels, Sanford, | Messrs— Watts, |
|--|--|--------------------------|

Messrs. Gulack and Watts being excused.

So the bill passed and the title was agreed to.

Mr. McHarg moved

That the vote by which Senate bill No. 3 passed, be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Senate bill No. 133,

A bill for an act to provide for the maintenance of the industrial school and school for manual training of North Dakota, located at Ellendale, and for necessary improvements and making an appropriation therefor.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 48, nays 12, absent and not voting 2.

Those who voted in the affirmative were:

| | | |
|--|---|---|
| Messrs— Allen, Allshouse, Bacon, Boyd, Cassell, Chacey, Clarke, Deisem, Dougherty, Dwire, Earl, Engelter, Erickson, Ferris, Glasgow, Green, | Messrs— Hale, Hare, Huan, Herbrandson, Johnson, Richland, Kennedy, Laughlin, Lee, Lish, McHarg, McLean, Michels, Miner, Nelson, Ovind, Peek, | Messrs— Peterson, Salford, Sargent, Stevens, Stewart, Swenson, Stevenson, Taylor, Thomson, Tousley, Tufte, Ugland, Wallace, Wolbert, Mr. Speaker, |
|--|---|---|

Those voting in the negative were:

| | | |
|---|--|--|
| Messrs— Aas, Berger, Brakke, Brotnov, Gilbertson, | Messrs— Gronvold, Johnston, Walsh, Lynch, Restemayer. | Messrs— Thomas, Thordarson, Towle, Winslow. |
|---|--|--|

Absent and not voting Messrs. Gulack and Watts.

Messrs. Gulack and Watts being excused.

So the bill passed and the title was agreed to.

Mr. Kennedy moved

That the vote by which Senate bill No. 133 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Senate bill No. 38,

A bill for an act providing for an appropriation for the maintenance and improvement of the state normal school at Mayville, North Dakota.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 59, nays 1, absent and not voting 2.

Those who voted in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Delsem,
Dougherty,
Dwire,
Earl,
Engelter,
Erickson,
Ferris,
Gilbertson,
Glasgow,

Messrs—

Green,
Gronvold,
Hale,
Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish,
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Ovind,
Peek,

Messrs—

Peterson,
Restemayer,
Sanford,
Sargent,
Stevens,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomson,
Thordarson,
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Wolbert,
Winslow,
Mr. Speaker,

Absent and not voting, Messrs. Gulack and Watts.

Messrs. Gulack and Watts being excused.

Mr. Thomas voting in the negative.

So the bill passed and the title was agreed to.

Mr. Hare moved

That the vote by which Senate bill No. 38 passed be reconsidered and the motion to reconsider be laid upon the table,

Which motion prevailed.

Senate bill, No. 52,

A bill for an act to appropriate for current and contingent ex-

penses, furnishing, and for making needed permanent improvements for the State Soldiers Home at Lisbon.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were, ayes 58; nays 1, absent and not voting, 3.

Those voting in the affirmative were:

Messrs—

Allen,
Allshouse,
Bacon,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Delsem,
Dougherty,
Dwire,
Earl,
Engelter,
Erickson,
Ferris,
Gilbertson,
Glasgow,
Green,
Gronvold,

Messrs—

Hale,
Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish,
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Ovind,
Peek,
Peterson,

Messrs—

Restemayer,
Sanford,
Sargent,
Stevens,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson,
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Wolbert,
Winslow,
Mr. Speaker,

Absent and not voting:

Messrs—

Aas,

Messrs—

Gulack,

Messrs—

Watts,

Mr. Berger voted in the negative.

Messrs. Gulack and Watts being excused.

So the bill passed and the title was agreed to.

Mr. Laughlin moved

That the vote by which Senate bill No. 52 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Senate bill, No. 56,

A bill for an act making appropriation for a deficit in the miscellaneous expenses incurred in the maintenance of the University of North Dakota.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 58, nays 1, absent and not voting 3.

Those voting in the affirmative were:

Messrs—

Aas,
 Allen,
 Allshouse,
 Bacon,
 Berger,
 Boyd,
 Brakke,
 Cassell,
 Chacey,
 Clarke,
 Deisem,
 Dougherty,
 Dwire,
 Earl,
 Engelter,
 Erickson,
 Ferris,
 Gilbertson,
 Glasgow,
 Green,

Messrs—

Gronvold,
 Hale,
 Hare,
 Hauan,
 Herbrandson,
 Johnson, Richland,
 Johnston, Walsb,
 Kennedy,
 Laughlin,
 Lee,
 Lish,
 Lynch,
 McHarg,
 McLean,
 Michels,
 Miner,
 Nelson,
 Ovind,
 Peek,

Messrs—

Peterson,
 Restemayer,
 Sanford,
 Sargent,
 Stevens,
 Stewart,
 Swenson,
 Stevenson,
 Taylor,
 Thomas,
 Thomson,
 Thordarson,
 Tousley,
 Tufte,
 Ugland,
 Wallace,
 Wolbert,
 Winslow,
 Mr. Speaker,

Absent and not voting:

Messrs—

Gulack,

Messrs—

Towle,

Messrs—

Watts,

Messrs. Gulack and Watts being excused.

Mr. Brotnov voting in the negative.

So the bill passed and the title was agreed to.

Mr Bacon moved

That the vote by which Senate bill No. 56 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Senate bill No. 8.

An act to provide an appropriation for the current and contingent expenses, and to provide for new buildings and for making needed permanent improvements for the hospital for the insane at Jamestown.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 59, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs—

Aas,
 Allen,
 Allshouse,
 Bacon,
 Berger,
 Boyd,
 Brakke,
 Brotnov,
 Cassell,

Messrs—

Green,
 Gronvold,
 Hale,
 Hare,
 Hauan,
 Herbrandson,
 Johnson, Richland,
 Johnston, Walsh,
 Kennedy,

Messrs—

Peterson,
 Sanford,
 Sargent,
 Stevens,
 Stewart,
 Swenson,
 Stevenson,
 Taylor,
 Thomas,

Messrs—
 Chacey,
 Clarke,
 Deisem,
 Dougherty,
 Dwire,
 Earl,
 Engelter,
 Erickson,
 Ferris,
 Gilbertson,
 Glasgow.

Messrs—
 Laughlin,
 Lee,
 Lish,
 Lynch,
 McHarg,
 McLean,
 Michels,
 Miner,
 Nelson,
 Ovind,
 Peek,

Messrs—
 Thomson,
 Thordarson,
 Tousley,
 Towle,
 Tufte,
 Ugland,
 Wallace,
 Wolbert,
 Winslow,
 Mr. Speaker,

Absent and not voting:

Messrs—
 Gulack,

Messrs—
 Restemayer.

Messrs—
 Watts,

Messrs. Gulack and Watts being excused.

So the bill passed and the title was agreed to.

Mr. Sanford moved

That the vote by which Senate bill No. 8 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed,

Senate bill No. 30,

A bill for an act to provide for the maintenance of the deaf and dumb asylum of North Dakota, located at Devils Lake, and for necessary improvement and repairs, and making and appropriation therefor.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 59, nays none, absent and not voting 3.

Those voting in the affirmative were:

Messrs—
 Aas,
 Allen,
 Allshouse,
 Bacon,
 Berger,
 Boyd,
 Brakke,
 Brotnov,
 Cassell,
 Chacey,
 Clarke,
 Deisem,
 Dougherty,
 Dwire,
 Earl,
 Engelter,
 Erickson,
 Ferris,
 Gilbertson,
 Glasgow,

Messrs—
 Green,
 Gronvold,
 Hale,
 Hare,
 Hauan,
 Herbrandson,
 Johnson, Richland,
 Johnston, Walsh,
 Kennedy,
 Laughlin,
 Lee,
 Lish,
 Lynch,
 McHarg,
 McLean,
 Michels,
 Miner,
 Nelson,
 Ovind,
 Peek,

Messrs—
 Peterson,
 Sanford,
 Sargent,
 Stevens,
 Stewart,
 Swenson,
 Stevenson,
 Taylor,
 Thomas,
 Thomson,
 Thordarson,
 Tousley,
 Towle,
 Tufte,
 Ugland,
 Wallace,
 Wolbert,
 Winslow,
 Mr. Speaker,

Absent and not voting:

Messrs— **Gulack,** Messrs— **Restemayer,** Messrs— **Watts,**

Messrs. Gulack and Watts being excused.

So the bill passed and the title was agreed to.

Mr. Hale moved

That the vote by which Senate bill No. 30 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Senate bill No. 31,

A bill for an act providing for an appropriation for the maintenance and improvement of the state normal school at Valley City, North Dakota.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 55, nays 1, absent and not voting 4.

Those who voted in the affirmative were:

| | | |
|-------------|--------------------|--------------|
| Messrs— | Messrs— | Messrs— |
| Aas, | Glasgow, | Peek, |
| Allen, | Green, | Peterson, |
| Allshouse, | Gronvold, | Restemayer, |
| Bacon, | Hale, | Sanford, |
| Berger, | Hare, | Sargent, |
| Boyd, | Hauan, | Stevens, |
| Brakke, | Herbrandson, | Stewart, |
| Brotnov, | Johnson, Richland, | Swenson, |
| Cassell, | Johnston, Walsh, | Stevenson, |
| Chacey, | Kennedy, | Taylor, |
| Clarke, | Laughlin, | Thomson, |
| Delsem, | Lee, | Thordarson |
| Dougherty, | Lish, | Tousley, |
| Dwire, | Lynch, | Towle, |
| Earl, | McHarg, | Tufte, |
| Engelter, | McLean, | Ugland, |
| Erickson, | Miner, | Wallace, |
| Ferris, | Nelson, | Winslow, |
| Gilbertson, | Ovind, | Mr. Speaker, |

Absent and not voting:

Messrs— **Gulack,** Messrs— **Watts,** Messrs— **Wolbert,**
Michels,

Messrs. Gulack and Watts being excused.

Mr. Thomas voting in the negative.

So the bill passed and the title was agreed to.

Mr. Sanford moved

That the vote by which Senate bill No. 31 passed, be reconsidered and the motion to reconsider be laid upon the table,

Which motion prevailed.

Senate bill No. 18,

For an act entitled an act making appropriations for the current and contingent expenses of the state penitentiary and for making permanent improvements and additions thereto.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 56, nays none; absent and not voting 6.

Those who voted in the affirmative were:

| | | |
|----------------|-------------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Aas, | Glasgow, | Restemayer, |
| Allen, | Green, | Sanford, |
| Allshouse, | Gronvold, | Sargent, |
| Bacon, | Hale, | Stevens, |
| Berger, | Hare, | Stewart, |
| Boyd, | Hauan, | Swenson, |
| Brakke, | Herbrandson, | Stevenson, |
| Brotnov, | Johnson, Richland | Taylor, |
| Cassell, | Johnston, Walsh, | Thomas, |
| Chacey, | Kennedy, | Thomson, |
| Clarke, | Laughlin, | Thordarson |
| Delsem, | Lee, | Tousley, |
| Dougherty, | Lish | Towie, |
| Dwire, | Lynch, | Tufte, |
| Earl, | McLean, | Ugland, |
| Engelter, | Miner, | Wallace. |
| Erickson, | Nelson, | Winslow. |
| Ferris, | Ovind, | Mr. Speaker, |
| Gilbertson, | Peek, | |

Absent and not voting:

| | | |
|----------------|----------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Gulack, | Michels, | Watts, |
| McHarg, | Peterson, | Wolbert, |

Messrs. Gulack and Watts being excused.

So the bill passed and the title was agreed to.

Mr. Hale moved

That the vote by which Senate bill No. 18 passed, be reconsidered and the motion to reconsider be laid upon the table.

Which motion prevailed.

Senate bill, No. 55,

A bill for an act making an appropriation for repairing and furnishing the executive mansion.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 57, nays 1, absent and not voting 4.

Those voting in the affirmative were:

Messrs—

Aas,
 Allen,
 Allshouse,
 Bacon,
 Berger,
 Boyd,
 Brakke,
 Cassell,
 Clarke,
 Deisem,
 Dougherty,
 Dwire,
 Earl,
 Engelter,
 Erickson,
 Ferris,
 Gilbertson,
 Glasgow,
 Green,

Messrs—

Gronvold,
 Hale,
 Hare,
 Hauan,
 Herbrandson,
 Johnson, Richland,
 Johnston, Walsh,
 Kennedy,
 Laughlin,
 Lee,
 Lish,
 Lynch,
 McHarg,
 McLean,
 Miner,
 Nelson,
 Ovind,
 Peek,
 Peterson,

Messrs—

Restemayer,
 Sanford,
 Sargent,
 Stevens,
 Stewart,
 Swenson,
 Stevenson,
 Taylor,
 Thomas,
 Thomson,
 Thordarson
 Tousley,
 Towle,
 Tufte,
 Ugland,
 Wallace,
 Wolbert,
 Winslow,
 Mr. Speaker,

Absent and not voting:

Messrs—

Chacey,
 Gulack,

Messrs—

Michels,

Messrs—

Watts,

Messrs. Gulack and Watts being excused.

Mr. Brotnov voting in the negative.

So the bill passed and the title was agreed to.

Mr. Sargent moved

That the vote by which Senate bill No. 55 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

House bill No. 194,

A bill for an act to amend section 2859, chapter 11 of the Revised Codes of North Dakota.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 58, nays none, absent and not voting 4.

Those voting in the affirmative were:

Messrs—

Aas,
 Allen,
 Allshouse,
 Bacon,
 Berger,
 Boyd,
 Brakke,
 Brotnov,
 Cassell,
 Chacey,
 Clarke,
 Deisem,
 Dougherty,
 Dwire,

Messrs—

Green,
 Gronvold,
 Hale,
 Hare,
 Hauan,
 Herbrandson,
 Johnson, Richland,
 Johnston, Walsh,
 Kennedy,
 Laughlin,
 Lee,
 Lish,
 Lynch,
 McHarg,

Messrs—

Peterson,
 Restemayer,
 Sanford,
 Sargent,
 Stevens,
 Stewart,
 Swenson,
 Stevenson,
 Taylor,
 Thomas,
 Thomson,
 Thordarson
 Tousley,
 Towle,

Messrs—
Earl,
Engelter,
Erickson,
Ferris,
Gilbertson,
Glasgow,

Messrs—
McLean,
Miner,
Nelson,
Ovind,
Peek,

Messrs—
Ugland,
Wallace,
Wolbert,
Winslow,
Mr. Speaker,

Absent and not voting:

Messrs—
Gulack,
Michels,

Messrs—
Tufte,

Messrs—
Watts,

Messrs. Gulack and Watts being excused.

So the bill passed and the title was agreed to.

Mr. Hare moved

That the vote by which House bill No. 194 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

House bill No. 38,

A bill for an act to provide an annual contingency fund, to be placed at the disposal of the governor.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 58, nays none, absent and not voting 4.

Those voting in the affirmative were:

Messrs—
Aas,
Allen,
Allhouse,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Deisem,
Dougherty,
Dwire,
Earl,
Engelter,
Ferris,
Gilbertson,
Glasgow,
Green,

Messrs—
Gronvold,
Hale,
Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish,
Lynch,
McHarg,
McLean,
Miner,
Nelson,
Ovind,
Peek,
Peterson,
Restemayer,

Messrs—
Sanford,
Sargent,
Stevens,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thordarson,
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Wolbert,
Winslow,
Mr. Speaker.

Absent and not voting:

Messrs—
Erickson,
Gulack,

Messrs—
Michels,

Messrs—
Watts,

Messrs. Gulack and Watts being excused.

So the bill passed and the title was agreed to.

Mr. Tousley moved

That the vote by which House bill No. 38 passed be reconsidered and the motion to reconsider be laid upon the table, Which motion prevailed.

House bill No. 31,

A bill for an act to promote immigration.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 55, nays 2, absent and not voting 5.

Those who voted in the affirmative were:

| | | |
|----------------|--------------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Allen, | Hale, | Restemayer, |
| Allshouse, | Hare, | Sanford, |
| Bacon, | Hauan, | Sargent, |
| Boyd, | Herbrandson, | Stevens, |
| Brakke, | Johnson, Richland, | Stewart, |
| Cassell, | Kennedy, | Swenson, |
| Chacey, | Laughlin, | Stevenson, |
| Clarke, | Lee, | Taylor, |
| Deisem, | Lish, | Thomas, |
| Dougherty, | Lynch, | Thomson, |
| Dwire, | McHarg, | Thordarson |
| Earl, | McLean, | Towle, |
| Engelter, | Michels, | Tufte, |
| Ferris, | Miner, | Ugland, |
| Gilbertson, | Nelson, | Wallace, |
| Glasgow, | Ovind, | Wolbert, |
| Green, | Peek, | Winslow, |
| Gronvold, | Peterson, | Mr. Speaker, |

Absent and not voting:

| | | |
|----------------|------------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Berger, | Gulack, | Watts, |
| Erickson, | Johnston, Walsh, | |

Messrs. Gulack and Watts being excused.

Messrs. Aas and Brotnov voting in the negative.

So the bill passed and the title was agreed to.

Mr. Sargent moved

That the vote by which House bill No. 31 passed be reconsidered, and the motion to reconsider be laid upon the table.

Which motion prevailed.

House bill No. 183,

A bill for an act to amend section 1419 of chapter 19 of the Revised Codes of 1895, entitled Militia.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 56, nays none, absent and not voting 6.

Those voting in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Deisem,
Dougherty,
Dwire,
Engelter,
Erickson,
Ferris,
Gilbertson,
Glasgow,
Green,
Gronvold,

Messrs—

Hale,
Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Kennedy,
Laughlin,
Lee,
Lish,
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Ovind,
Peek,
Peterson,
Restemayer,

Messrs—

Sanford,
Sargent,
Stevens,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson,
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Wolbert,
Winslow,
Mr. Speaker.

Absent and not voting:

Messrs—

Bacon,
Berger,

Messrs—

Earl,
Gulack,

Messrs—

Johnston, Walsh,
Watts,

Messrs. Gulack and Watts being excused.

So the bill passed and the title was agreed to.

Mr. Laughlin moved

That the vote by which House bill No. 183 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
February 24, 1899.

I have the honor to transmit herewith
Senate bill No. 144,

A bill for an act fixing the times and places of holding general and special terms of the supreme court of the state of North Dakota and providing for the expenses incident thereto.

Also,

Senate bill No. 145,

A bill for an act to amend section 1391, chapter 19, of the

Revised Codes, of the state of North Dakota, relating to the annual encampment of the National Guard of the state of North Dakota.

Also,

Senate bill No. 142,

A bill for an act to legalize irregularities in the formation of school districts and to make valid the acts of the officials thereof.

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

J. O. SMITH,
Secretary.

The chief clerk announced that the speaker was about to sign

Senate bill No. 131,

A bill for an act providing for a geological survey of North Dakota.

Also.

Senate bill, No. 54,

A bill for an act to amend section 5887 of the revised codes.

Mr. Stevens moved that

Senate bill No. 47,

A bill for an act to amend section 5422 of the Revised Codes, relating to note of issue, notice of trial and order of trials.

Be re-referred to the committee on judiciary,

Which motion prevailed, and

Senate bill No. 47,

A bill for an act to amend section 5422 of the Revised Codes, relating to note of issue, notice of trial and order of trials.

Was so re-referred.

The speaker announced an informal recess of thirty minutes.

The house reassembled.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the governor:

EXECUTIVE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 24, 1899.

To the House of Representatives:

Gentlemen: I have the honor to inform you that I have this day approved and filed with the honorable secretary of state.

House bill No. 102,

A bill for an act to amend section 338 of the Revised Codes of North Dakota, relating to supplies for public offices, repairs upon the capitol building and executive mansion and the public grounds

and parks connected therewith, and making an annual appropriation therefor.

Also,

House bill No. 51,

A bill for an act entitled an act to amend section 75 of chapter 126, of the session laws of 1897, entitled "an act prescribing the mode of making assessments of property, the equalization of and the levy and collection of taxes and for all other purposes relative thereto, and the repealing of sections 1176 to 1198 inclusive, 1200 to 1229 inclusive, 1231, 1234, 1237 to 1240 inclusive, 1242 to 1247 inclusive, 1250 to 1253 inclusive, 1255 to 1290 inclusive, 1294, 1296, 1309, 1321, 1325 to 1330 inclusive, 1336 to 1339 inclusive, and 1346 of the Revised Codes of North Dakota of 1895, and all other sections and parts of sections of said codes, and of all acts and parts of acts inconsistent with the provisions of this act."

Also,

House bill No. 66,

A bill for an act entitled, an act to provide for mortgaging the real estate of a deceased person, of a minor, or of an incompetent person.

I have the honor to be,

Very respectfully yours,

F. B. FANCHER,

Governor.

By unanimous consent, Mr. Wolbert moved

That the house return to the third reading of House bills, and that the

Substitute for house bill No. 59,

A bill for an act to amend sections 710, 711, 713, 715, 716, 719, and 722 Revised Codes, relating to education, and providing for the apportionment of the special tuition fund by the county superintendent of schools and the payment thereof by the county treasurer to school district treasurers.

Be considered engrossed, and placed upon its third reading and final passage,

Which motion prevailed.

By unanimous consent, Mr. Cassell introduced the following amendment to the

Substitute for house bill No. 59,

A bill for an act to amend sections 710, 711, 713, 715, 716, 719, and 722 Revised Codes, relating to education, and providing for the apportionment of the special tuition fund by the county superin-

tendent of schools and the payment thereof by the county treasurer to school district treasurers.

And moved its adoption.

Amend by striking out all of that part of section 716, after the word "chapter" in line 77, of the printed bill.

Which motion prevailed, and the
Substitute for house bill No. 59,

A bill for an act to amend sections 710, 711, 713, 715, 716, 719, and 722 Revised Codes, relating to education, and providing for the apportionment of the special tuition fund by the county superintendent of schools and the payment thereof by the county treasurer to school district treasurers.

Was so amended.

Substitute for house bill No. 59,

A bill for an act to amend sections 710, 711, 713, 715, 716, 719, and 722 Revised Codes, relating to education, and providing for the apportionment of the special tuition fund by the county superintendent of schools and the payment thereof by the county treasurer to school district treasurers.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 54, nays 6, absent and not voting 2.

Those who voted in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,
Bacon,
Berger,
Boyd,
Brakke,
Cassell,
Chacey,
Clarke,
Delsem,
Dwire,
Earl,
Engelter,
Erickson,
Ferris,
Gilbertson,
Glasgow,

Messrs—

Green,
Gronvold,
Hale,
Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Kennedy,
Laughlin,
Lee,
Lish
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Ovind,

Messrs—

Peek,
Peterson,
Restemayer,
Sargent,
Sanford,
Stevens,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson
Tousley,
Tufté,
Ugland,
Wolbert,
Winslow,
Mr. Speaker,

Those voting in the negative were:

Messrs—

Brotnov,
Dougherty,

Messrs—

Johnston, Walsh,
Stewart,

Messrs—

Towle,
Wallace,

Absent and not voting, Messrs. Gulack and Watts.

Messrs. Gulack and Watts being excused.

So the bill as amended passed and the title was agreed to.

Mr. Hale moved

That the vote by which substitute for House bill No. 59 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Diesem moved

That the vote by which the concurrent resolution fixing the salary of janitors and other employes, was lost be reconsidered,

Which motion prevailed, and

The concurrent resolution fixing the salary of janitors and other employes,

Was read the third time.

The roll was called and there were ayes 28, nays 31, absent and not voting 3.

Those who voted in the affirmative were:

Messrs—

Allen,
Allshouse,
Bacon,
Chacey,
Dwire,
Earl,
Engelter,
Ferris,
Green,
Gronvold,

Messrs—

Hale,
Hare,
Johnson, Richland,
Laughlin,
Lish
McHarg,
McLean,
Michels,
Ovind,

Messrs—

Peek,
Peterson,
Sanford,
Stevens,
Stewart,
Stevenson,
Taylor,
Wallace,
Mr. Speaker,

Those voting in the negative were:

Messrs—

Aas,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Clarke,
Deisem,
Erickson,
Gilbertson,
Glasgow,

Messrs—

Hauan,
Herbrandson,
Johnston, Walsh,
Kennedy,
Lee,
Lynch,
Miner,
Nelson,
Restemayer,
Sargent,

Messrs—

Swenson,
Thomas,
Thomson,
Thordarson
Tousley,
Towle,
Tuftes,
Ugland,
Wolbert,
Winslow,

Absent and not voting:

Messrs—

Dougherty,

Messrs—

Gulack,

Messrs—

Watts,

Messrs. Gulack and Watts being excused.

So the bill was lost.

Mr. Sargent moved that

Senate bill No. 26,

A bill for an act to provide for paying the expense incurred by

the North Dakota commission in making an exhibit on behalf of the state at the Trans-Mississippi and International Exposition held at Omaha in the state of Nebraska in 1898, to refund money advanced by certain persons for the purpose of making said exhibit, and to appropriate money therefor.

Be placed upon its final passage,

Which motion prevailed.

Mr. Dougherty moved

To amend by inserting the item of \$100 contributed by Col. Wm. H. Robinson,

Which motion prevailed, and

Senate bill No. 26,

A bill for an act to provide for paying the expense incurred by the North Dakota commission in making an exhibit on behalf of the state at the Trans-Mississippi and International Exposition held at Omaha in the state of Nebraska in 1898, to refund money advanced by certain persons for the purpose of making said exhibit, and to appropriate money therefor.

Was so amended.

Senate bill No. 26,

A bill for an act to provide for paying the expense incurred by the North Dakota commission in making an exhibit on behalf of the state at the Trans-Mississippi and International Exposition held at Omaha in the state of Nebraska in 1898, to refund money advanced by certain persons for the purpose of making said exhibit, and to appropriate money therefor.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 55, nays 2, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—

Ans,
Allen,
Allshouse,
Bacon,
Berger,
Boyd,
Brakke,
Cassell,
Chacey,
Clarke,
Deisem,
Dougherty,
Dwire,
Earl,
Engelter,

Messrs—

Green,
Gronvold,
Hale,
Hare,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish,
Lynch,
McHarg,
McLean,
Michels,

Messrs—

Peterson,
Restemayer,
Sanford,
Sargent,
Stevens,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomson,
Tousley,
Towle,
Tufte,
Ugland,
Wallace,

Messrs—
 Erickson,
 Ferris,
 Gilbertson,
 Glasgow,

Messrs—
 Miner,
 Ovind,
 Peek,

Messrs—
 Wolbert,
 Winslow,
 Mr. Speaker,

Absent and not voting:

Messrs—
 Brotnov,
 Gulack,

Messrs—
 Nelson,
 Thordarson

Messrs—
 Watts,

Messrs. Gulack and Watts being excused.

Messrs. Hauan and Thomas voting in the negative.

So the bill as amended passed and the title was agreed to.

Mr. McHarg moved

That the vote by which Senate bill No. 26 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Laughlin moved

That the house do now adjourn,

Which motion prevailed, and

The house adjourned.

J. G. HAMILTON,
 Chief Clerk.

FIFTY-FOURTH DAY.

HOUSE OF REPRESENTATIVES,
 BISMARCK, NORTH DAKOTA,
 February 25, 1899,

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

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Boyd, Cassell and Glasgow, who were excused.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

Your committee on revision and correction of the Journal respectfully report that they have carefully examined the Journal of the fifty-third day, and recommend the following corrections:

On page 1, line 11, strike out the letter "A" and insert in lieu thereof the word "All."

On page 14, line 15, strike out the word "and" and insert in lieu thereof the word "an."

On page 15, line 31, correct the spelling of the word "considered."

On page 23, line 25, after the word "making," strike out the word "and" and insert in lieu thereof the word "an."

And when so amended recommend that the Journal of the fifty-third day be approved.

JOHN KENNEDY,
Chairman.

Mr. Kennedy moved

That the report of the committee on revision and correction of the Journal be adopted,

Which motion prevailed, and

The report was adopted.

Mr. McHarg requested the privileges of the floor for E. S. Rose, of Jamestown.

Mr. Speaker requested the privileges of the floor for D. C. Ross, of Fargo.

Mr. Lee requested the privileges of the floor for Hon. John Satterlund, of McLean county.

Mr. Stevenson requested the privileges of the floor for Mr. Voss, of Mandan.

There being no objections, the courtesies of the floor were so extended.

Mr. Tousley moved that the house return to the order of motions and resolutions,

Which motion prevailed.

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

Whereas, The consideration, engrossment and passage of bills by the house and senate, and by the respective committees thereof cannot be properly accomplished without a reasonable margin of time for such consideration and passage,

Therefore, Resolved, That no bill shall be introduced in this house after Monday, February 27, 1899, without unanimous consent of the members present.

Which motion prevailed, and

The resolution was adopted.

Mr. Stevens moved

That the rules be suspended for the day, and that the order of business be the reading of reports of standing committees, the introduction of bills, the first and second reading of House and Senate bills and their reference to committees, and the third reading of House bills,

Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

The committee on engrossed bills made the following report:

Mr. Speaker:

Your committee on engrossed bills have examined

House bill No. 167,

A bill for an act to amend chapter 87 of the laws of 1897 being "an act relating to societies organized for the purpose of securing homes for orphans or abandoned, neglected or grossly ill-treated children, by adoption or otherwise, and providing rules for the regulation of the same."

Also,

House bill No. 133,

A bill for an act to amend section 32 of chapter 126, session laws of 1897 relating to payment of district assessors.

And find the same correctly engrossed.

A. W. THOMAS,

Chairman.

The special joint committee on conference made the following report:

Mr. Speaker:

Your joint committee on conference to whom was referred the difference on

Senate bill No. 69,

A bill for an act to amend section 237 of article 4, of chapter 4, of the Political Code.

Have had the same under consideration and recommend that the house recede in the following amendment, viz.:

"Provided, that no state depository shall be paid any exchange whatsoever."

And when so amended recommend that the same do pass.

J. L. CASHEL, Chairman.

C. B. LITTLE,

R. N. STEVENS,

J. D. BACON.

Mr. Stevens moved

That the report of the joint committee on conference on Senate bill No. 69,

A bill for an act to amend section 237 of article 4, of chapter 4, of the Political Code.

Be adopted.

Which motion prevailed and

The report was adopted.

The committee on appropriations made the following report:

Mr. Speaker:

Your committee on appropriations to whom was referred House bill No. 47,

A bill for an act to provide for the maintenance of the industrial school and school for manual training of North Dakota, located at Ellendale, and for necessary improvements, and making an appropriation therefor.

Have had the same under consideration and recommend that the same be indefinitely postponed.

W. D. ALLEN,
Chairman.

Mr. Kennedy moved

• That the report of the committee on appropriations on House bill No. 47,

A bill for an act to provide for the maintenance of the industrial school and school for manual training of North Dakota, located at Ellendale, and for necessary improvements, and making an appropriation therefor.

Be adopted.

Which motion prevailed, and

The report was adopted.

And the further consideration of House bill No. 47,

A bill for an act to provide for the maintenance of the industrial school and school for manual training of North Dakota, located at Ellendale, and for necessary improvements, and making an appropriation therefor.

Was indefinitely postponed.

The committee on appropriations made the following report:

Mr. Speaker:

Your committee on appropriations to whom was referred House bill No. 37,

A bill for an act providing for an appropriation for the erection of buildings for the North Dakota School of Forestry at Bottineau, and for the contingent expenses incident to the construction thereof.

Have had the same under consideration and recommend that the same be indefinitely postponed.

W. D. ALLEN,
Chairman.

Mr. McHarg moved
That the report of the committee on
House bill No. 37,

A bill for an act providing for an appropriation for the erection of buildings for the North Dakota School of Forestry at Bottineau, and for the contingent expenses incident to the construction thereof.

Be adopted,
Which motion prevailed, and
The report was adopted.
And the further consideration of
House bill No. 37,

A bill for an act providing for an appropriation for the erection of buildings for the North Dakota School of Forestry at Bottineau, and for the contingent expenses incident to the construction thereof.

Was indefinitely postponed.

The committee on appropriations made the following report:

Mr. Speaker:

Your committee on appropriations to whom was referred
House bill No. 110,

A bill for an act to amend chapter 134 of the session laws of 1897.

Have had the same under consideration and recommend that the same be indefinitely postponed.

W. D. ALLEN,
Chairman.

Mr. Earl moved
That the report of the committee on appropriations on
House bill No. 110,

A bill for an act to amend chapter 134 of the session laws of 1897.

Be adopted.
Which motion prevailed, and
The report of the committee was adopted.
And the further consideration of
House bill No. 110,

A bill for an act to amend chapter 134 of the session laws of 1897.

Was indefinitely postponed.

The committee on appropriations made the following report:
Mr. Speaker:

Your committee on appropriations to whom was referred
House bill No. 10,

A bill entitled a bill for an act to provide for the maintenance of the deaf and dumb asylum of North Dakota, located at Devils Lake, and for necessary improvement and repairs, and making an appropriation therefor.

Have had the same under consideration and recommend that the same be indefinitely postponed.

W. D. ALLEN,
Chairman.

Mr. Earl moved

That the report of the committee on appropriations on
House bill No. 10,

A bill entitled a bill for an act to provide for the maintenance of the deaf and dumb asylum of North Dakota, located at Devils Lake, and for necessary improvement and repairs, and making an appropriation therefor.

Be adopted.

Which motion prevailed and

The report of the committee was adopted, and

The further consideration of

House bill No. 10.

A bill entitled a bill for an act to provide for the maintenance of the deaf and dumb asylum of North Dakota, located at Devils Lake, and for necessary improvement and repairs, and making an appropriation therefor.

Was indefinitely postponed.

The committee on appropriations made the following report:

Mr. Speaker:

Your committee on appropriations to whom was referred
House bill No. 17,

A bill for an act providing for the collection of vital statistics.

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

That in line 7, section 4, of the printed bill, the word "twenty-five" be stricken out and the word "ten" be inserted in lieu thereof.

That in line 7, section 5, of the printed bill, the word "twenty-five" be stricken out and the word "ten" be inserted in lieu thereof.

That the whole of section 8 be stricken out.

And when so amended recommend that the same do pass.

W. D. ALLEN,
Chairman.

The committee on public printing made the following report:

Mr. Speaker:

Your committee on public printing to whom was referred
House bill No. 165,

A bill for an act to amend section 47 of the Revised Codes of
North Dakota relating to public printing.

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

“Providing, that the provisions of the section shall not apply to future
publications of the reports of the supreme court until an adjustment shall
have been made with the contractors thereof with the commissioners of
public printing.”

And when so amended recommend that the same do pass.

Also,

House bill No. 190,

A bill for an act to amend section 1807 of the Revised Codes
of 1895, relating to printing.

Have had the same under consideration and recommend that
the same be returned without recommendation.

T. W. ALLSHOUSE,

Chairman.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

House bill No. 199,

A bill for an act to amend section 8369 of the Revised Codes
of North Dakota.

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

Also,

House bill No. 200,

A bill for an act to amend section 8408 of the Revised Codes
of North Dakota.

Have had the same under consideration and recommend that
the same be indefinitely postponed.

R. N. STEVENS,

Chairman.

Mr. Stevens moved

That the report of the committee on judiciary on

House bill No. 200,

A bill for an act to amend section 8408 of the Revised Codes
of North Dakota.

Be adopted,

Which motion prevailed, and

The report was adopted.

House bill No. 200,

A bill for an act to amend section 8408 of the Revised Codes of North Dakota.

Was indefinitely postponed.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

House bill No. 196,

A bill for an act to amend section 803 of the Revised Codes of the state of North Dakota relating to education.

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

Also,

House bill No. 198,

A bill for an act to amend chapter 39 of the laws of North Dakota, for the year 1897.

Have had the same under consideration and recommend that the same be indefinitely postponed.

R. N. STEVENS,
Chairman.

Mr. Stevens moved

That the report of the committee on judiciary on

House bill No. 198,

A bill for an act to amend chapter 39 of the laws of North Dakota, for the year 1897.

Be adopted.

Which motion prevailed, and

The report was adopted.

And the further consideration of

House bill No. 198,

A bill for an act to amend chapter 39 of the laws of North Dakota, for the year 1897.

Was indefinitely postponed.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

House bill No. 197,

A bill for an act to amend chapter 49 of the general laws of 1897.

Have had the same under consideration and recommend that the same be indefinitely postponed.

R. N. STEVENS,
Chairman.

Mr. Stevens moved

That the report of the committee on judiciary on
House bill No. 197,

A bill for an act to amend chapter 49 of the general laws of 1897.

Be adopted,

Which motion prevailed and

The report was adopted.

And the further consideration of

House bill No. 197,

A bill for an act to amend chapter 49 of the general laws of 1897.

Was indefinitely postponed.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

House bill No. 191,

A bill for an act to provide that the state auditor shall consecutively number all vouchers filed for bills, claims or accounts against any of the funds in the treasury of the state of North Dakota, and to issue consecutively all warrants, orders, or certificates for or upon such vouchers in the same order that such vouchers shall have been received and filed by him.

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

Strike out the word "issued," at the end of section 1 of the printed bill, and insert in lieu thereof the word "presented."

Add at the end of section 1 of the printed bill the words, "Each voucher shall show the postoffice address of the person in whose favor said warrant shall be made, and the state auditor shall mail said warrant to the address as given, as soon as issued; provided, that none of the provisions of this bill shall apply to moneys in the treasury appropriated for the maintenance of the state capitol."

And when so amended recommend that the same do pass.

Also,

Senate bill No. 70,

A bill for an act providing for a lien upon threshing engines or separators for repairing the same.

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

At the end of section 1 of the printed bill, add the words, "Provided, the owner or legal possessor of such property shall first give thirty days notice to the mortgagee, stating the repairs necessary to be made on such property, and if such repairs are not made by the mortgagee, then the owner or legal possessor may cause the same to be made, by a competent mechanic, who shall be entitled to a lien."

And, when so amended recommend that the same do pass.

Also,

Senate bill No. 110,

A bill for an act to reimburse the county of Burleigh for expenses incurred in prosecuting W. H. Leonard for obtaining wolf bounty from the state treasury under false pretenses.

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

Also,

House bill No. 160,

A bill for an act to provide for the purchase and redemption of lands sold for taxes and bid in for the state or county where such taxes are included in judgments rendered pursuant to the provisions of chapter 67 of the session laws of 1897 of the state of North Dakota, where no sales of such lands have been made under such judgments.

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

Strike out the emergency clause in said bill.

And when so amended recommend that the same do pass.

R. N. STEVENS,
Chairman.

Mr. Stevens moved that

House bill No. 160,

A bill for an act to provide for the purchase and redemption of lands sold for taxes and bid in for the state or county where such taxes are included in judgments rendered pursuant to the provisions of chapter 67 of the session laws of 1897 of the state of North Dakota, where no sales of such lands have been made under such judgments.

Be referred to the committee engrossment,

Which motion prevailed and

House bill No. 160,

A bill for an act to provide for the purchase and redemption of lands sold for taxes and bid in for the state or county where such taxes are included in judgments rendered pursuant to the provisions of chapter 67 of the session laws of 1897 of the state of North Dakota, where no sales of such lands have been made under such judgments.

Was so referred.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

House bill No. 174,

A bill for an act to permit water companies to cross over bridges with their pipes.

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

After the word "company," in line 1 of the printed bill, add the words "or city."

Strike out the words "the sum of," in line 6 of the printed bill, and insert in lieu thereof the words "a sum not exceeding."

And when so amended recommend that the same do pass.

R. N. STEVENS,
Chairman.

Mr. Stevens moved

That the report of the committee on judiciary on

House bill No. 174,

A bill for an act to permit water companies to cross over bridges with their pipes.

Be adopted,

Which motion prevailed, and

The report was adopted.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

House bill No. 54,

A bill for an act to provide for a lien upon threshing engines or separators for repairing the same.

Have had the same under consideration and recommend that the same be indefinitely postponed.

The provisions of said bill being covered by

Senate bill No. 70.

A bill for an act providing for a lien upon threshing engines or separators for repairing the same.

R. N. STEVENS,
Chairman.

Mr. Stevens moved

That the report of the committee on judiciary on

House bill No. 54,

A bill for an act to provide for a lien upon threshing engines or separators for repairing the same.

Be adopted,

Which motion prevailed, and

The report was adopted.

And the further consideration of

House bill No. 54,

A bill for an act to provide for a lien upon threshing engines or separators for repairing the same.

Was indefinitely postponed.

The committee on warehouses, grain, and grain grading made the following report:

Mr. Speaker:

Your committee on warehouses, grain, and grain grading to whom was referred

House bill No. 168,

A bill for an act entitled "an act providing a method for the construction of elevators, warehouses, mills, and farm implement warehouses on railroad corporations' right-of-way without notice or permission."

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

On line 30 of the printed bill substitute the word "situated" instead of the word "instituted."

And on line 34 substitute the word "aggrieved" instead of the word "agreed."

And when so amended to be returned to the house without recommendation.

C. S. DEISEM,
Chairman.

The committee on public health made the following report:

Mr. Speaker:

Your committee on public health to whom was referred

House bill No. 178,

A bill for an act to amend section 7306, chapter 40 of the Revised Codes.

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

T. L. TAYLOR,
Chairman.

The committee on taxes and tax laws made the following report:

Mr. Speaker:

Your committee on taxes and tax laws to whom was referred

House bill No. 188,

A bill for an act to amend section 1255 of the Revised Codes of the state of North Dakota, 1895, relating to tax sale.

Have had the same under consideration and recommend that the same be indefinitely postponed.

G. W. EARL,
Chairman.

Mr. Earl moved that

That the report of the committee on taxes and tax laws on House bill No. 188,

A bill for an act to amend section 1255 of the Revised Codes of the state of North Dakota, 1895, relating to tax sale.

Be adopted,

Which motion prevailed, and

The report was adopted.

And the further consideration of House bill No. 188,

A bill for an act to amend section 1255 of the Revised Codes of the state of North Dakota, 1895, relating to tax sale.

Was indefinitely postponed.

The committee on taxes and tax laws made the following report:

Mr. Speaker:

Your committee on taxes and tax laws to whom was referred House bill No. 163,

A bill for an act entitled an act to provide for the collection by the county treasurer of all special assessments of every kind, which may now or hereafter be authorized by law in cities governed by the provisions of chapter 28 of the political code and to provide for the manner in which all such special assessments already or hereafter to be made shall be certified to the county treasurer.

Have had the same under consideration and recommend that the same be indefinitely postponed.

G. W. EARL,
Chairman.

Mr. Earl moved

That the report of the committee on taxes and tax laws on House bill No. 163,

A bill for an act entitled an act to provide for the collection by the county treasurer of all special assessments of every kind, which may now or hereafter be authorized by law in cities governed by the provisions of chapter 28 of the political code and to provide for the manner in which all such special assessments already or hereafter to be made shall be certified to the county treasurer.

Be adopted,

Which motion prevailed, and
 The report was adopted.
 And the further consideration of
 House bill No. 163,

A bill for an act entitled an act to provide for the collection by the county treasurer of all special assessments of every kind, which may now or hereafter be authorized by law in cities governed by the provisions of chapter 28 of the political code and to provide for the manner in which all such special assessments already or hereafter to be made shall be certified to the county treasurer.

Was indefinitely postponed.

The committee on taxes and tax laws made the following report:
 Mr. Speaker:

Your committee on taxes and tax laws to whom was referred
 House bill No. 201,

A bill for an act entitled an act to amend section 82 of chapter 126 of the session laws of 1897, relating to the redemption of land sold for taxes.

Have had the same under consideration and recommend that the same be indefinitely postponed as the subject matter has already been covered in a subsequent bill.

G. W. EARL,
 Chairman.

Mr. Earl moved

That the report of the committee on taxes and tax laws on
 House bill No. 201,

A bill for an act entitled an act to amend section 82 of chapter 126 of the session laws of 1897, relating to the redemption of land sold for taxes.

Be adopted,
 Which motion prevailed, and
 The report was adopted.
 And the further consideration of
 House bill No. 201,

A bill for an act entitled an act to amend section 82 of chapter 126 of the session laws of 1897, relating to the redemption of land sold for taxes.

Was indefinitely postponed.

The committee on taxes and tax laws made the following report:
 Mr. Speaker:

Your committee on taxes and tax laws to whom was referred

House bill No. 202,

A bill for an act entitled an act providing for the payment of subsequent taxes by the purchaser at a tax sale and the redemption therefrom.

Have had the same under consideration and recommend that the same be indefinitely postponed as the subject matter has been fully covered in a subsequent bill.

G. W. EARL,
Chairman.

Mr. Earl moved

That the report of the committee on taxes and tax laws on House bill No. 202,

A bill for an act entitled an act providing for the payment of subsequent taxes by the purchaser at a tax sale and the redemption therefrom.

Be adopted,

Which motion prevailed and

The report was adopted.

And the further consideration of

House bill No. 202,

A bill for an act entitled an act providing for the payment of subsequent taxes by the purchaser at a tax sale and the redemption therefrom.

Was indefinitely postponed.

The committee on taxes and tax laws made the following report:

Mr. Speaker:

Your committee on taxes and tax laws to whom was referred House bill No. 11,

A bill for an act entitled "An Act Fixing Date When the Term of Office of County Treasurer Shall Commence."

Have had the same under consideration and recommend that the same be indefinitely postponed as the subject matter has been fully covered in a subsequent bill.

G. W. EARL,
Chairman.

Mr. Earl moved

That the report of the committee on taxes and tax laws on House bill No. 11,

A bill for an act entitled "An Act Fixing Date When the Term of Office of County Treasurer Shall Commence."

Be adopted,

Which motion prevailed and

The report was adopted.

And the further consideration of

House bill No. 11,

A bill for an act entitled "An Act Fixing Date When the Term of Office of County Treasurer Shall Commence."

Was indefinitely postponed.

The committee on ways and means made the following report:

Mr. Speaker:

Your committee on ways and means to whom was referred

House bill No. 121,

A bill for an act fixing the salaries of county auditors and for the repeal of section 2073, chapter 27 of the Revised Codes of North Dakota of 1895.

Have had the same under consideration and recommend that the same be indefinitely postponed, for the reason that

Substitute for House bill No. 104,

A bill for an act to amend section 2073 of the Revised Codes of the state of North Dakota, providing for the salary of county auditors.

Bearing on the same subject, has already passed this house.

J. S. JOHNSON,
Chairman.

Mr. Johnson of Richland moved

That the report of the committee on ways and means on

House bill No. 121,

A bill for an act fixing the salaries of county auditors and for the repeal of section 2073, chapter 27 of the Revised Codes of North Dakota of 1895.

Be adopted,

Which motion prevailed, and

The report of the committee was adopted, and

The further consideration of

House bill No. 121,

A bill for an act fixing the salaries of county auditors and for the repeal of section 2073, chapter 27 of the Revised Codes of North Dakota of 1895.

Was indefinitely postponed.

The committee on appropriations made the following report:

Mr. Speaker:

Your committee on appropriations to whom was referred

House bill No. 97,

A bill for an act to create a department of agriculture for the promotion of agriculture, stock breeding, etc., the appointment of

three trustees to carry out the work of the department for the holding of a state fair at Valley City and an appropriation of money therefor.

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

By adding the following words: "Chapter 134 of the session laws of 1897 are hereby repealed."

Also, amend the title to the bill by adding the following words: "And to repeal chapter 134 of the the session laws of 1897."

And when so amended recommend that the same do pass.

W. D. ALLEN,
Chairman.

The committee on elections and privileges made the following report:

Mr. Speaker

Your committee on elections and privileges to whom was referred

House bill No. 39,

A bill for an act to provide primary elections for the election of delegates to nominating conventions and the mode of conducting such primary elections and penalties for violating the provisions of this act.

Also,

House bill No. 125,

A bill for an act entitled "An act providing a method for the nomination of candidates of the different political parties, and placing the names of such nominees on the official ballot."

Also,

House bill No. 128,

A bill for an act prescribing the manner of voting at nominating conventions and at the election of delegates thereto.

Have had the same under consideration and recommend that the following substitute bill be substituted in lieu thereof:

Substitute for House bill Nos. 39, 125 and 128.

A bill for an act entitled "an act providing a method for the nomination of candidates of the different political parties and placing the names of such nominees on the official ballot.

Section 1. That a political party within the meaning of this act is any party having the name and organization and which shall have cast at least 5 per cent of the total average vote of the state for governor and member of congress at the last preceding general election, but that any such party may change its name by formal

action of its state convention and its rights as a party shall not be impaired thereby, provided that no faction of such party retains an organization under the original name.

Sec. 2. The state committee and the county committee of each political party shall determine the number of delegates to their state and county conventions respectively, and shall apportion the same among the several counties and election precincts on an equitable basis, according to the average number of votes cast by such party for governor and member of congress at the last preceding general election.

Sec. 3. The qualified electors of each party shall during the month of May preceding any general election hold a caucus within each election precinct for the election of delegates to the several county and district and state conventions of their respective parties. All caucuses of any political party shall be held on the same hour and day, and notice of such caucuses shall be posted in three conspicuous places in each voting precinct ten days prior to the time for holding such caucuses. At the appointed hour such caucuses shall be called to order by a person designated by the county committee for that purpose if he be present, if not, then by some elector present, and shall organize by the election of a chairman and a secretary from those present. It shall then proceed to elect the number of delegates to which the precinct is entitled, and the transaction of such other business as may properly come before it. The election of delegates shall be by ballot; each ballot shall have written or printed thereon names of qualified electors of the precinct to any number not greater than the number of delegates to be chosen, and any person or persons receiving the highest number of all votes cast shall be declared elected; such caucuses shall remain open for voters at least two hours. No elector be allowed to cast more than one ballot; whenever it becomes necessary to choose between two or more persons having an equal number of votes the choice shall be by lot. The chairman and secretary shall certify the names of the delegates elected to the chairman of the county committee, and if requested shall furnish to each delegate a certificate of his election.

Sec. 4. It shall be the duty of all delegates to attend all county and district conventions in which the precinct is entitled to direct representation, provided the majority of the delegates of any delegation in attendance at any convention to which they are elected may fill such vacancy by proxy.

Sec. 5. Each district, state and county convention shall be the sole judge of the election and qualification of its own members, and shall have power to make its own rules and regulate its own

proceedings, except that when candidates for public office are to be nominated by the convention; the vote shall be taken by ballot and a majority of all the votes cast shall be necessary to a choice after the convention has voted three times by ballot and no choice made; then on the fourth and each succeeding ballot the name of the person receiving the least number of votes shall be dropped and no votes for him shall be counted, either for him or in determining the whole number of votes cast, and the voting shall continue until some person shall receive a majority of all votes cast. The person who shall receive a majority of all the votes cast shall be declared the majority nominee of the convention for the office, and the person receiving the next highest number of votes shall be declared the minority nominee of the convention for the office. Within three days after the adjournment of any convention the chairman and secretary thereof shall make a certificate in writing verified by oath and giving the name of the party setting forth the names of the majority and minority nominee of the convention, such certificate shall be immediately filed with the proper officers as follows:

First. If the convention be for a single county or district wholly within the one county then with the auditor of the county.

Second. In all other cases with the secretary of state.

All county and district conventions shall be held on or before July first.

Sec. 6. The secretary of state shall immediately certify the names of each nominee to the proper auditor of the proper county.

Sec. 7. On the last Tuesday of July preceding any general election there shall be held a primary election which shall be conducted in all respects, the votes canvassed and returns made, as provided by law for general elections.

Sec. 8. Ten days before any primary election the county auditor shall prepare an official primary election ballot which shall be in all respects the same as the general election except that it shall contain the names of the majority and minority nominees of each party, for each district and county office. The minority nominee to be placed immediately below the majority nominee, in all cases these ballots to be printed and distributed as provided by law for general election ballot.

Sec. 9. The person receiving the highest number of votes for any office as compared with other candidates of his party for the same office shall be the nominee of his party for that office, and his name shall be printed on the official general election ballot accordingly. All laws relating to general elections shall apply to and govern primary elections so far as such laws are applicable except at the

time of giving any notice or perform in any act, shall be changed sufficiently to carry out the provisions of this act.

Sec. 10. Nothing herein contained shall be construed as in any way annulling or abridging the right of individual nominations by law.

All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

And that the same do pass.

J. THORDARSON,
Chairman.

Mr. Johnson of Richland moved

That the report of the committee on elections and privileges on Senate bill No. 39,

A bill for an act to amend section 82 of chapter 126 of the laws of 1897 relating to revenue and taxation.

Also,

House bill No. 125,

A bill for an act entitled "An act providing a method for the nomination of candidates of the different political parties, and placing the names of such nominees on the official ballot."

Also,

House bill No. 128,

A bill for an act prescribing the manner of voting at nominating conventions and at the election of delegates thereto.

Be adopted,

And that the substitute bill for the same be printed,

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
February 25, 1899.

Mr. Speaker:

I have the honor to transmit herewith

House bill No. 71,

A bill for an act to provide for the construction and maintenance of dams across running streams for use in operating mills and for irrigation purposes.

Which the senate has amended as follows:

By adding at the end of section 1 thereof as follows, viz: "Provided, that all dams erected under the provisions of this act shall be constructed with such sluice ways as will allow fish to ascend any stream so dammed."

And in section 2, printed bill, between the words "petition" and "setting," inserting the following, viz: "Naming each person known to be affected or damaged."

By striking out all of section 6 and inserting in lieu thereof as follows: "At least thirty days' notice shall be given in all cases, which shall be served in the manner prescribed by law for the service of summons in the district court, and such notice shall be published for at least four successive weeks in a newspaper in the county nearest the location of the proposed dam."

In line 2, section 7 of printed bill after the word "notice" insert the following: "And shall cause a preliminary survey to be made."

In line 7, same section, strike out the word "forever."

Add to section 8 the following: "To all persons named in the petition, or that may be shown to be damaged by the preliminary survey."

Also,

House bill No. 80,

A bill for an act to suppress and punish trespassing and stealing rides upon cars, engines and trains, and authorizing trainmen to arrest and prosecute offenders against this act.

Also,

House bill No. 171,

A bill for an act to provide for the erection of necessary additional buildings for the Hospital for the Insane at Jamestown, North Dakota.

Also,

House bill No. 114,

A bill for an act to amend section "1620" of the Revised Codes of the state of North Dakota, of the revision of 1895, relating to the practice of veterinary.

Which the senate has passed unchanged.

Very respectfully yours,

J. O. SMITH,

Secretary.

INTRODUCTION OF HOUSE BILLS.

Mr. Allshouse introduced

House bill No. 205,

A bill for an act amending section 46 of chapter 126 of the law of 1897 relating to revenue and taxation.

Mr. Miner introduced

House bill No. 206,

A bill for an act to amend section 4737 of the Revised Codes, 1895, relating to chattel mortgages and their renewal.

The speaker called Mr. Sanford to the chair.

Mr. Hare introduced

House bill No. 207,

A bill for an act to amend section 1517 of the Revised Codes.

of North Dakota relating to contents and notice of application for admission to the state hospital for the insane.

Mr. Dougherty introduced

House bill No. 208,

A bill for an act to provide for the recovery of money paid at tax sales where such sales have been adjudged void, and when paid on government land not taxable, and to amend section 88 of chapter 126 of the laws of 1897 entitled revenue and taxation.

Mr. Stevens introduced

House bill No. 209,

A bill for an act to amend section 7960 of the Revised Codes of North Dakota, relating to examination of witnesses in criminal actions.

Mr. Thomson introduced

House bill No. 210,

A bill for an act to amend section 1733 of the Revised Codes of North Dakota relating to establishing public scales in counties.

Mr. Lee introduced

House bill No. 211,

A bill for an act to provide for persons holding lands, the right to water right of way for conducting the same by dams, dykes, ditches, flumes or canals and other purposes.

Mr. Wolbert, by request of a senator, introduced

House bill No. 212,

A bill for an act prohibiting the county officers from accepting passes from railway companies, or favors by the way of free rides, free freight rate or reductions on the same, and prohibiting them from being employes of railway companies while holding such offices, and providing penalties therefor.

Mr. Thomson introduced

House bill No. 213,

A bill for an act to amend section 1728 of the Revised Codes of the state of North Dakota relating to the duties of the sheriff in the testing of scales, weight and measures.

The committee on privileges and elections introduced

Substitute for House bill Nos. 39, 125 and 128.

A bill for an act entitled "an act providing a method for the nomination of candidates of the different political parties and placing the names of such nominees on the official ballot.

FIRST AND SECOND READING OF HOUSE BILLS.

House bill No. 205,

A bill for an act amending section 46 of chapter 126 of the law of 1897 relating to revenue and taxation.

Was read the first and second times, and

Referred to the committee on taxation and tax laws.

House bill No. 206,

A bill for an act to amend section 4737 of the Revised Codes, 1895, relating to chattel mortgages and their renewal.

Was read the first and second times, and

Referred to the committee on judiciary.

House bill No. 207,

A bill for an act to amend section 1517 of the Revised Codes of North Dakota relating to contents and notice of application for admission to the state hospital for the insane.

Was read the first and second times, and

Referred to the committee on appropriations.

House bill No. 208,

A bill for an act to provide for the recovery of money paid at tax sales where such sales have been adjudged void, and when paid on government land not taxable, and to amend section 88 of chapter 126 of the laws of 1897 entitled revenue and taxation.

Was read the first and second times, and

Referred to the committee on judiciary.

House bill No. 209,

A bill for an act to amend section 7960 of the Revised Codes of North Dakota, relating to examination of witnesses in criminal actions.

Was read the first and second times, and

Referred to the committee on judiciary.

House bill No. 210,

A bill for an act to amend section 1733 of the Revised Codes of North Dakota relating to establishing public scales in counties.

Was read the first and second times, and

Referred to the committee on state affairs.

House bill No. 211,

A bill for an act to provide for persons holding lands, the right to water right of way for conducting the same by dams, dykes, ditches, flumes or canals and other purposes.

Was read the first and second times, and

Referred to the committee on irrigation.

House bill No. 212,

A bill for an act prohibiting the county officers from accepting passes from railway companies, or favors by the way of free rides, free freight rate or reductions on the same, and prohibiting them from being employes of railway companies while holding such offices, and providing penalties therefor.

Was read the first and second times, and
Referred to the committee on irrigation.

House bill No. 213,

A bill for an act to amend section 1728 of the Revised Codes of the state of North Dakota relating to the duties of the sheriff in the testing of scales, weight and measures.

Was read the first and second times, and
Referred to the committee on state affairs.

Substitute for House bill Nos. 39, 125 and 128.

A bill for an act entitled "an act providing a method for the nomination of candidates of the different political parties and placing the names of such nominees on the official ballot.

Was read the first and second times.

Substitute for House bill No. 84,

A bill for an act to amend section 736 of the Revised Codes, and sections 740, 741, 742 and 743 of the Revised Codes as amended by chapter 75 of the laws of 1897, relating to education.

Was read the first and second times.

Mr. Sargent moved

That the rules be suspended, and that
House bill No. 97,

A bill for an act to create a department of agriculture for the promotion of agriculture, stock breeding, etc., the appointment of three trustees to carry out the work of the department for the holding of a state fair at Valley City and an appropriation of money therefor.

Be referred to the committee on engrossment,
Which motion was lost.

Mr. McHarg moved that

House bill No. 97,

A bill for an act to create a department of agriculture for the promotion of agriculture, stock breeding, etc., the appointment of three trustees to carry out the work of the department for the holding of a state fair at Valley City and an appropriation of money therefor.

Be referred to the committee of the whole.

Mr. Earl moved as a substitute
That the rules be suspended, and that
House bill No. 97,

A bill for an act to create a department of agriculture for the promotion of agriculture, stock breeding, etc., the appointment of three trustees to carry out the work of the department for the holding of a state fair at Valley City and an appropriation of money therefor.

Be referred to the committee on engrossment.

Roll call demanded.

The question being upon the substitute motion.

The roll was called and there were ayes 45, nays 14, absent and not voting 3.

Those voting in the affirmative were:

| | | |
|----------------|--------------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Aas, | Green, | Sargent, |
| Allen, | Gronvold, | Stewart, |
| Allhouse, | Gulack, | Swenson, |
| Bacon, | Hauan, | Taylor, |
| Brakke, | Herbrandson, | Thomas, |
| Brotnov, | Johnson, Richland, | Thomson, |
| Chacey, | Johnston, Walsh, | Tousley, |
| Clarke, | Kennedy, | Towle. |
| Delsam, | Laughlin, | Tufte, |
| Dougherty, | Lee, | Ugland, |
| Dwire, | Nelson, | Wallace, |
| Earl, | Ovind, | Watts, |
| Erickson, | Peek, | Wolbert, |
| Ferris, | Peterson, | Winslow, |
| Gilbertson, | Restemayer, | Mr. Speaker, |

Those voting in the negative were:

| | | |
|----------------|----------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Berger, | Lynch, | Sanford, |
| Engelter, | McHarg, | Stevens, |
| Hale, | McLean, | Stevenson, |
| Hare, | Michels, | Thordarson |
| Lish | Miner, | |

Absent and not voting:

| | | |
|----------------|----------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Boyd, | Cassell, | Glasgow, |

Messrs. Boyd, Cassell and Glasgow being excused.

So the substitute motion prevailed, and
House bill No. 97,

A bill for an act to create a department of agriculture for the promotion of agriculture, stock breeding, etc., the appointment of three trustees to carry out the work of the department for the holding of a state fair at Valley City and an appropriation of money therefor.

Was so referred.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
February 25, 1899.

Mr. Speaker:

I have the honor to transmit herewith

Senate bill No. 159,

A bill for an act to amend sections 2148 and 2321 of the Revised Codes of North Dakota relating to the incorporation and government of cities, and especially relating to the issuing of bonds by cities, as said sections have already been amended by the provisions of chapter 102 of the laws of 1897, and also to amend section 2309 of said Revised Codes relating to the manner and form of issuing bonds.

Also,

Senate bill No. 90,

A bill for an act providing for the calling in of the judge of another district for the trial of civil actions in the district court, on the ground of prejudice of the trial judge.

Also,

Senate bill No. 4,

A bill for an act to amend section 172 of the Revised Codes relating to investment of school funds, and to repeal chapter 128 of the laws of 1897.

Also,

Senate bill No. 19,

A bill for an act to amend sections "1" and "6" of chapter "41" of the laws of 1897, of the state of North Dakota, entitled "an act authorizing cities to pave and otherwise improve streets, alleys and highways and to provide for the cost thereof, and to create improvement districts within the limits of such cities."

Also,

Senate bill No. 149,

A concurrent resolution relating to the hospital for the insane.

Also,

Senate bill No. 153.

A bill for an act to amend section 1353 of the Revised Codes of the state of North Dakota, relating to adjustment of delinquent taxes due the state from counties and repealing section 1347 of said codes.

Also,

Senate bill No. 154,

A bill for an act to amend sections 2330 and 2331 of the Revised Codes of North Dakota, relating to cities and especially relating to the enlarging the corporate limits of cities.

Also,

Senate bill No. 104,

A bill for an act regulating the holding of caucuses and providing for a penalty for violation thereof.

Also,

Senate bill No. 96,

A concurrent resolution to amend section 176 of the constitution of the state of North Dakota.

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

Also,

House bill No. 92,

A bill for an act entitled an act authorizing cities to establish and maintain a general system of sewerage, and to provide for the cost thereof, and to create sewer improvement districts within the limits of such cities.

Which the senate has amended as follows:

Amend the bill by striking out in printed bill all of sections 8, 9, and down to and including the word city in line nine of section ten and insert in lieu thereof the following:

For the purpose of paying for the construction, reconstruction, or extension of such sewers through any street, alley, or public place within such district the city council shall provide as follows:

1. The city council shall forthwith upon the letting of any contract under the provisions hereof, create, by appointment of three persons from among the citizens of such city, a "special sewerage assessment committee," each member of which shall file with the city auditor a written acceptance of such appointment and take and subscribe an oath faithfully and impartially to discharge the duties of his position as a member of such committee, which oath shall be filed with the city auditor, and one of such persons shall be designated by the city council as the chairman of such committee. The city council may from time to time as occasion may require make new appointments to such committee to fill any vacancy arising therein from death or other cause, and in case any person so appointed neglects or refuses to act, appoint another in his place.

2. It shall be the duty of such committee personally to inspect any and all lots and parcels of land within such sewer improvement district and thereupon assess against all such lots and parcels of

land, which will in the opinion of such committee be specially benefited by the construction of such system of sewerage, a special assessment in a sum not exceeding such benefits. Whenever such assessment is made and completed as to all the lots, parts of lots or parcels of land to be benefited by the work under any contract, the committee shall make or cause to be made a complete list thereof, setting forth the several tracts so assessed and the amount assessed against each, and cause the same to be published once in each week for three consecutive weeks in the official newspaper of the city together with a notice of the time and place, when and where such committee will meet to hear objections which may be made to any such assessment by any owner or occupant of a tract so assessed, or other person interested in such assessment, or his agent or attorney, and thereupon alter or affirm the same as may in the opinion of the committee be just in the premises. The committee shall then deposit such assessment list with the city auditor who shall forthwith cause the same to be again published once in each week for three consecutive weeks in the official newspaper of the city, with a notice to the persons interested that at the next regular meeting of the city council after the expiration of the time of publication of such notice, giving the date thereof, appeals from the decision of such committee in relation thereto will be heard and determined by the city council.

3. At such meeting of the city council any person so aggrieved by the determination of such committee in regard to any such assessment, and who appeared in person or by his agent or attorney before such committee as hereinbefore provided, if a resident of the city, and all nonresident owners of any property so assessed, whether they appeared before such committee or not, may appear before the city council and present their reasons why the action of such committee should not be affirmed by the city council, and the city council shall then hear and determine such appeals and objections, if any, and may alter or affirm the action of such committee in relation thereto as the city council may deem just in the premises; and shall thereupon cause such list so altered to conform to its action, if any such alteration is made, to be certified as correct by the city auditor and filed in his office.

In section eleven, line three, strike out the word make, and insert in lieu thereof the words, cause to be made.

In line four section eleven, after the word mistakes, insert the words the total of such assessments, not to exceed the benefits.

Renumber the sections in accordance with the above amendments.

And passed as amended.

Very respectfully yours,
 J. O. SMITH,
 Secretary.

Mr. Allen moved

That the house concur in the senate amendment to
 Senate bill No. 92,

A bill for an act to repeal section 4718 of the Revised Codes of North Dakota relating to the discharge by entry in the margin of the record thereof.

Which motion prevailed and
 The house did concur.

The speaker resumed the chair.

The speaker announced an informal recess of fifteen minutes.

The house reassembled.

FIRST AND SECOND READING OF SENATE BILLS.

Senate bill No. 122,

A bill for an act to amend section 1538 of the Revised Codes of the state or North Dakota, relating to marks and brands.

Was read the first and second times, and
 Referred to the committee on agriculture.

Senate bill No. 19,

A bill for an act to amend sections "1" and "6" of chapter "41" of the laws of 1897, of the state of North Dakota, entitled "an act authorizing cities to pave and otherwise improve streets, alleys and highways and to provide for the cost thereof, and to create improvement districts within the limits of such cities."

Was read the first and second times, and
 Referred to committee on municipal corporations.

Senate bill No. 134,

A bill for an act amending chapter 87 of the laws of 1897 being "an act relating to societies organized for the purpose of securing homes for orphans or abandoned, neglected or grossly ill-treated children, by adoption or otherwise, and providing rules for the regulation of the same."

Was read the first and second times, and
 Referred to the committee on charitable institutions.

Senate bill No. 136,

A bill for an act to amend section 2061 of the Revised Codes relating to compensation of clerks of the district courts.

Was read the first and second times, and
 Referred to the committee on ways and means.

Senate bill No. 111,

A bill for an act to appropriate the sum of eight hundred dollars to pay C. A. Leck and H. P. Leck, composing the firm of Leck & Leck, for work and labor done and material furnished for the North Dakota Agricultural College at Fargo, North Dakota.

Was read the first and second times, and
Referred to the committee on appropriations.

Senate bill No. 100,

A bill for an act to amend section 8494 of the Revised Codes of 1895 relating to the governor demanding the return of fugitives from justice in this state of the executive authority of any other state or territory within the United States providing for the appointment of agents to receive and return such fugitives and providing for payment of such agents.

Was read the first and second times, and
Referred to the committee on state affairs.

Senate bill No. 102,

A bill for an act providing that the provisions of the act entitled "an act to amend section 2755 of the Revised Codes of North Dakota relating to dissolution of marriage," shall not apply to any action in which the complaint shall have been filed in the office of the clerk of the district court prior to July 1st, 1899.

Was read the first and second times, and
Referred to the committee on judiciary.

Senate bill No. 103,

A bill for an act to provide necessary assistance in the department of the state examiner.

Was read the first and second times, and
Referred to the committee on state affairs.

Senate bill No. 144,

A bill for an act fixing the times and places of holding general and special terms of the supreme court of the state of North Dakota and providing for the expenses incident thereto.

Was read the first and second times, and
Referred to the committee on judiciary.

Senate bill No. 145,

A bill for an act to amend section 1391, chapter 19, of the Revised Codes, of the state of North Dakota, relating to the annual encampment of the National Guard of the state of North Dakota.

Was read the first and second times, and
Referred to committee on military affairs.

Senate bill No. 142,

A bill for an act to legalize irregularities in the formation of school districts and to make valid the acts of the officials thereof.

Was read the first and second times, and

Referred to the committee on education.

Senate bill No. 71,

A bill for an act entitled "an act to amend section twenty-six of chapter one hundred twenty-six of the laws of 1897 relating to the assessment of bank stock and the method of determining the value thereof for purposes of assessment.

Was read the first and second times, and

Referred to the committee on taxation and tax laws.

Senate bill No. 109,

A bill for an act to appropriate money to pay traveling expenses of the board of railroad commissioners and its secretary.

Was read the first and second times, and

Referred to the committee on appropriations.

Senate bill No. 43,

A bill for an act amending section 491, chapter 76, of the laws of 1897.

Was read the first and second times, and

Referred to the committee on privileges and elections.

The speaker called Mr. Hale to the chair.

Senate bill No. 123,

A bill for an act to amend section 1 of chapter 108 of the session laws of 1897 relating to labor of convicts.

Was read the first and second times, and

Referred to the committee on penal institutions.

Senate bill No. 159,

A bill for an act to amend sections 2148 and 2321 of the Revised Codes of North Dakota relating to the incorporation and government of cities, and especially relating to the issuing of bonds by cities, as said sections have already been amended by the provisions of chapter 102 of the laws of 1897, and also to amend section 2309 of said Revised Codes relating to the manner and form of issuing bonds.

Was read the first and second times, and

Referred to the committee on agriculture.

Senate bill No. 90,

A bill for an act providing for the calling in of the judge of another district for the trial of civil actions in the district court, on the ground of prejudice of the trial judge.

Was read the first and second times, and
Referred to the committee on judiciary.

Senate bill No. 4,

A bill for an act to amend section 172 of the Revised Codes relating to investment of school funds, and to repeal chapter 128 of the laws of 1897.

Was read the first and second times, and
Referred to committee on school and public lands.

Senate bill No. 149,

A concurrent resolution relating to the hospital for the insane.

Was read the first and second times, and
Referred to the committee on judiciary.

Senate bill No. 153.

A bill for an act to amend section 1353 of the Revised Codes of the state of North Dakota, relating to adjustment of delinquent taxes due the state from counties and repealing section 1347 of said codes.

Was read the first and second times, and
And referred to the committee on taxes and tax laws.

Senate bill No. 154,

A bill for an act to amend sections 2330 and 2331 of the Revised Codes of North Dakota, relating to cities and especially relating to the enlarging the corporate limits of cities.

Was read the first and second times, and
Referred to committee on municipal corporations.

Senate bill No. 140,

A bill for an act to prescribe certain powers, duties and compensation of the state fish commissioner of North Dakota, and to appoint deputy fish wardens, and to prescribe their powers, duties and compensation, and to amend section 7682 of the Revised Codes of 1895, relating to seines and nets to be destroyed.

Was read the first and second times, and
Referred to committee on municipal corporations.

Senate bill No. 138,

A bill for an act to authorize the purchase of tools and machinery for making roads, in certain cases, and to prescribe the manner of payment therefor, and the use and care of same.

Was read the first and second times, and
Referred to the committee on judiciary.

Mr. Stevens moved that

Senate bill No. 138,

A bill for an act to authorize the purchase of tools and

machinery for making roads, in certain cases, and to prescribe the manner of payment therefor, and the use and care of same.

Be referred to the committee on judiciary.

Mr. Hare moved as a substitute that

Senate bill No. 138,

A bill for an act to authorize the purchase of tools and machinery for making roads, in certain cases, and to prescribe the manner of payment therefor, and the use and care of same.

Be referred to the committee on municipal corporations,

Which motion was lost.

The question recurring on the original motion that

Senate bill No. 138,

A bill for an act to authorize the purchase of tools and machinery for making roads, in certain cases, and to prescribe the manner of payment therefor, and the use and care of same.

Be referred to the committee on judiciary,

Which motion prevailed, and

Senate bill No. 138,

A bill for an act to authorize the purchase of tools and machinery for making roads, in certain cases, and to prescribe the manner of payment therefor, and the use and care of same.

Was so referred.

Senate bill No. 96,

A concurrent resolution to amend section 176 of the constitution of the state of North Dakota.

Was read the first and second times, and

Referred to the committee on judiciary.

Senate bill No. 104,

A bill for an act regulating the holding of caucuses and providing for a penalty for violation thereof.

Was read the first and second times, and

Referred to the committee on privileges and elections.

The speaker resumed the chair.

CONSIDERATION OF MESSAGES FROM THE SENATE.

The house considered the following amendments to

House bill No. 36,

A bill for an act to amend sections 3229 and 3230 of the Revised Codes of North Dakota, relating to the powers of banking corporations organized under the laws of the state of North Dakota.

In section 8, line 39, of printed bill, after the word "security," add the words, "and they shall only be upon first mortgages."

Mr. McHarg moved

That the house concur in the senate amendments,
Which motion prevailed, and
The amendment was concurred in,
House bill No. 36,

A bill for an act to amend sections 3229 and 3230 of the Revised Codes of North Dakota, relating to the powers of banking corporations organized under the laws of the state of North Dakota.

The question being upon the final passage of the bill as amended.
The roll was called and there were ayes 50, nays 1, absent and not voting 11.

Those who voted in the affirmative were:

Messrs—

Aas,
Bacon,
Berger,
Brakke,
Brotnov,
Chacey,
Clarke,
Deisem,
Dougherty,
Dwire,
Earl,
Engelter,
Erickson,
Ferris,
Gilbertson,
Green,
Gronvold,

Messrs—

Gulack,
Hale,
Hare,
Hauan,
Herbrandson,
Johnston, Walsh,
Laughlin,
Lee,
Lish,
Lynch,
McHarg,
McLean,
Michels,
Miner,
Ovind,
Peek,
Restemayer,

Messrs—

Sanford,
Sargent,
Stevens,
Stewart,
Stevenson,
Thomas,
Thomson,
Thordarson
Tousley,
Towle,
Tufté,
Ugland,
Wallace,
Watts,
Wolbert,
Winslow,

Absent and not voting:

Messrs—

Allen,
Allshouse,
Boyd,
Cassell,

Messrs—

Glasgow,
Johnson, Richland,
Kennedy,
Nelson,

Messrs—

Peterson,
Swenson,
Taylor,

Messrs. Boyd, Cassell and Glasgow being excused.
Mr. Speaker voting in the negative.

So the bill as amended passed and the title was agreed to.

Also,

House bill No. 71,

A bill for an act to provide for the construction and maintenance of dams across running streams for use in operating mills and for irrigation purposes.

And the senate amendments:

By adding at the end of section 1 thereof as follows, viz: "Provided, that all dams erected under the provisions of this act shall be constructed with such sluice ways as will allow fish to ascend any stream so dammed."

And in section 2, printed bill, between the words "petition" and "setting," inserting the following, viz: "naming each person known to be affected or damaged."

By striking out all of section 6, and inserting in lieu thereof as follows, viz: "At least thirty days notice shall be given in all cases, which shall be served in the manner prescribed by law for the service of summons in the district court, and such notice shall be published for at least four successive weeks in a newspaper in the county nearest the location of the proposed dam."

In line 2, section 7, of printed bill, after the word "notice," insert the following: "and shall cause a preliminary survey to be made."

In line 7, same section, strike out the word "forever."

Add to section 8 the following: "to all persons named in the petition, or that may be shown to be damaged by the preliminary survey."

Mr. Stevens moved

That the house do not concur in the amendments, and that a conference committee be appointed,

Which motion prevailed, and

The speaker appointed as such committee Messrs. Gilbertson, Stevenson and Taylor.

The committee on engrossed bills made the following report:

Mr. Speaker:

Your committee on engrossed bills have examined

House bill No. 174,

A bill for an act to permit water companies to cross over bridges with their pipes.

Also,

House bill No. 97,

A bill for an act to create a department of agriculture for the promotion of agriculture, stock breeding, etc., the appointment of three trustees to carry out the work of the department for the holding of a state fair at Valley City and the appropriation of money therefor.

Also,

House bill No. 196,

A bill for an act to amend section 803 of the Revised Codes of the state of North Dakota relating to education.

Also,

House bill No. 178,

A bill for an act to amend section 7306, chapter 40 of the Revised Codes.

Also,

Concurrent resolution requesting our members in congress to favor the prohibition of the sale of malt and spirituous liquors in the army canteens.

Also,

House bill No. 177,

A bill for an act to amend section 3067 of the Revised Codes

of 1895, providing for the constructing and maintaining of a Y and other tracks to connect railroad lines, defining the duties of railroad commissioners in relation thereto and prescribing the manner of enforcing the orders of such commissioners by proper courts.

Also,

House bill No. 199,

A bill for an act to amend section S369 of the Revised Codes of North Dakota.

And find the same correctly engrossed.

A. W. THOMAS,
Chairman.

Mr. Wolbert, by unanimous consent, moved

That the house return to the third reading and final passage of house bills,

Which motion prevailed.

House bill No. 92,

A bill for an act entitled an act authorizing cities to establish and maintain a general system of sewerage, and to provide for the cost thereof, and to create sewer improvement districts within the limits of such cities.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 54, nays none, absent and not voting 8.

Those voting in the affirmative were:

Messrs—

Aas,
Allshouse,
Bacon,
Berger,
Brakke,
Brotnov,
Chacey,
Deisem,
Dougherty,
Dwire,
Earl,
Engelter,
Erickson,
Ferris,
Gilbertson,
Green,
Gronvold,
Gulack.

Messrs—

Hale,
Hare,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Laughlin,
Lee,
Lish
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Ovind,
Peek,
Peterson,
Restemayer.

Messrs—

Sanford,
Sargent,
Stevens,
Stewart,
Swenson,
Stevenson,
Thomas,
Thomson,
Thordarson
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Watus,
Wolbert,
Winslow,
Mr. Speaker,

Absent and not voting:

Messrs—

Allen,
Boyd,
Clarke,

Messrs—

Cassell,
Glasgow,
Huan.

Messrs—

Kennedy,
Taylor,

Messrs. Boyd, Cassell and Glasgow being excused.

So the bill as amended passed and the title was agreed to.

Mr. McHarg moved

That the vote by which House bill No. 92 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

House bill No. 170,

A bill for an act prescribing the method of investing the permanent funds derived from the sale of public lands, or from any other source, in first mortgages on farm lands, the duty of certain state and county offices in relation thereto, and fixing the liability of the several counties of the state for the preservation of such funds.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 47, nays 3, absent and not voting 12.

Those who voted in the affirmative were:

| | | |
|-------------|--------------------|--------------|
| Messrs— | Messrs— | Messrs— |
| Aas, | Hauan, | Stevens, |
| Bacon, | Herbrandson, | Stewart, |
| Berger, | Johnson, Richland, | Swenson, |
| Brakke, | Johnston, Walsh, | Stevenson, |
| Brotnov, | Laughlin, | Thomas, |
| Chacey, | Lee, | Thomson, |
| Clarke, | Lynch, | Thordarson |
| Delsem, | McHarg, | Tousley, |
| Dougherty, | McLean, | Towle, |
| Dwire, | Nelson, | Tufte, |
| Earl, | Ovind, | Ugland, |
| Erickson, | Peek, | Wallace. |
| Ferris, | Restemayer, | Watts, |
| Gilbertson, | Sanford, | Wolbert, |
| Green, | Sargent, | Winslow. |
| Hale, | | Mr. Speaker, |

Those voting in the negative were:

| | | |
|---------|----------|-----------|
| Messrs— | Messrs— | Messrs— |
| Hare, | Michels, | Gronvold, |

Absent and not voting:

| | | |
|-----------|-----------|-----------|
| Messrs— | Messrs— | Messrs— |
| Allen, | Engelter, | Lish |
| Allhouse, | Glasgow, | Miner, |
| Boyd, | Gulack, | Peterson, |
| Cassell, | Kennedy, | Taylor, |

Messrs. Boyd, Cassell and Glasgow being excused.

So the bill passed and the title was agreed to.

Mr. Thomas moved

That the vote by which House bill No. 170 passed be reconsidered, and the motion to reconsider be laid upon the table,
Which motion prevailed.

Mr. Laughlin moved

That the house do now adjourn,
Which motion prevailed, and

The speaker announced that the house stood adjourned until 10 o'clock, a. m. February 27th.

J. G. HAMILTON,
Chief Clerk.

FIFTY-SIXTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 27, 1899,

The house assembled at 10 o'clock a. m., pursuant to adjournment.

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present excepting Messrs. Glasgow, Peterson, and Restemayer, who were excused.

Mr. Hale moved

That the order of business this morning be reports of standing committees, and third reading of house bills.

Which motion prevailed

REPORTS OF STANDING COMMITTEES.

The committee on taxes and tax laws made the following report:
Mr. Speaker:

Your committee on taxes and tax laws to whom was referred Senate bill No. 71,

A bill for an act entitled "an act to amend section twenty-six of

chapter one hundred twenty-six of the laws of 1897 relating to the assessment of bank stock and the method of determining the value thereof for purposes of assessment.

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

G. W. EARL,
Chairman.

The committee on enrolled bills made the following report:

Mr. Speaker:

Your committee on enrolled bills have examined
House bill No. 80,

A bill for an act to suppress and punish trespassing and stealing rides upon cars, engines and trains, and authorizing trainmen to arrest and prosecute offenders against this act.

Also,

House bill No. 114,

A bill for an act to amend section "1620" of the Revised Codes of the state of North Dakota, of the revision of 1895, relating to the practice of veterinary.

Also,

House bill No. 171,

A bill for an act to provide for the erection of necessary additional buildings for the Hospital for the Insane at Jamestown, North Dakota.

And find the same correctly enrolled.

M. B. CASSELL,
Chairman.

The committee on school and public lands made the following report:

Mr. Speaker:

Your committee on school and public lands to whom was referred

Senate bill No. 4,

A bill for an act to amend section 172 of the Revised Codes relating to investment of school funds, and to repeal chapter 128 of the laws of 1897.

Have had the same under consideration and recommend that the same be indefinitely postponed.

HENRY FERRIS,
Chairman.

Mr. Thomas moved

That the report of the committee on school and public lands on

Senate bill No. 4,

A bill for an act to amend section 172 of the Revised Codes relating to investment of school funds, and to repeal chapter 128 of the laws of 1897.

Be adopted.

Which motion prevailed, and

The report was adopted.

And the further consideration of

Senate bill No. 4,

A bill for an act to amend section 172 of the Revised Codes relating to investment of school funds, and to appeal chapter 128 of the laws of 1897.

Was indefinitely postponed.

The committee on military affairs made the following report:

Mr. Speaker:

Your committee on military affairs to whom was referred

Senate bill No. 145,

A bill for an act to amend section 1391, chapter 19, of the Revised Codes, of the state of North Dakota, relating to the annual encampment of the National Guard of the state of North Dakota.

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

A. H. LAUGHLIN,

Chairman.

The committee on municipal corporations made the following report:

Mr. Speaker:

Your committee on municipal corporations to whom was referred

Senate bill No. 154,

A bill for an act to amend sections 2330 and 2331 of the Revised Codes of North Dakota, relating to cities and especially relating to the enlarging the corporate limits of cities.

Have had the same under consideration and recommend that the same be indefinitely postponed.

HENRY HALE,

Chairman.

Mr. Hale moved

That the report of the committee on municipal corporations on Senate bill No. 154,

A bill for an act to amend sections 2330 and 2331 of the Revised Codes of North Dakota, relating to cities and especially relating to the enlarging the corporate limits of cities.

Be adopted,
Which motion prevailed and
The report of the committee on
Senate bill No. 154,

A bill for an act to amend sections 2330 and 2331 of the Revised Codes of North Dakota, relating to cities and especially relating to the enlarging the corporate limits of cities.

Was adopted,
And the further consideration of
Senate bill No. 154,

A bill for an act to amend sections 2330 and 2331 of the Revised Codes of North Dakota, relating to cities and especially relating to the enlarging the corporate limits of cities.

Was indefinitely postponed.

The committee on municipal corporations made the following report:

Mr. Speaker:

Your committee on municipal corporations to whom was referred

Senate bill No. 140,

A bill for an act to prescribe certain powers, duties and compensation of the state fish commissioner of North Dakota, and to appoint deputy fish wardens, and to prescribe their powers, duties and compensation, and to amend section 7682 of the Revised Codes of 1895, relating to seines and nets to be destroyed.

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

Also,

Senate bill No. 19,

A bill for an act to amend sections "1" and "6" of chapter "41" of the laws of 1897, of the state of North Dakota, entitled "an act authorizing cities to pave and otherwise improve streets, alleys and highways and to provide for the cost thereof, and to create improvement districts within the limits of such cities."

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

Amend section 2 of printed bill, line 7, after the word proportion strike out the words "to the superficial feet contained in the lots or lands within the district," and insert in lieu thereof "to the benefits" and add to the printed bill.

Sec. 3. That section 7 of chapter 41 of the laws of 1897 of the state of North Dakota is hereby amended to read as follows:

Sec. 7. Paragraph 1. The city council shall forthwith upon the letting of any contract under the provisions hereof create, by appointment of three persons from among the citizens of such city,

a "special paving assessment committee," each member of which shall file with the city auditor a written acceptance of such appointment and take and subscribe an oath faithfully and impartially to discharge the duties of his position as a member of such committee, which oath shall be filed with the city auditor, and one of such persons shall be designated by the city council as chairman of such committee. The city council may from time to time, as occasion may require, make new appointments to such committee to fill any vacancy arising therein from death or other cause, and in case any person so appointed neglects or refuses to act, to appoint another in his place.

2. It shall be the duty of such committee personally to inspect any and all lots and parcels of land within such improvement district and thereupon assess all such lots and parcels of land, which will in the opinion of such committee be specially benefited by the construction of such improvements, a special assessment in a sum not exceeding such benefits. Whenever such assessment is made and completed as to all the lots, parts of lots or parcels of land to be benefited by the work under any contract, the committee shall make or cause to be made a complete list thereof, setting forth the several tracts so assessed and the amount assessed against each, and cause the same to be published once in each week for three consecutive weeks in the official newspaper of the city, together with a notice of the time and place, when and where such committee will meet to hear objections which may be made to any such assessment by any owner or occupant of a tract so assessed, or other person interested in such assessment, or his agent or attorney, and thereupon alter or affirm the same as may in the opinion of the committee be just in the premises. The committee shall then deposit such assessment list with the city auditor who shall forthwith cause the same to be again published once in each week for three consecutive weeks in the official newspaper of the city, with a notice to the persons interested that at the next regular meeting of the city council after the expiration of the time of publication of such notice, giving the date thereof, appeals from the decision of such committee in relation thereto will be heard and determined by the city council.

3. At such meeting of the city council any person so aggrieved by the determination of such committee in regard to any such assessment, and who appeared in person or by his agent or attorney before such committee, as hereinbefore provided, if a resident of the city, and all non-resident owners of any property so assessed, whether they appeared before such committee or not, may appear before the city council and present their reasons why the action of such committee should not be affirmed by the city coun-

cil, and the city council shall then hear and determine such appeals and objections, if any, and may alter or affirm the action of such committee in relation thereto as the city council may deem just in the premises; and shall thereupon cause such lists so altered to conform to its action, if any such alteration is made, to be certified by the city auditor as correct and filed in his office; and such assessments, with interest accruing thereon, shall be a paramount lien upon the property within the limits of the improvement district in which such improvement is made, and upon which such assessment is levied from the time such assessment list is approved by the city council, and shall remain a lien until fully paid, and shall have precedence over all other liens except ordinary taxes, and as to such shall be concurrent, and shall not be divested by any judicial sale; and any mistake in the description of the property or in the name of the owner shall not vitiate the lien.

Sec. 4. That section 8 of chapter 41 of the laws of 1897 of the state of North Dakota is hereby amended to read as follows:

Sec. 8. In case of omissions, errors or mistakes in making such assessments in respect of the total cost of improvements, or in case of deficiencies or otherwise, it shall be competent for the council to cause to be made a supplemental assessment to supply such deficiencies, omissions, errors or mistakes, the total of such assessments not to exceed the benefits; such supplemental assessment shall be a lien on the lots and lands as herein provided for the original assessment, shall be payable in the same manner and in the same installments, draw interest at the same rate and shall be capable of enforcement in the same manner as herein provided with respect to the original assessment.

Sec. 5. That section 9 of chapter 41 of the laws of 1897 of the state of North Dakota is hereby amended to read as follows:

Sec. 9. In all cases where any assessment or part thereof as to any lot, lots or parcels of land assessed under any of the provisions of this act, or of any law of any city prior to this act, for any cause whatever, whether jurisdictional or otherwise, shall be set aside or declared void by any court; the city council shall, without unnecessary delay, cause a reassessment or new assessment to defray the expense of such improvement to be made, whether such improvement was made under this act or any law of any city prior to this act, and such reassessment or new assessment shall be made as nearly as may be as herein provided for making the assessment therefor in the first instance, and when the same shall have been made and confirmed by the city council it shall be enforced and collected in the same manner that other assessments are enforced and collected under this act. And in all cases where judgment

shall hereafter be refused or denied by any court, for collection or enforcement of any special assessment or where any court shall hereafter set aside or declare void any assessment upon any lot or parcel of land for any cause, the said lots or parcels of land may be reassessed or newly assessed from time to time until each separate lot, piece or parcel of land has paid its proportionate part of the costs and expenses of said improvements as near as may be.

Amend title by inserting after the figure "6" the figures 7, 8 and 9.

Amend section 3 of the printed bill by renumbering same section 6.

And when so amended recommend that the same do pass.

Also,

Senate bill No. 159,

A bill for an act to amend sections 2148 and 2321 of the Revised Codes of North Dakota relating to the incorporation and government of cities, and especially relating to the issuing of bonds by cities, as said sections have already been amended by the provisions of chapter 102 of the laws of 1897, and also to amend section 2309 of said Revised Codes relating to the manner and form of issuing bonds.

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

Also,

House bill No. 189,

A bill for an act to amend section 2459 of the Revised Codes of North Dakota relating to water works and fire apparatus in cities, towns, and villages.

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

By striking out from line 17 of section 1 of the printed bill, after the word "of," the word "ten," and insert in lieu thereof the word "seven."

And when so amended recommend that the same do pass.

HENRY HALE,

Chairman.

The speaker called Mr. Wallace to the chair.

THIRD READING OF HOUSE BILLS.

Mr. Stevenson moved

That the third reading and final passage of House bill No. 97 be deferred until 3 o'clock p. m. today,

Which motion was lost.

House bill No. 97,

A bill for an act to create a department of agriculture for the

promotion of agriculture, stock breeding, etc., the appoin'tment of three trustees to carry out the work of the department for the holding of a state fair at Valley City and an appropriation of money therefor.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 42, nays 12, absent and not voting 8.

Those who voted in the affirmative were:

| | | |
|----------------|-------------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Aas, | Green, | Ovind, |
| Allen, | Gulack, | Peek, |
| Allshouse, | Hauan, | Sanford, |
| Bacon, | Herbrandson, | Sargent, |
| Berger, | Johnson, Richland | Swenson, |
| Brakke, | Johnston, Walsh, | Taylor, |
| Cassell, | Kennedy, | Thomas, |
| Chacey, | Laughlin, | Thomson, |
| Clarke, | Lee, | Tousley, |
| Dougherty, | Lynch, | Towle, |
| Dwire, | McHarg, | Tufte, |
| Earl, | McLean, | Ugland, |
| Erickson, | Miner, | Wallace, |
| Gilbertson, | Nelson, | Winslow, |

Those voting in the negative were:

| | | |
|----------------|----------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Brotnov, | Hare, | Stewart, |
| Engelter, | Lish, | Stevenson, |
| Ferris, | Michels, | Thordarson |
| Gronvold, | Stevens, | Watts, |

Absent and not voting:

| | | |
|----------------|----------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Boyd, | Hale, | Wolbert, |
| Deisem, | Peterson, | Mr. Speaker, |
| Glasgow, | Restemayer, | |

Messrs. Boyd, Glasgow and Restemayer being excused.

So the bill passed and the title was agreed to.

Mr. Earl moved

That the vote by which House bill No. 97 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

The speaker resumed the chair.

House bill No. 72,

A bill for an act making an appropriation to provide for the payment of deficiency expenses incurred by the board of university and school lands with reference to the leasing of lands.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 53, nays 1, absent and not voting 8.

Those who voted in the affirmative were:

| | | |
|----------------|--------------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Aas, | Gulack, | Sanford, |
| Allen, | Hale, | Sargent, |
| Allshouse, | Hare, | Stewart, |
| Bacon, | Hauan, | Swenson, |
| Berger, | Herbrandson, | Taylor, |
| Boyd, | Johnson, Richland, | Thomas, |
| Brakke, | Johnston, Walsh, | Thomson, |
| Brotnov, | Kennedy, | Thordarson |
| Cassell, | Laughlin, | Tousley, |
| Chacey, | Lee, | Towle, |
| Clarke, | Lish, | Tufte, |
| Dougherty, | Lynch, | Ugland, |
| Dwire, | McLean, | Wallace, |
| Erickson, | Michels, | Watts, |
| Ferris, | Miner, | Wolbert, |
| Gilbertson, | Nelson, | Winslow, |
| Green, | Ovind, | Mr. Speaker, |
| Gronvold, | Peek, | |

Absent and not voting:

| | | |
|----------------|----------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Deisem, | McHarg, | Stevens, |
| Earl, | Peterson, | Stevenson, |
| Glasgow, | Restemayer, | |

Messrs. Glasgow, Peterson and Restemayer, being excused.

Mr. Engelter voted in the negative.

So the bill passed and the title was agreed to.

House bill No. 180,

A bill for an act to amend section 7665 of the Revised Codes of North Dakota, relating to concealing estrays, lost goods, and altering or defacing brands.

Was read the third time.

The question being upon the final passage of the bill

The roll was called and there were ayes 56, nays none, absent and not voting 6.

Those who voted in the affirmative were:

| | | |
|----------------|--------------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Aas, | Gronvold, | Sanford, |
| Allen, | Gulack, | Sargent, |
| Allshouse, | Hale, | Stewart, |
| Bacon, | Hare, | Swenson, |
| Berger, | Hauan, | Stevenson, |
| Boyd, | Herbrandson, | Taylor, |
| Brakke, | Johnson, Richland, | Thomas, |
| Brotnov, | Johnston, Walsh, | Thomson, |
| Cassell, | Kennedy, | Thordarson |
| Chacey, | Laughlin, | Tousley, |

| | | |
|----------------|----------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Clarke, | Lee, | Towle, |
| Dougherty, | Lish, | Tufte, |
| Dwire, | Lynch, | Ugland, |
| Earl, | McLean, | Wallace, |
| Engelter, | Michels, | Watts, |
| Erickson, | Miner, | Wolbert, |
| Ferris, | Nelson, | Winslow, |
| Gilbertson, | Ovind, | Mr. Speaker, |
| Green, | Peek, | |

Absent and not voting:

| | | |
|----------------|----------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Deisem, | McHarg, | Restemayer. |
| Glasgow, | Peterson, | Stevens, |

Messrs. Glasgow, Peterson and Restemayer being excused.

So the bill passed and the title was agreed to.

House bill No. 175,

A bill for an act to settle disputes as to county boundaries and to confirm the acts of officials in counties that have exercised jurisdiction over territory not clearly within county boundaries.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 55, nays 1, absent and not voting 6.

Those who voted in the affirmative were:

| | | |
|----------------|--------------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Aas, | Hale, | Sargent, |
| Allen, | Hare, | Stevens, |
| Allshouse, | Hauan, | Stewart, |
| Bacon, | Herbrandson, | Swenson, |
| Berger, | Johnson, Richland, | Stevenson, |
| Boyd, | Johnston, Walsh, | Taylor, |
| Brakke, | Kennedy, | Thomas, |
| Brotnov, | Laughlin, | Thomson, |
| Cassell, | Lee, | Thordarson |
| Chacey, | Lish, | Tousley, |
| Dougherty, | Lynch, | Towle, |
| Dwire, | McLean, | Tufte, |
| Earl, | Michels, | Ugland, |
| Erickson, | Miner, | Wallace, |
| Ferris, | Nelson, | Watts, |
| Gilbertson, | Ovind, | Wolbert, |
| Green, | Peek, | Winslow, |
| Gronvold, | Sanford, | Mr. Speaker, |
| Gulack, | | |

Absent and not voting:

| | | |
|----------------|----------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Clarke, | Glasgow, | Peterson, |
| Deisem, | McHarg, | Restemayer. |

Messrs. Glasgow and Restemayer being excused.

Mr. Engelter voting in the negative.

So the bill passed and the title was agreed to.

House bill No. 179,

A bill for an act to repeal chapter twenty-nine (29) of the session laws of 1897.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 50; nays none, absent and not voting, 12.

Those voting in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Dougherty,
Dwire,
Earl,
Engelter,
Erickson.
Ferris,
Gilbertson,

Messrs—

Green,
Gronvold,
Gulack,
Hale,
Hare,
Hauan,
Herbrandson,
Johnston, Walsh,
Laughlin,
Lee,
Lish,
Lynch,
McLean,
Michels,
Miner,
Ovind,
Peek,

Messrs—

Sanford,
Sargent,
Stevens,
Stewart,
Taylor,
Thomas,
Thordarson,
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Watts,
Wolbert,
Winslow,
Mr. Speaker,

Absent and not voting:

Messrs—

Bacon,
Delsem,
Glasgow,
Johnson, Richland,

Messrs—

Kennedy,
McHarg,
Nelson,
Peterson,

Messrs—

Restemayer,
Swenson,
Stevenson,
Thomson,

Messrs. Glasgow, Peterson and Restemayer, being excused.

So the bill passed and the title was agreed to.

Mr. Brotnov moved

That the vote by which House bill No. 179 passed be reconsidered, and the motion to reconsider be laid upon the table, which motion prevailed.

Mr. Laughlin gave notice that he he would move a reconsideration of the vote by which

House bill No. 180,

A bill for an act to amend section 7665 of the Revised Codes of North Dakota, relating to concealing estrays, lost goods, and altering or defacing brands.

Passed, on Tuesday, February 28th.

House bill No. 172,

A bill for an act to provide for the destruction of grasshoppers and Rocky Mountain locusts.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 53, nays 3, absent and not voting 6.

Those voting in the affirmative were:

| | | |
|----------------|--------------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Aas, | Gulack, | Sargent, |
| Allen, | Hale, | Stevens, |
| Allshouse, | Hauan, | Stewart, |
| Bacon, | Herbrandson, | Swenson, |
| Boyd, | Johnson, Richland, | Stevenson, |
| Brakke, | Johnston, Walsh, | Thomas, |
| Brotnov, | Kennedy, | Thomson, |
| Cassell, | Laughlin, | Thordarson, |
| Chacey, | Lee, | Tousley, |
| Clarke, | Lish, | Towle. |
| Deisem, | McHarg, | Tufte, |
| Dougherty, | McLean, | Ugland, |
| Earl, | Michels, | Wallace, |
| Engelter, | Miner, | Watts, |
| Erickson, | Nelson, | Wolbert, |
| Gilbertson, | Ovind, | Winslow. |
| Green, | Peek, | Mr. Speaker, |
| Gronvold, | Sanford, | |

Those voting in the negative were:

| | | |
|----------------|----------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Ferris, | Lynch, | Taylor, |

Absent and not voting:

| | | |
|----------------|----------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Berger, | Glasgow, | Peterson, |
| Dwire, | Hare, | Restemayer, |

Messrs. Glasgow, Peterson and Restemayer being excused.

So the bill passed and the title was agreed to.

House bill No. 118,

A bill for an act to amend section 1794 of the revised codes of North Dakota relating to storage of grain.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 51, nays 4 absent and not voting 7.

Those who voted in the affirmative were:

| | | |
|----------------|--------------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Aas, | Green, | Nelson, |
| Allen, | Gronvold, | Ovind, |
| Berger, | Gulack, | Peek, |
| Boyd, | Hale, | Sargent, |
| Brakke, | Hare, | Stewart, |
| Brotnov, | Hauan, | Swenson, |
| Cassell, | Herbrandson, | Stevenson, |
| Chacey, | Johnson, Richland, | Taylor, |
| Clarke, | Johnston, Walsh, | Thomas, |

Messrs—

Deisem,
Dougherty,
Dwire,
Earl,
Engelter,
Erickson,
Ferris,
Gilbertson,

Messrs—

Kennedy,
Laughlin,
Lee,
Lish
Lynch,
McHarg,
McLean,
Michels,

Messrs—

Thomson,
Tousley,
Towle,
Tufté,
Ugland,
Watts,
Wolbert,
Winslow.

Those voting in the negative were:

Messrs—

Allshouse,
Miner.

Messrs—

Thordarson

Messrs—

Mr. Speaker,

Absent and not voting:

Messrs—

Bacon,
Glasgow,
Peterson,

Messrs—

Restemayer.
Sarford,

Messrs—

Stevens,
Wallace.

Who were excused.

So the bill passed and the title was agreed to.

Mr. Nelson moved

That the vote by which House bill No. 118 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

House bill No. 150,

A bill for an act to amend section 3062 of the Revised Codes of 1895 relating to the building of platforms by railroad companies for the transfer of live stock, grain and other commodities from wagons or otherwise to cars, prescribing the duties of the railroad commissioners in regard thereto and the notice of the necessity of such platforms to be served upon railroad companies together with the manner of making service of notices or orders of said commissioners.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 52, nays none, absent and not voting 10.

Those voting in the affirmative were:

Messrs—

Aas,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Deisem,
Dougherty,
Dwire,

Messrs—

Hale,
Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish
Lynch,

Messrs—

Peek,
Sargent,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson
Tousley,
Towle,

Messrs—

Earl,
Engelter,
Erickson,
Ferris,
Gilbertson,
Gronvold,
Gulack,

Messrs—

McHarg,
McLean,
Michels,
Miner,
Nelson,
Ovind,

Messrs—

Tufte,
Ugland,
Watts,
Wolbert,
Winslow,
Mr. Speaker,

Absent and not voting:

Messrs—

Allen,
Allshouse,
Bacon,
Glasgow,

Messrs—

Green,
Peterson,
Restemayer,

Messrs—

Sanford,
Stevens,
Wallace,

Messrs. Allen, Allshouse, Bacon, Glasgow, Peterson, Restemayer, Sanford, Stevens and Wallace being excused.

So the bill passed and the title was agreed to.

Mr. Winslow moved .

That the vote by which House bill No. 156 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed

Substitute for House bill 45,

A bill for an act to amend sections 863 and 864 of the Revised Codes relating to education.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 54, nays none, absent and not voting 8.

Those voting in the affirmative were:

Messrs—

Aas,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Deisem,
Dougherty,
Dwire,
Earl,
Engelter,
Erickson,
Ferris,
Gilbertson,
Green,
Gronvold,

Messrs—

Gulack,
Hale,
Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Ovind,

Messrs—

Peek,
Sanford,
Sargent,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson
Tousley,
Towle,
Tufte,
Ugland,
Watts,
Wolbert,
Winslow,
Mr. Speaker.

Absent and not voting:

Messrs—

Allen,
Allshouse,
Bacon,

Messrs—

Glasgow,
Peterson,
Restemayer,

Messrs—

Stevens,
Wallace,

Messrs. Allen, Allshouse, Bacon, Glasgow, Peterson, Restemayer, Stevens and Wallace, being excused.

So the bill passed and the title was agreed to.

Mr. Brotnov moved

That the vote by which Substitute for House bill No. 45 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Substitute for house bill No. 119,

A bill for an act to amend sections 1906 and 1925 of the Revised Codes of North Dakota relating to the powers of the board of county commissioners in the furnishing of blanks, books, and other stationery for the use of county officers.

Was read the third time.

Mr. Chacey moved

That the further consideration of

Substitute for house bill No. 119,

A bill for an act to amend sections 1906 and 1925 of the Revised Codes of North Dakota relating to the powers of the board of county commissioners in the furnishing of blanks, books, and other stationery for the use of county officers.

Be postponed until February 28th, and be then taken up under the third reading and final passage of House bills,

Which motion prevailed.

House bill No. 177,

A bill for an act to amend section 3067 of the Revised Codes of 1895, providing for the constructing and maintaining of a Y and other tracks to connect railroad lines, defining the duties of railroad commissioners in relation thereto and prescribing the manner of enforcing the orders of such commissioners by proper courts.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 51, nays none, absent and not voting 11.

Those voting in the affirmative were:

Messrs—

Aas,
Berger,
Boyd,

Messrs—

Gulack,
Hale,
Hauan,

Messrs—

Sanford,
Sargent,
Stewart,

Messrs—

Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Deisem,
Dougherty,
Dwire,
Earl,
Erickson,
Ferris,
Gilbertson,
Green,
Gronvold,

Messrs—

Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Ovind,

Messrs—

Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson
Tousley,
Towle.
Tufte,
Ugland,
Watts,
Wolbert,
Winslow.
Mr. Speaker.

Absent and not voting:

Messrs—

Allen,
Allshouse,
Bacon,
Engelter,

Messrs—

Glasgow,
Hare,
Peek,
Peterson,

Messrs—

Restemayer,
Stevens,
Wallace,

Messrs. Allen, Allshouse, Bacon, Glasgow, Peterson, Restemayer, Stevens and Wallace being excused.

So the bill passed and the title was agreed to.

Mr. Towle moved

That the vote by which House bill No. 177 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

House bill No. 176,

A bill for an act to provide for the payment of expenses incurred in litigation arising for the enforcement of orders of the board of commissioners of railroads or other litigation in charge of the attorney general.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 51, nays none, absent and not voting 11.

Those who voted in the affirmative were:

Messrs—

Aas,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Deisen,
Dougherty,
Earl,
Erickson,
Ferris,
Gilbertson,

Messrs—

Hale,
Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish
Lynch,
McHarg,
McLean,
Michels,

Messrs—

Peek,
Sanford,
Sargent,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson
Tousley,
Towle.
Tufte,
Ugland,

| | | |
|---|--|---|
| Messrs— Green, Gronvold, Gulack, | Messrs— Miner, Nelson, Ovind, | Messrs— Watts, Wolbert, Mr. Speaker, |
|---|--|---|

Absent and not voting:

| | | |
|---|--|---|
| Messrs— Allen, Allshouse, Bacon, Dwire, | Messrs— Engelter, Glasgow, Peterson, Restemayer. | Messrs— Stevens, Wallace, Winslow, |
|---|--|---|

Messrs. Allen, Allshouse, Bacon, Glasgow, Peterson, Restemayer, Stevens and Wallace being excused.

So the bill passed and the title was agreed to.

Mr. Hale moved

That the vote by which House bill No. 176 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

The speaker called Mr. McHarg to the chair.

House bill No. 133,

A bill for an act to amend section 32 of chapter 126, session laws of 1897 relating to payment of district assessors.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 48, nays 3, absent and not voting 11.

Those voting in the affirmative were:

| | | |
|--|---|--|
| Messrs— Aas, Berger, Boyd, Brakke, Brotnov, Cassell, Chacey, Clarke, Dougherty, Earl, Engelter, Erickson, Ferris, Gilbertson, Green, Gronvold, | Messrs— Gulack, Hale, Hare, Herbrandson, Johnson, Richland, Johnston. Walsh, Kennedy, Laughlin, Lee, Lish, Lynch, McHarg, McLean, Michels, Nelson, Ovind, | Messrs— Peek, Sanford, Sargent, Stewart, Swenson, Stevenson, Taylor, Thomson, Thordarson Tousley, Towle, Tufte, Ugland, Watts, Wolbert, Winslow, |
|--|---|--|

Those voting in the negative were:

| | | |
|--------------------|-------------------|--------------------|
| Messrs— Deisem, | Messrs— Miner, | Messrs— Thomas, |
|--------------------|-------------------|--------------------|

Absent and not voting:

Messrs—

Allen,
Allshouse,
Bacon,
Dwire,

Messrs—

Glasgow,
Hauan,
Peterson,
Restemayer,

Messrs—

Stevens,
Wallace,
Mr. Speaker,

Messrs. Allen, Allshouse, Bacon, Glasgow, Peterson, Restemayer, Stevens and Wallace being excused.

So the bill as amended passed.

Mr. Cassell offered the following amendment to the title of House bill No. 133,

A bill for an act to amend section 32 of chapter 126, session laws of 1897 relating to payment of district assessors.

And moved its adoption.

Amend title by striking out the words "payment of district assessors" and inserting in lieu thereof the words "revenue and taxation."

Which motion prevailed, and

The title was so amended.

Mr. Gulack moved

That the vote by which House bill No. 133 passed, be reconsidered and the motion to reconsider be laid upon the table.

Which motion prevailed.

Mr. Sargent moved

That the chief clerk be instructed to transmit all house bills passed this morning, to the senate, as soon as possible, except such bills as notices shall have been given of a reconsideration,

Which motion prevailed.

Substitute for

House bill No. 146,

A bill for an act to amend sections 4823 and 4824 of the Revised Codes of the state of North Dakota of 1895 relating to threshing liens, providing who shall be entitled to such liens and the procedure necessary to obtain said liens.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 43, nays 5, absent and not voting 14.

Those who voted in the affirmative were:

Messrs—

Aas,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Clarke,

Messrs—

Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,

Messrs—

Ovind,
Peek,
Sargent,
Stewart,
Swenson,
Stevenson,
Taylor,

Messrs—

Deisem,
Engelter,
Ferris,
Gilbertson,
Green,
Gronvold,
Gulack,
Hale,

Messrs—

Lee,
Lish,
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,

Messrs—

Thomas,
Thordarson
Tousley,
Tufte,
Ugland,
Wolbert,

Those voting in the negative were:

Messrs—

Chacey,
Dougherty,

Messrs—

Sanford,
Fowle,

Messrs—

Watts,

Absent and not voting:

Messrs—

Allen,
Allshouse,
Bacon,
Dwire,
Earl,

Messrs—

Erickson,
Glasgow,
Peterson,
Restemayer,
Stevens,

Messrs—

Thomson,
Wallace,
Winslow,
Mr. Speaker.

Messrs. Allen, Allshouse, Bacon, Glasgow, Peterson, Restemayer, Stevens and Wallace, being excused.

So the bill passed and the title was agreed to.

The speaker resumed the chair.

House bill No. 186,

A bill for an act relating to organization of school districts and school townships.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 54, nays none, absent and not voting 8.

Those voting in the affirmative were:

Messrs—

Aas,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Deisem,
Dougherty,
Dwire,
Earl,
Engelter,
Erickson,
Ferris,
Gilbertson,
Green,
Gronvold,

Messrs—

Gulack,
Hale,
Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish,
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Ovind,

Messrs—

Peek,
Sanford,
Sargent,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson
Tousley,
Towle,
Tufte,
Ugland,
Watts,
Wolbert,
Winslow,
Mr. Speaker,

Absent and not voting:

| | | |
|--|--|--|
| Messrs— Allen, Allshouse, Bacon, | Messrs— Glasgow, Peterson, Restemayer, | Messrs— Stevens, Wallace, |
|--|--|--|

Who were excused.

So the bill passed and the title was agreed to.

House bill No. 174,

A bill for an act to permit water companies to cross over bridges with their pipes.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 53, nays none, absent and not voting 9.

Those voting in the affirmative were:

| | | |
|--|---|---|
| Messrs— Aas, Berger, Boyd, Brakke, Brotnov, Cassell, Chacey, Clarke, Deisem. Dougherty, Dwire, Earl, Engelter, Erickson, Ferris, Gilbertson, Green, Gronvold, | Messrs— Gulack, Hale, Hare, Hauan, Johnston, Walsh, Johnson, Richland, Kennedy, Laughlin, Lee, Lish, Lynch, McHarg, McLean, Michels, Miner, Nelson, Ovind, Peek, | Messrs— Sanford, Sargent, Stewart, Swenson, Stevenson, Taylor, Thomas, Thomson, Thordarson Tousley, Towle, Tufte, Ugland, Watts, Wolbert, Winslow, Mr. Speaker, |
|--|---|---|

Absent and not voting:

| | | |
|--|---|---|
| Messrs— Allen, Allshouse, Bacon, | Messrs— Glasgow, Herbrandson, Peterson, | Messrs— Restemayer, Stevens, Wallace, |
|--|---|---|

Messrs. Allen, Allshouse, Bacon, Glasgow, Peterson, Restemayer, Stevens and Wallace being excused.

So the bill passed and the title was agreed to.

House bill No. 178,

A bill for an act to amend section 7306, chapter 40 of the Revised Codes.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 31, nays 21, absent and not voting 10.

Those who voted in the affirmative were:

| | | |
|------------|--------------------|----------|
| Messrs— | Messrs— | Messrs— |
| Aas, | Gilbertson, | Lynch, |
| Berger, | Green, | McHarg, |
| Boyd, | Gronvold, | McLean, |
| Brotnov, | Gulack, | Miner, |
| Clarke, | Hale, | Stewart, |
| Deisen, | Hauan, | Swenson, |
| Dougherty, | Johnson, Richland, | Taylor, |
| Dwire, | Johnston, Walsh, | Thomas, |
| Erickson, | Kennedy, | Thomson, |
| Ferris, | Lee, | Ugland, |

Those voting in the negative were:

| | | |
|-----------|------------|--------------|
| Messrs— | Messrs— | Messrs— |
| Brakke, | Michels, | Tousley, |
| Cassell, | Ovind, | Towle, |
| Chacey, | Peek, | Tufte, |
| Earl, | Sanford, | Watts, |
| Engelter, | Sargent, | Wolbert, |
| Hare, | Stevenson, | Winslow, |
| Laughlin, | Thordarson | Mr. Speaker, |
| Lish | | |

Absent and not voting:

| | | |
|------------|--------------|-------------|
| Messrs— | Messrs— | Messrs— |
| Allen, | Herbrandson, | Restemayer. |
| Allshouse, | Nelson, | Stevens, |
| Bacon, | Peterson, | Wallace, |
| Glasgow, | | |

Messrs. Allen, Allshouse, Bacon, Glasgow, Peterson, Restemayer, Stevens and Wallace being excused.

So the bill was lost.

House bill No. 196,

A bill for an act to amend section 803 of the Revised Codes of the state of North Dakota relating to education.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 46, nays 6, absent and not voting 10.

Those voting in the affirmative were:

| | | |
|-------------|--------------------|------------|
| Messrs— | Messrs— | Messrs— |
| Aas, | Hare, | Sargent, |
| Boyd, | Hauan, | Stewart, |
| Brotnov, | Herbrandson, | Stevenson, |
| Cassell, | Johnson, Richland, | Taylor, |
| Chacey, | Johnston, Walsh, | Thomas, |
| Clarke, | Kennedy, | Thomson, |
| Dougherty, | Laughlin, | Thordarson |
| Dwire, | Lee, | Tousley, |
| Earl, | Lish | Towle, |
| Erickson, | Lynch, | Tufte, |
| Ferris, | McLean, | Ugland, |
| Gilbertson, | Michels, | Wolbert, |

Messrs—
Green,
Gronvold,
Gulack,
Hale,

Messrs—
Miner,
Ovind,
Peek,
Sanford,

Messrs—
Winslow,
Mr. Speaker,

Those voting in the negative were:

Messrs—
Brakke,
Deisem,

Messrs—
Engelter,
McHarg,

Messrs—
Swenson,
Watts,

Absent and not voting:

Messrs—
Allen,
Allshouse,
Bacon,
Berger,

Messrs—
Glasgow,
Nelson,
Peterson,

Messrs—
Restemayer,
Stevens,
Wallace,

Messrs. Allen, Allshouse, Bacon, Glasgow, Peterson, Restemayer, Stevens and Wallace being excused.

So the bill passed and the title was agreed to.

Mr. Wolbert moved

That when the house do take a recess, that it take a recess until 2:30,

Which motion prevailed.

House bill No. 199,

A bill for an act to amend section 8369 of the Revised Codes of North Dakota.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 51; nays none; absent and not voting, 11.

Those voting in the affirmative were:

Messrs—
Aas,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Deisem,
Dougherty,
Dwire,
Earl,
Engelter,
Erickson,
Ferris,
Gilbertson,
Green,

Messrs—
Gronvold,
Gulack,
Hale,
Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lynch,
McHarg,
McLean,
Miner,
Nelson,
Ovind,

Messrs—
Peek,
Sanford,
Sargent,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thordarson,
Tousley,
Towle,
Tufte,
Ugland,
Watts,
Wolbert,
Winslow,
Mr. Speaker.

Absent and not voting:

Messrs—

Allen,
Allshouse,
Bacon,
Glasgow,

Messrs—

Lish,
Michels,
Peterson,
Restemayer,

Messrs—

Stevens,
Thomson,
Wallace,

Messrs. Allen, Allshouse, Bacon, Glasgow, Peterson, Restemayer, Stevens, Thomson and Wallace being excused.

So the bill passed and the title was agreed to.

Mr. Wolbert moved
That the house take a recess,
Which motion prevailed.
And the house took a recess.

House reassembled.

Mr. Tousley requested that the privileges of the floor be extended to Mrs. Margaret M. Boyd, Mrs. Wellington Irysh, Miss Laura E. Sargent, Miss Belle Walker, Miss Flora MacDonald.

The speaker requested that the privileges of the floor be extended to J. B. Eaton.

Mr. Sargent requested that the privileges of the floor be extended to W. H. Comril.

Mr. McHarg requested that the privileges of the floor be extended to Hon. F. A. Lenz, Dr. R. G. DePuy, Mrs. R. G. DePuy, Dr. E. C. Branch, Miss Thornhill, C. A. Klaus, J. A. Murphy, of Jamestown.

Mr. Hare requested that the privileges of the floor be extended to Mr. Howland.

There being no objections the privileges of the floor were so extended.

Mr. Allen moved

That the amendments made by committee on municipal corporations to

Senate bill No. 19,

A bill for an act to amend sections "1" and "6" of chapter "41" of the laws of 1897, of the state of North Dakota, entitled "An act authorizing cities to pave and otherwise improve streets, alleys and highways and to provide for the cost thereof, and to create improvement districts within the limits of such cities."

Be adopted.

That the rules be suspended and the bill and amendments be read the third time and placed upon its third reading and final passage,

Which motion prevailed.

Mr. Stevens moved that

Senate bill No. 173,

A bill for an act entitled an act to amend section 404 of the Revised Codes of the state of North Dakota, approved February 24th, 1899, relating to the boundaries of the Second judicial district and fixing the terms of the court therein.

After being read first and second times, be placed upon its third reading and final passage,

Which motion prevailed.

MESSAGES FROM THE SENATE.

The following messages were received from the senate:

SENATE CHAMBER,
February 27, 1899.

Mr. Speaker:

I have the honor to transmit herewith

Senate bill No. 162,

Memorial and concurrent resolution, relating to inspection of grain by the government of the United States.

Also,

Senate bill No. 139,

A bill for an act to amend section 6615 of the Revised Codes of 1895 providing for the compensation of judges of county courts having increased jurisdiction.

Also,

Senate bill No. 34,

A bill for an act in relation to reinsurance and the transaction of business by fire insurance companies or associations otherwise than through resident agents.

Also,

Senate bill No. 11,

A bill to regulate the granting of marriage licenses.

Also,

Senate bill No. 150,

A bill for an act to amend section 243 of the Revised Codes of North Dakota relating to the powers and duties of the state board of health.

Senate bill No. 156,

A bill for an act to amend sections 607 and 621 of article 15, chapter 8 of the Revised Codes of 1895, relating to election.

Also,

Senate bill No. 173,

A bill for an act entitled an act to amend section 404 of the

Revised Codes of the state of North Dakota, approved February 24th, 1899, relating to the boundaries of the Second judicial district and fixing the terms of the court therein.

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

Also,

House bill No. 67,

A bill for an act to amend section 2612 of the Revised Codes of 1895 relating to statements of township treasurers.

Further consideration of which the senate has indefinitely postponed.

Also,

A concurrent resolution honoring our soldiers,

Which the senate has concurred in.

Very respectfully yours,

J. O. SMITH,

Secretary.

Senate bill No. 19,

A bill for an act to amend sections "1" and "6" of chapter "41" of the laws of 1897, of the state of North Dakota, entitled "an act authorizing cities to pave and otherwise improve streets, alleys and highways and to provide for the cost thereof, and to create improvement districts with the limits of such cities."

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 59; nays none, absent and not voting, 3.

Those voting in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Deisem,
Dougherty,
Dwire,
Earl,
Engelter,
Erickson,
Ferris,
Gilbertson,
Green,

Messrs—

Gronvold,
Gulack,
Hale,
Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish,
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Ovind,
Peek,

Messrs—

Peterson,
Sanford,
Sargent,
Stevens,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thordarson,
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Watts,
Wolbert,
Winslow,
Mr. Speaker,

Messrs. Glasgow and Restemayer being excused.

So the bill passed and the title was agreed to.

Mr. Allen moved

That the vote by which Senate bill No. 19 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

By unanimous consent,

Mr. Wallace moved that

House bill No. 98,

A bill for an act to amend sections 2063 and 2067 of the Revised Codes of North Dakota relating to the appointment of deputy clerks of court and their salaries, and fees to be charged by the clerks of district court.

Be recalled from general orders, and re-referred to the committee on ways and means,

Which motion prevailed, and

House bill No. 98,

A bill for an act to amend sections 2063 and 2067 of the Revised Codes of North Dakota relating to the appointment of deputy clerks of court and their salaries, and fees to be charged by the clerks of district court.

Was so re-referred.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

Your committee on revision and correction of the Journal respectfully report that they have carefully examined the Journal of the fifty-fourth day, and recommend the following corrections:

On page 8, line 1, change the punctuation and add at the end of the line the word "and."

On page 10, line 30, after the word committee," insert the word "on."

On page 18, line 27, correct the spelling of the word "of."

Change the page figures "32" to "22" between pages 21 and 23.

On line 36, page 22, change the word "bill" so as to read "bills."

On page 24, line 15, change the word "bill" so as to read "bills."

On page 33, line 25, strike out the word "or" and insert so as to read "of."

On page 29, strike out lines 7, 8, 9 and 10, and insert in lieu thereof the following:

House bill No. 92,

A bill for an act entitled an act authorizing cities to establish and maintain a general system of sewerage, and to provide for

the cost thereof, and to create sewer improvement districts within the limits of such cities.

And when so amended recommend that the Journal of the fifty-fourth day be approved.

JOHN KENNEDY,
Chairman.

Mr. Kennedy moved

That the report of the committee on revision and correction of the Journal be adopted,

Which motion prevailed and

The report was adopted.

REPORTS OF STANDING COMMITTEES.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

House bill No. 209,

A bill for an act to amend section 7960 of the Revised Codes of North Dakota, relating to examination of witnesses in criminal actions.

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

Also,

Senate bill No. 117,

A bill for an act relating to the protection of game and fish; the appointment of a state game warden; the issuing of permits to hunt; the disposition of money received from the sale of permits and enacting other provisions relating thereto and providing penalties for violations thereof.

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

After the word "law" in line 11, section 2, page 2 of the printed bill strike out the words "unless such person, either alone or with another, or others, use any dog in hunting, setting, pointing or retrieving any game in which case such permit must first be obtained," and insert in lieu thereof "provided, nothing in this section shall be construed to prevent the children of this state under the age of 16 years from hunting, they having the written consent of their parents or guardian so to do during the open season without a permit."

Strike out the word "twenty" in line 4, section 5, page 5 of the printed bill and insert in lieu thereof the word "thirty."

Strike out the word "sixty" in line 5, section 5, page 5 of the printed bill and insert in lieu thereof the word "forty."

After the word "services" in line 8, section 5, page 5 of the printed bill insert the words "and the remaining 10 per cent shall be retained by the county auditor for his personal services."

After the word "committed" in line 8, section 6, page 5 of the printed bill insert the words "said warrant to be issued as provided in section 7891 of the Revised Codes."

After the word "arrest" in line 16, section 6, page 6 of the printed bill strike out the words "a fee of \$5" and insert in lieu thereof "such fees as are allowed constables for services in like cases."

After the word "bird" and before the word "at" in line 4, section 7, page 6 of the printed bill, insert the words "except snipe or plover."

After the word "goose" in line 10, section 7, page 6 of the printed bill insert the word "crane."

Strike out the word "line" in line 15, section 7, page 7 of the printed bill and insert in lieu thereof the word "lime."

Strike out the word "deer" in line 21, section 7, page 7 of the printed bill.

After the word "sheep" in line 22, section 7, page 7 insert the words "at any time or any deer."

Strike out the word "November" in line 22, section 7, page 7 of the printed bill and insert in lieu thereof the word "October."

Strike out the figure "3" in line 25, section 7, page 7 of the printed bill and insert in lieu thereof the figure "5."

Strike out all of "lines 31 and 32, section 7" of the printed bill.

Strike out the figures "13," line 33, section 7, page 8 of the printed bill and insert in lieu thereof the figures "12."

After the word "sub-divisions" in line 34, section 7, page 8 of the printed bill insert the word "one."

After the word "of" and before the word "ten" in line 37, section 7, page 8 of the printed bill insert the words "not exceeding."

After the word "five" in line 39, section 7, page 8 of the printed bill insert the word "or."

In line 39, section 7, page 8 of the printed bill after the word "six" strike out the words "or twelve."

After the word "and" in line 40, section 7, page 8 of the printed bill insert the words "not exceeding."

After the word "and," line 41, section 7, page 8 of the printed bill insert the words "not exceeding."

Strike out the word "thirteen" in line 42, section 7, page 8 of the printed bill and insert in lieu thereof the word "twelve."

After the word "same" at the end of section 8 of the printed bill add the words "provided, if any person having the possession of any such birds or game and desires to keep the same for a longer period than five days he may apply to the state game warden or his deputy for a tag, properly stamped, and describing such game, which shall be attached to each bird or separate part of game and shall remain securely fastened thereto until the same is used for food."

Strike out the word "or" at the end of line 9, section 9, page 9 of the printed bill.

Strike out "line 10, section 9" page 9 of the printed bill.

After the word "thereof" in line 4, section 13, page 11 of the printed bill strike out the words "any attempt to violate any provision of the game laws of this state shall be deemed a violation of such provision:"

And when so amended recommend that the same do pass.

R. N. STEVENS,
Chairman.

INTRODUCTION OF HOUSE BILLS.

Mr. Wolbert introduced

House bill No. 214,

A bill for an act to provide for the appointment of a conservator for drunkards and spendthrifts and their powers and duties.

Mr. Lish introduced

House bill No. 215,

Concurrent resolution to amend section 217 of the constitution of the state of North Dakota relating to intoxicating liquors.

Mr. Laughlin introduced

House bill No. 216,

A bill for an act repealing section 1573 and section 1574 of the Revised Codes of 1895 relating to the designation of an official estray paper and the publication of estray notices therein, and to pay for the publication of such notices.

FIRST AND SECOND READING OF HOUSE BILLS.

House bill No. 214,

A bill for an act to provide for the appointment of a conservator for drunkards and spendthrifts and their powers and duties.

Was read the first and second times, and

Referred to the committee on judiciary.

House bill No. 215,

Concurrent resolution to amend section 217 of the constitution of the state of North Dakota relating to intoxicating liquors.

Was read the first and second times, and

Referred to the committee on temperance.

House bill No. 216,

A bill for an act repealing section 1573 and section 1574 of the Revised Codes of 1895 relating to the designation of an official estray paper and the publication of estray notices therein, and to pay for the publication of such notices.

Was read the first and second times, and

Referred to the committee on agriculture.

MOTIONS AND RESOLUTIONS.

The committee on ways and means offered the following

CONCURRENT RESOLUTION

Be it resolved by the house of representatives of the sixth legislative assembly of the state of North Dakota, the senate concurring:

That the state treasurer, with the advice and consent of the governor and state auditor, be hereby authorized and instructed to negotiate and dispose of state funding warrants not to exceed \$100,000.00 in the aggregate, at such discount as will allow a reasonable rate of interest, such indebtedness to become due and payable on or before January 1, 1901. The existing conditions are such that the collection of taxes from the counties from now until January 1, 1901, may not be sufficient to meet expenses; therefore, this loan is necessary to protect the credit of the state and of the state institutions.

Mr. Johnson, of Richland, moved

The adoption of the concurrent resolution regarding the state treasurer issuing state funding warrants to an amount not to exceed \$100,000.00.

Which motion prevailed, and

The concurrent resolution was adopted.

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

Whereas, The first meeting for the organization of the present republican party was held at Ripon, Wisconsin, March 20, 1854, and the name "Republican" was suggested by its chairman, Major Bovey, later a resident of Glen Ullen, Morton county, N. D., and on July 6, following, a meeting was held "under the oaks" at Jackson, Mich., where Hon. Zach Chandler presided and christened it the "Republican Party" and

Whereas, The House of Representatives of the Sixth Legislative Assembly is especially honored by having as a member one who was a delegate to the "under the oaks" convention at which the republican party platform and its staunch principles were given life and launched forth into the political world to be nurtured and matured by the greatest affiliation of great minds the world has ever produced, therefore,

Be it resolved, that we congratulate this body that it is honored by the presence of Hon. David N. Green, sitting as a member of the Fifteenth district and that we hereby express our gratitude that life and health has been granted him for seventy-five years and that he is permitted to hold a seat in this body, and be it further

Resolved, That a copy of this resolution be properly engrossed and presented to Hon. David N. Green as a token of our esteem and to express our confidence in his personal integrity and honor, that has prompted him so steadfastly to maintain and abide by the principles of republicanism that he so early adopted,

Which motion prevailed, and

The resolution was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

Mr. Speaker:

I have the honor to transmit herewith

House bill No. 29,

A bill for an act to provide for the giving of proper official bonds, by county treasurers, and to provide for the payment of the expense incurred in procuring the same.

Which the senate has amended as follows:

After the word "county" in line 5, section 25, strike out "provided, however, that in all counties where the county treasurer shall receive an annual salary of eighteen hundred dollars or more, he shall be compelled to pay all expense of providing bonds as provided in section 1 of this act,"

And when so amended, passed the same as amended.

Very respectfully yours,

J. O. SMITH,

Secretary.

Mr Wolbert moved that the house concur in the senate amendment to

House bill No. 29,

A bill for an act to provide for the giving of proper official bonds, by county treasurers, and to provide for the payment of the expense incurred in procuring the same.

Which motion prevailed and

The amendment was concurred in.

The chief clerk announced that the speaker was about to sign

Senate bill No. 55,

A bill for an act making appropriation for repairing and furnishing the executive mansion.

Also,

Senate bill, No. 56,

A bill for an act making appropriation for a deficit in the miscellaneous expenses incurred in the maintenance of the University of North Dakota.

Also,

Senate bill, No. 52,

A bill for an act to appropriate for current and contingent expenses, furnishing, and for making needed permanent improvements for the State Soldiers Home at Lisbon.

Also,

Senate bill No. 69,

A bill for an act to amend section 237 of article 4, of chapter 4, of the Political Code.

Also,

Senate bill No. 8,

A bill for an act to provide an appropriation for the current and contingent expenses, and to provide for new buildings and for making needed permanent improvements for the hospital for the insane at Jamestown.

Also,

Senate bill No. 18,

For an act entitled an act making appropriations for the current and contingent expenses of the state penitentiary and for making permanent improvements and additions thereto.

Also,

Senate bill No. 3,

A bill for an act to repeal section 395, Revised Codes of North Dakota, as amended by chapter 138, laws of North Dakota for the year 1897, relating to the salary of supreme court reporter and providing a compensation for the supreme court reporter

Also,

Senate bill No. 30.

A bill for an act to provide for the maintenance of the deaf and dumb asylum of North Dakota, located at Devils Lake, and for necessary improvement and repairs, and making an appropriation therefor.

Also,

Senate bill No. 31,

A bill for an act providing for an appropriation for the maintenance and improvement of the state normal school at Valley City, North Dakota.

Also,

Senate bill No. 38.

A bill for an act providing for an appropriation for the maintenance and improvement of the state normal school at Mayville, North Dakota.

Also,

Senate bill No. 42,

A bill for an act providing for an appropriation for the erection of additional buildings and for the payment of the contingent expenses of the North Dakota Agricultural College and Experimental Station, located at Fargo, North Dakota.

Also,

Senate bill No. 26,

A bill for an act to provide for paying the expense incurred by the North Dakota commission in making an exhibit on behalf of the state at the Trans-Mississippi and International Exposition held at Omaha in the state of Nebraska in 1898, to refund money advanced by certain persons for the purpose of making said exhibit, and to appropriate money therefor.

Also,

Senate bill No. 130,

A bill for an act making an annual appropriation for the maintenance of the state university.

Also,

Senate bill No. 133,

A bill for an act to provide for the maintenance of the industrial school and school for manual training of North Dakota, located at Ellendale, and for necessary improvements and making an appropriation therefor.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the governor:

EXECUTIVE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 27, 1899.

To the House of Representatives:

Gentlemen: I have the honor to inform you that I have this day approved and filed with the honorable secretary of state.

House bill No. 80,

A bill for an act to suppress and punish trespassing and stealing rides upon cars, engines and trains, and authorizing trainmen to arrest and prosecute offenders against this act.

Also,

House bill No. 171,

A bill for an act to provide for the erection of necessary additional buildings for the Hospital for the Insane at Jamestown, North Dakota.

Also,

House bill No. 114,

A bill for an act to amend section "1620" of the Revised Codes of the state of North Dakota, of the revision of 1895, relating to the practice of veterinary.

I have the honor to be,

Very respectfully yours,

F. B. FANCHER,
Governor.

GENERAL ORDERS

Mr. Stevens moved

That the house resolve itself into a committee of the whole for the consideration of general orders,

Which motion prevailed, and

The house resolved itself into a committee of the whole

The speaker called Mr. Deisem to the chair.

When the committee arose, it submitted the following report:

REPORT OF COMMITTEE OF THE WHOLE.

Mr. Speaker

Your committee of the whole have had under consideration Substitute for House bill No. 90,

A bill for an act to repeal Sec. 30 of the Revised Codes of 1895,

of the state of North Dakota, relative to assistant legislative clerks and employes.

And recommend that the report of the judiciary committee be adopted and that the bill as reported by the committee do pass.

Also,

House bill No. 131,

A bill for an Act to regulate the taking up of estrays and for the disposition of the same and for the recovery of damages resulting therefrom.

And recommend that the further consideration thereof be indefinitely postponed.

Also,

House bill No. 57,

A bill for an act to amend section 7 of chapter 37 of the laws of 1897 providing for special tax for payment of wolf bounties.

And recommend that the bill be amended as follows:

In line 5 of the printed bill, after the word "of," strike out the words "five-tenths" and insert in lieu thereof the words "one-fifth."

Section 11, line 4, of the printed bill, after the word "tax," insert the words "for the years 1899 and 1900."

Also, strike out all of section 2 on page 2 of the printed bill.

Line 3, strike out the words "board of county commissioners of each county in the state," and insert the words "state board of equalization."

Strike out all after the word "chapter," in line 8, printed bill.

And when so amended recommend that the same do pass.

Also,

House bill No. 156,

A bill for an act requiring butchers killing branded cattle to keep a certain record pertaining thereto, make report thereof to the secretary of state and prescribing penalties for the violation thereof.

And recommend that the same be amended as follows:

After the word "thereon" at the end of section 1 add the words "which record shall be open to inspection during business hours by the states' attorney, or person authorized by him, of the county in which such butcher or person killing said cattle shall reside."

Also, after the words "state to," line 2, section 2, of the printed bill insert the words "make a verified."

Also, after the word "day" in line 2, in section 2, of the printed bill strike out the words "May and the first day of November of each year" and insert in lieu thereof the words "each and every month."

And when so amended recommend that the same do pass.

Also,

House bill 169,

A bill for an act entitled "an act making real estate mortgage forms uniform.

And recommend that the same be amended as follows:

After the word "in," in line 2, page 1, of the printed bill, insert the word "substantially."

And when so amended recommend that the same do pass.

Also,

House bill No. 185,

A bill for an act to provide a bounty for the destruction of gophers.

And recommend that the further consideration thereof be indefinitely postponed.

Also,

House bill No. 63,

A bill for an act providing for the publication of reports of school districts by the superintendent of schools, where the board fail to do so.

And recommend that the further consideration thereof be indefinitely postponed.

Also,

Substitute for House bill No. 84,

A bill for an act to amend section 736 of the Revised Codes and sections 740, 741, 742 and 743 of the Revised Codes as amended by chapter 75 of the laws of 1897 relating to education.

And recommend that further consideration of same be indefinitely postponed.

Also,

House bill No. 187,

A bill for an act to provide for the construction of highways over right-of-way and tracks of railroad corporations, prohibiting the removal of buildings of such corporations in certain cases and defining the powers and duties of the board of railroad commissioners in relation thereto.

Have had the same under consideration and report the same back to the house and beg leave to sit again.

C. S. DEISEM,
Chairman.

Mr. Laughlin moved

That the report of the committee of the whole be adopted except that part referring to

House bill No. 131,

A bill for an act to regulate the taking up of estrays and for the disposition of the same and for the recovery of damages resulting therefrom.

Mr. Tousley offered as a substitute motion,
That the report of the committee of the whole be adopted.
Which substitute motion prevailed, and
The report of the committee of the whole was adopted.

REPORTS OF STANDING COMMITTEES.

The committee on engrossed bills made the following report:

Mr. Speaker:

Your committee on engrossed bills have examined
House bill No. 133,

A bill for an act to amend section 32 of chapter 126, session laws of 1897 relating to payment of district assessors.

And find the same correctly engrossed.

A. W. THOMAS,
Chairman.

The committee on state affairs made the following report:

Mr. Speaker:

Your committee on state affairs to whom was referred
Senate bill No. 100,

A bill for an act to amend section 8494 of the Revised Codes of 1895 relating to the governor demanding the return of fugitives from justice in this state of the executive authority of any other state or territory within the United States providing for the appointment of agents to receive and return such fugitives and providing for payment of such agents.

Also,

House bill No. 213,

A bill for an act to amend section 1728 of the Revised Codes of the state of North Dakota relating to the duties of the sheriff in the testing of scales, weight and measures.

Also,

Senate bill No. 103,

A bill for an act to provide necessary assistance in the department of the state examiner.

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

Also,

House bill No. 210,

A bill for an act to amend section 1733 of the Revised Codes of North Dakota relating to establishing public scales in counties.

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

That in section 1733, line 4 the word "fifteen" be stricken out and in lieu thereof be inserted the word "twenty-five."

Also, that in the same section, line 5, instead of the word "farmer" be inserted the words "real estate owners."

And when so amended recommend that the same do pass.

JOHN KENNEDY,

Chairman.

The committee on engrossed bills made the following report:

Mr. Speaker:

Your committee on engrossed bills have examined

House bill No. 209,

A bill for an act to amend section 7960 of the Revised Codes of North Dakota, relating to examination of witnesses in criminal actions.

And find the same correctly engrossed.

A. W. THOMAS,

Chairman.

By unanimous consent

Mr. McHarg moved

That the house return to the introduction of house bills,

Which motion prevailed.

Mr. McHarg introduced

House bill No. 217,

A bill for an act to prevent the befouling of wells and providing a penalty therefor.

Which was read the first and second times and

Referred to committee on judiciary.

Mr. Johnson of Richland gave notice

That on Tuesday, February 28th, a motion would be made to reconsider the vote by which the house concurred in the senate amendments to

House bill No. 29,

A bill for an act to provide for the giving of proper official bonds, by county treasurers, and to provide for the payment of the expense incurred in procuring the same.

Mr. Bacon moved

That the house do now adjourn,

Which motion prevailed, and

The house adjourned.

J. G. HAMILTON,

Chief Clerk.

FIFTY-SEVENTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 28, 1899,

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

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except Mr. Restemayer, who was excused

REFERENCE OF THE JOURNAL.

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

Mr. Speaker

Your committee on revision and correction of the Journal respectfully report that they have carefully examined the Journal of the fifty-sixth day, and recommend the following corrections:

On page 3, line 11, strike out the word "appeal" and insert so as to read "repeal."

On page 14, line 22, after the word "bill" insert the abbreviation "No."

And when so amended recommend that the Journal of the fifty-sixth day be approved.

Also,

Your committee on revision and correction of the Journal respectfully report that they have carefully examined the Journal of the forty-ninth day, and recommend the following corrections:

On page 12, line 40, strike out the name "A. Peterson."

And when so amended recommend that the Journal of the forty-ninth day be approved.

JOHN KENNEDY,
Chairman.

Mr. Kennedy moved

That the report of the committee on revision and correction of the Journal be adopted,

Which motion prevailed, and
The report was adopted.

Mr. Stevens moved

That the order of business for the day, unless otherwise ordered, should be the reports of standing committees, third reading and final passage of house bills, and then general orders,

Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

The joint committee on game and game laws made the following report:

Mr. Speaker:

Your joint committee on game and game laws to whom was referred

House bill No. 161.

A bill for an act to prohibit the use of dogs in hunting prairie chickens, grouse and partridges.

Have had the same under consideration and recommend that the same be indefinitely postponed.

JOHN KENNEDY,

Chairman.

Mr. Kennedy moved

That the report of the joint committee on game and game laws on House bill No. 161,

A bill for an act to prohibit the use of dogs in hunting prairie chickens, grouse and partridges.

Be adopted,

Which motion prevailed and

The further consideration of

House bill No. 161,

A bill for an act to prohibit the use of dogs in hunting prairie chickens, grouse and partridges.

Was indefinitely postponed.

The joint committee on game and game laws made the following report:

Mr. Speaker:

Your joint committee on game and game laws to whom was referred

House bill No. 93,

A bill for an act relating to the protection of game and issuing permits to hunt and providing penalties for the violation thereof.

Have had the same under consideration and recommend that the same be indefinitely postponed.

JOHN KENNEDY,
Chairman.

Mr. Kennedy moved

That the report of the joint committee on game and game laws on House bill No. 93,

A bill for an act relating to the protection of game and issuing permits to hunt and providing penalties for the violation thereof.

Be adopted,

Which motion prevailed, and

The report was adopted,

And the further consideration of

House bill No. 93,

A bill for an act relating to the protection of game and issuing permits to hunt and providing penalties for the violation thereof.

Was indefinitely postponed.

The joint committee on game and game laws made the following report:

Mr. Speaker:

Your joint committee on game and game laws to whom was referred

House bill No. 34,

A bill for an act providing for the preservation of deer, antelope and mountain sheep, by prohibiting the killing of the same prior to November first, 1903, and prescribing penalty for violation.

Have had the same under consideration and recommend that the same be indefinitely postponed.

JOHN KENNEDY,
Chairman.

Mr. Kennedy moved

That the report of the joint committee on game and game laws on

House bill No. 34,

A bill for an act providing for the preservation of deer, antelope

and mountain sheep, by prohibiting the killing of the same prior to November first, 1903, and prescribing penalty for violation.

Be adopted,

Which motion prevailed, and

The report was adopted,

And the further consideration of

House bill No. 34,

A bill for an act providing for the preservation of deer antelope and mountain sheep, by prohibiting the killing of the same prior to November first, 1903, and prescribing penalty for violation.

Was indefinitely postponed.

The joint committee on game and game laws made the following report:

Mr. Speaker:

Your joint committee on game and game laws to whom was referred

House bill No. 60,

A bill for an act to amend sections 1643 and 1644 of the Revised Codes of 1895.

Have had the same under consideration and recommend that the same be indefinitely postponed.

JOHN KENNEDY,

Chairman.

Mr. Kennedy moved

That the report of the joint committee on game and game laws on

House bill No. 60,

A bill for an act to amend sections 1643 and 1644 of the Revised Codes of 1895.

Be adopted,

Which motion prevailed, and

The report was adopted,

And the further consideration of

House bill No. 60,

A bill for an act to amend sections 1643 and 1644 of the Revised Codes of 1895.

Was indefinitely postponed.

The joint committee on game and game laws made the following report:

Mr. Speaker:

Your joint committee on game and game laws to whom was referred

House bill No. 58,

A bill for an act to amend sections 1645 and 1648 of the Revised Codes relating to hunting permits of residents and non-residents and the disposition of fees collected therefrom.

Have had the same under consideration and recommend that the same be indefinitely postponed.

JOHN KENNEDY,
Chairman.

Mr. Kennedy moved

That the report of the joint committee on game and game laws on

House bill No. 58,

A bill for an act to amend sections 1645 and 1648 of the Revised Codes relating to hunting permits of residents and non-residents and the disposition of fees collected therefrom.

Be adopted,

Which motion prevailed, and

The report was adopted,

And the further consideration of

House bill No. 58,

A bill for an act to amend sections 1645 and 1648 of the Revised Codes relating to hunting permits of residents and non-residents and the disposition of fees collected therefrom.

Was indefinitely postponed.

The committee on elections and privileges made the following report:

Mr. Speaker:

Your committee on elections and privileges to whom was referred

Senate bill No. 43,

A bill for an act amending section 491, chapter 76, of the laws of 1897.

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

Also,

Senate bill No. 104,

A bill for an act regulating the holding of caucuses and providing for a penalty for violation thereof.

Have had the same under consideration and recommend that the same be indefinitely postponed.

J. THORDARSON,
Chairman.

Mr. Thordarson moved

That the report of the committee on elections and privileges on Senate bill No. 104,

A bill for an act regulating the holding of caucuses and providing for a penalty for violation thereof.

Be adopted.

Which motion prevailed and

The report was adopted.

And the further consideration of

Senate bill No. 104,

A bill for an act regulating the holding of caucuses and providing for a penalty for violation thereof.

Was indefinitely postponed.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

Senate bill No. 47,

A bill for an act to amend section 5422 of the Revised Codes, relating to note of issue, notice of trial and order of trials.

Have had the same under consideration and recommend that the same be indefinitely postponed.

O. McHARG,
Chairman, pro. tem.

Mr. McHarg moved

That the report of the committee on judiciary on

Senate bill No. 47,

A bill for an act to amend section 5422 of the Revised Codes, relating to note of issue, notice of trial and order of trials.

Be adopted,

Which motion prevailed, and

The report was adopted,

And the further consideration of

Senate bill No. 47,

A bill for an act to amend section 5422 of the Revised Codes, relating to note of issue, notice of trial and order of trials.

Was indefinitely postponed.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate bill No. 144,

A bill for an act fixing the times and places of holding general

and special terms of the supreme court of the state of North Dakota and providing for the expenses incident thereto.

Have had the same under consideration and recommend that the same be indefinitely postponed.

ORMSBY McHARG,
Acting Chairman.

The following members of the judiciary committee to whom was referred

Senate bill No. 144,

A bill for an act fixing the times and places of holding general and special terms of the supreme court of the state of North Dakota and providing for the expenses incident thereto.

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

J. D. BACON,
W. D. ALLEN,
D. E. TOWLE,
HENRY HALE,
F. J. DWIRE,
D. STEVENSON,
G. W. WOLBERT,
F. LISH.

Mr. Bacon moved

That the report signed by eight members of the committee on judiciary on

Senate bill No. 144,

A bill for an act fixing the times and places of holding general and special terms of the supreme court of the state of North Dakota and providing for the expenses incident thereto.

Be adopted,

Which motion prevailed, and

The report signed by eight members of the judiciary committee was adopted.

MESSAGES FROM THE SENATE.

The following messages were received from the senate:

SENATE CHAMBER,
February 28, 1899.

Mr. Speaker:

I have the honor to transmit herewith

Concurrent resolution, urging the creation of a chair for the

instruction of the Spanish language in the University of North Dakota, Grand Forks, N. D.

Also,

Senate bill No. 158,

A bill for an act to amend chapter 109 of the general laws of 1897, entitled "an act to amend section 4764 of the Revised Codes of the state of North Dakota, being chapter 74, entitled pledge."

Also,

Senate bill No. 161,

A bill for an act to appropriate sufficient funds out of the general fund not otherwise appropriated to be used by the board of university, school and public lands for examining and clearing titles of lands which are now mortgaged to the state of North Dakota.

Also,

Senate bill No. 151,

A bill for an act to appropriate money for the reappraisalment, advertising and expenses attendant upon the sale of institution and common school lands.

Also,

Senate bill No. 152,

A concurrent resolution relating to school lands.

Also,

Senate bill No. 137,

A bill for an act to amend section 2068 of the Revised Codes relating to compensation of county judges.

Also,

Senate bill No. 164,

A bill for an act amending sections 5, 6, 7, 8, 9, 10, 11, 13, 14, and 21 of chapter 112 of the laws of 1897 relating to opening and vacating highways, prescribing the duties of supervisors and county commissioners in relation thereto and regulating appeal from the awards thereof, and for the repeal of sections 1050 to 1075 both inclusive, of the Revised Codes of North Dakota.

Also,

Senate bill No. 147,

A bill for an act to regulate the payment to the state treasurer of state funds collected by or in the hands of county treasurers.

Also,

Senate bill No. 116,

A bill for an act to prohibit and punish the sale, offering for sale, cigarettes, cigarette paper or substitutes for the same, and to pro-

hibit and punish the use of cigarettes, cigars or tobacco by persons under 18 years of age, and to prohibit and punish the carrying or having by any person under 18 years of age of any cigarettes, cigars or tobacco, and to prohibit and punish the harboring of persons under 18 years of age, or permitting them to gather or frequent any place or premises to indulge in the use of cigarettes, cigars or tobacco, and to repeal section 7337 of the Revised Codes of 1895.

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

Very respectfully yours,

J. O. SMITH,

Secretary.

REPORTS OF STANDING COMMITTEES.

The committee on enrolled bills made the following report:

Mr. Speaker:

Your committee on enrolled bills have examined

House bill No. 92,

A bill for an act entitled an act authorizing cities to establish and maintain a general system of sewerage, and to provide for the cost thereof, and to create sewer improvement districts within the limits of such cities.

Also,

A concurrent resolution relating to the soldiers of North Dakota. And find the same correctly enrolled.

M. B. CASSELL,

Chairman.

The chief clerk announced that the speaker was about to sign House bill No. 92,

A bill for an act entitled an act authorizing cities to establish and maintain a general system of sewerage, and to provide for the cost thereof, and to create sewer improvement districts within the limits of such cities.

Also,

A concurrent resolution relating to the soldiers of North Dakota.

Also,

Senate bill No. 19.

A bill for an act to amend sections "1" and "6" of chapter "41" of the laws of 1897, of the state of North Dakota, entitled "an act authorizing cities to pave and otherwise improve streets, alleys and highways and to provide for the cost thereof, and to create

improvement districts within the limits of such cities."

Mr. Bacon moved.

That the rules be suspended and that

Senate bill No. 144,

A bill for an act fixing the times and places of holding general and special terms of the supreme court of the state of North Dakota and providing for the expenses incident thereto.

Be placed upon its third reading and final passage,

Which motion prevailed.

Senate bill No. 144,

A bill for an act fixing the time and places of holding general and special terms of the supreme court of the state of North Dakota, and providing for the expenses incident thereto.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 52, nays 9, absent and not voting 1.

Those voting in the affirmative were:

Messrs—

Aas,
Allen,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Delsem,
Earl,
Erickson,
Ferris,
Gilbertson,
Glasgow,
Green,

Messrs—

Gronvold,
Hale,
Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish,
McHarg,
McLean,
Michels,
Nelson,
Ovind,
Peek,
Peterson,

Messrs—

Sanford,
Sargent,
Stevens,
Stewart,
Swensou,
Taylor,
Thomas,
Thomson,
Thordarson
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Watts,
Wolbert,
Winslow,
Mr. Speaker.

Those voting in the negative were:

Messrs—

Allshouse,
Dougherty,
Dwire,

Messrs—

Engelter,
Gulack,
Hare,

Messrs—

Lynch,
Miner,
Stevenson,

Mr. Restemayer being excused.

So the bill passed and the title was agreed to.

Mr. Bacon moved

That the vote by which Senate bill No. 144 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Speaker requested the privileges of the floor for Mr. and Mrs. F. O. Schlipf.

Mr. Lish requested the privileges of the floor for Messas. J. G. Campbell and Pat McGirley of Dickinson.

Mr. Johnson of Richland, requested the privileges of the floor for Hon. R. H. Hankinson. E. A. Munger, C. Ness and F. Van Kirk.

There being no objections the privileges of the floor were extended.

REPORTS OF STANDING COMMITTEES.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

Senate bill No. 90,

A bill for an act providing for the calling in of the judge of another district for the trial of civil actions in the district court, on the ground of prejudice of the trial judge.

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

O. McHARG,
Chairman.

Mr. McHarg moved

That the report of the committee on judiciary on

Senate bill No. 90,

A bill for an act providing for the calling in of the judge of another district for the trial of civil actions in the district court, on the ground of prejudice of the trial judge.

Be adopted,

Which motion prevailed and

The report was adopted.

Mr. Allen moved

That the rules be suspended and that

Senate bill No. 90,

A bill for an act providing for the calling in of the judge of another district for the trial of civil actions in the district court, on the ground of prejudice of the trial judge.

Be placed upon its third reading and final passage.

Roll call demanded.

The roll was called and there were ayes 42, nays 17, absent and not voting 3.

Those voting in the affirmative were:

Messrs—

Aas,
Allen,
Bacon,
Berger,
Brakke,
Brotnov,
Cassell,
Chacey,
Delsem,
Dougherty,
Dwire,
Earl,
Ferris,
Glasgow,

Messrs—

Green,
Gronvold,
Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Laughlin,
Lee,
McHarg,
McLean,
Miner,
Nelson,
Ovind,
Peek,

Messrs—

Peterson,
Sanford,
Stewart,
Swenson,
Thomas,
Thomson,
Thordarson
Towle,
Tufte,
Ugland,
Wallace,
Watts,
Winslow,
Mr. Speaker.

Those voting in the negative were:

Messrs—

Allshouse,
Boyd,
Clarke,
Engelter,
Gilbertson,
Gulack,

Messrs—

Hale,
Hare,
Kennedy,
Lish
Lynch,
Sargent,

Messrs—

Stevens,
Stevenson,
Taylor,
Tousley,
Wolbert,

Absent and not voting:

Messrs—

Erickson,

Messrs—

Michels,

Messrs—

Restemayer,

Mr. Restemayer being excused.

So the motion to suspend the rules and place
Senate bill No. 90,

A bill for an act providing for the calling in of the judge of
another district for the trial of civil actions in the district court,
on the ground of prejudice of the trial judge.

Upon its third reading and final passage prevailed.

Senate bill No. 90,

A bill for an act providing for the calling in of the judge of
another district for the trial of civil actions in the district court,
on the ground of prejudice of the trial judge.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 52, nays 5 absent
and not voting 5.

Those who voted in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,
Berger,
Boyd,
Brakke,
Brotnov,
Chacey,

Messrs—

Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Laughlin,
Lee,
Lish
Lynch,

Messrs—

Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson
Tousley,

Levang,
 Delsem,
 Dougherty,
 Dwire,
 Earl,
 Erickson,
 Gilbertson,
 Glasgow,
 Green,
 Gronvold,
 Hale,

Marshall,
 McHarg,
 McLean,
 Michels,
 Miner,
 Nelson,
 Ovind,
 Peek,
 Peterson,
 Sarford,
 Sargent,

Murphy,
 Towle,
 Tufte,
 Uglund,
 Wallace,
 Watts,
 Wolbert,
 Winslow.
 Mr. Speaker,

Those voting in the negative were:

Messrs—
 Clarke,
 Ferris,

Messrs—
 Hare,
 Kennedy,

Messrs—
 Stevens,

Absent and not voting:

Messrs—
 Bacon,
 Cassell,

Messrs—
 Engelter,
 Gulack,

Messrs—
 Restemayer.

Mr. Restemayer being excused.

So the bill passed and the title was agreed to.

Mr. Allen moved

That the vote by which Senate bill No. 90 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred
 House bill No. 204,

A bill for an act defining libel and prescribing the procedure, justification, privileged communications, mitigation of damages and other matters pertaining thereto.

Have had the same under consideration and recommend that the same be indefinitely postponed.

O. McHARG,
 Chairman Pro Tem.

Mr. McHarg moved

That the report of the committee on judiciary on
 House bill No. 204,

A bill for an act defining libel and prescribing the procedure, justification, privileged communications, mitigation of damages and other matters pertaining thereto.

Be adopted,

Which motion prevailed, and

The report was adopted,

And the further consideration of

House bill No. 204,

A bill for an act defining libel and prescribing the procedure, justification, privileged communications, mitigation of damages and other matters pertaining thereto.

Was indefinitely postponed.

The committee on engrossed bills made the following report:

Mr. Speaker:

Your committee on engrossed bills have examined

House bill No. 213,

A bill for an act to amend section 1728 of the Revised Codes of the state of North Dakota relating to the duties of the sheriff in the testing of scales, weight and measures.

And find the same correctly engrossed. •

A. W. THOMAS,

Chairman.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

House bill No. 214,

A bill for an act to provide for the appointment of a conservator for drunkards and spendthrifts and their powers and duties.

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

Also,

House bill No. 193,

A bill for an act to provide for the issuance of a summons and the service thereof, and for the service of an answer in actions in the district court wherein affirmative relief is sought by a party defendant against another party defendant not a resident of this state, and providing for a reply to such answer.

Have had the same under consideration and recommend that the same be indefinitely postponed.

O. McHARG,

Chairman Pro Tem.

Mr. McHarg moved

That the report of the committee on judiciary on

House bill No. 193,

A bill for an act to provide for the issuance of a summons and the service thereof, and for the service of an answer in actions in the district court wherein affirmative relief is sought by a party defendant against another party defendant not a resident of this state, and providing for a reply to such answer.

Be adopted,
 Which motion prevailed, and
 The report was adopted,
 And the further consideration of
 House bill No. 193,

A bill for an act to provide for the issuance of a summons and the service thereof, and for the service of an answer in actions in the district court wherein affirmative relief is sought by a party defendant against another party defendant not a resident of this state, and providing for a reply to such answer.

Was indefinitely postponed.

REPORTS OF STANDING COMMITTEES.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred
 House bill No. 206,

A bill for an act to amend section 473C of the Revised Codes, 1895, relating to chattel mortgages and their renewal.

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

Also,

House bill No. 217,

A bill for an act to prevent the befouling of wells and providing a penalty therefor.

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

After the word "within" line 3, of the printed bill, strike out the words "one hundred" and insert in lieu thereof the word "seventy-five."

And when so amended recommend that the same do pass.

O. McHARG,
 Acting chairman.

Mr. McHarg moved

That the report of the committee on judiciary on
 House bill No. 217,

A bill for an act to prevent the befouling of wells and providing a penalty therefor.

Be adopted,

And referred to committee on engrossment,

Which motion prevailed and

House bill No. 217,

A bill for an act to prevent the befouling of wells and providing a penalty therefor.

Was so referred.

The committee on penal institutions made the following report:

Mr. Speaker:

Your committee on penal institutions to whom was referred
Senate bill No. 123,

A bill for an act to amend section 1 of chapter 108 of the session laws of 1897 relating to labor of convicts.

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

JOSEPH HARE,
Chairman.

The committee on education made the following report:

Mr. Speaker:

Your committee on education to whom was referred
Senate bill No. 142,

A bill for an act to legalize irregularities in the formation of school districts and to make valid the acts of the officials thereof.

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

C. A. SANFORD,
Chairman.

The committee on appropriations made the following report:

Mr. Speaker:

Your committee on appropriations to whom was referred
Senate bill No. 109,

A bill for an act to appropriate money to pay traveling expenses of the board of railroad commissioners and its secretary.

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

After the words "the sum of" in line 2 of the printed bill strike out the word "eight" and insert in lieu thereof the word "five."

And when so amended recommend that the same do pass.

Also,

Senate bill No. 111,

A bill for an act to appropriate the sum of eight hundred dollars to pay C. A. Leck and H. P. Leck, composing the firm of Leck & Leck, for work and labor done and material furnished for the North Dakota Agricultural College at Fargo, North Dakota.

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

That the title be amended to read "\$440" instead of "\$800."

And when so amended recommend that the same do pass.

W. D. ALLEN,
Chairman.

Mr. Lee moved

To reconsider the vote by which

House bill No. 178,

A bill for an act to amend section 7306, chapter 40 of the Revised Codes.

Was lost,

Which motion prevailed.

Mr. Hare moved

That the rules be suspended and that

House bill No. 178,

A bill for an act to amend section 7306, chapter 40 of the Revised Codes.

Be placed upon its final passage,

Which motion prevailed.

House bill No. 178,

A bill for an act to amend section 7306, chapter 40 of the Revised Codes.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 56, nays 3, absent and not voting 3.

Those voting in the affirmative were:

Messrs—

Aas,
Allen,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Delsem,
Dougherty,
Dwire,
Engelter,
Erickson,
Ferris,
Gilbertson,
Glasgow,
Green,

Messrs—

Gronvold,
Gulack,
Hale,
Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish
Lynch,
McHarg,
McLean,
Michels,
Miner,
Ovind,
Peek,

Messrs—

Peterson,
Sanford,
Sargent,
Stevens,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson
Tousley,
Tufte,
Ugland,
Wallace,
Wolbert.
Winslow,
Mr. Speaker,

Those voting in the negative were:

Messrs—

Nelson,

Messrs—

Towle,

Messrs—

Watts,

Absent and not voting:

Messrs—

Allshouse,

Messrs—

Earl,

Messrs—

Restemayer,

Mr. Restemayer being excused

So the bill passed and the title was agreed to.

Mr. Stevens moved

That the vote by which House bill No. 178 passed be reconsidered, and the motion to reconsider be laid upon the table,
Which motion prevailed.

MESSAGES FROM THE SENATE.

The following messages were received from the senate:

SENATE CHAMBER,

February 28, 1899.

Mr. Speaker:

I have the honor to transmit herewith

Senate bill No. 176,

A bill for an act entitled an act authorizing the board of trustees and warden of the state penitentiary to purchase or otherwise acquire not to exceed thirty (30) acres of land for yard, garden and other purposes and appropriating nine hundred dollars (\$900.00), or so much thereof as may be needed therefor.

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

Also,

Senate bill No. 35,

A bill for an act to amend subdivision 22 of article 7 of an act passed by the Fifth session of the legislative assembly of the state of North Dakota, entitled "an act to amend the probate code of the state of North Dakota," relating to sales made by executors and administrators.

For which the senate has substituted a bill as follows and passed said substitute to-wit:

Substitute for House bill No. 35,

A bill for an act empowering the governor to enter into contracts for the care and education of blind children.

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

Section 1. The governor is hereby authorized to contract with the states of Minnesota or South Dakota for the care and instruction of blind children of school age, and shall authorize the state auditor to issue warrants upon the state treasury for that purpose.

Sec. 2. Whereas, there is no provision of law for the care and instruction of the blind; therefore, an emergency exists and this act shall take effect and be in force from and after its passage and approval.

Also,

House bill No. 65,

A bill for an act to amend sections 5848, 5861 and 5862 of the Revised Codes of North Dakota, relating to the foreclosure of mortgages by advertisement.

Which the senate has indefinitely postponed.

Also,

Substitute for House bill No. 106,

A bill for an act to amend section 2080 of the Revised Codes of the state of North Dakota, providing for the salary of the county treasurers.

Which the senate has amended as follows and passed as amended:

In line 17, page 21, strike out the word "four" and insert in lieu thereof the word "two."

In line 20, page 2, strike out the words "two million" and insert in lieu thereof the words "one million five hundred thousand."

After the word "dollar" in line 20 add the following: "Nor more than one thousand four hundred dollars in bounties where the assessed valuation exceeds one million four hundred thousand dollars, but does not exceed two million dollars."

Also,

Senate bill No. 179,

A joint resolution regulating the compensation of the door-keepers, assistant sergeant-at-arms, janitors and watchmen of the Senate and House of Representatives.

Also,

Senate bill No. 80,

A bill for an act fixing the salary of states attorney and assistant states attorney in the different counties and mode of determining the same.

Also,

Senate bill No. 168,

Concurrent resolution amending section 215 of article 19 of the constitution of North Dakota, changing the name of the deaf and dumb asylum to School for the Deaf.

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

Very respectfully yours,

J. O. SMITH,

Secretary.

GENERAL ORDERS

Mr. Stevens moved

That the house do now resolve itself into a committee of the whole for the consideration of general orders,

Which motion prevailed and
 The house resolved itself into a committee of the whole.
 The speaker called Mr. Stevens to the chair.
 When the committee arose, it submitted the following report:

REPORT OF COMMITTEE OF THE WHOLE.

Mr. Speaker:

Your committee of the whole have had under consideration
 House bill No. 55,

A bill for an act to amend section 2985 of the civil code of the state of North Dakota relating to when station house to be maintained.

And recommend that the same be amended as follows:

After the word "year" at the end of the 7th line, be inserted: "Provided, that this shall apply only to stations where 25 per cent of the business done is for charges upon incoming freight."

And when so amended recommend that the same do pass.

Also,

House bill No. 144,

A bill for an act fixing the rate of passenger fare to be charged on railroads within the state and providing a penalty for a violation thereof.

And recommend that the bill do pass.

Also,

House bill No. 95,

A bill for an act to amend section 960 of the Revised Codes of North Dakota relating to residents entitled to education free.

And recommend that the same be amended as follows:

Amend title by striking out all after the word "of," and inserting in lieu thereof "chapter 10 of the Revised Codes of North Dakota, relating to educational and charitable institutions."

In line 1 of the printed bill, before the word "that" insert the words "Section 1. Amendment," and after the word "of" insert the words "chapter 10 of."

In line 3, before the word "all," insert the words "Section 960. Certain residents entitled to education free. Power of board."

After the word "deaf," in line 3, insert the words "and deaf and dumb," and after the word "state" strike out all commencing with the word "who" and ending with the word "age" in line 4, and insert "and all persons."

After the word "schools," in line 5, insert "and who are over seven and under twenty-one years of age."

And when so amended recommend that the same do pass.

Also,

House bill No. 159,

A bill for an act to amend section 4788, of chapter 77, of the Revised Codes of 1895, relating to mechanics liens.

And recommend that the same be amended as follows:

After the word "that," page 2, line 12 of the printed bill, strike out the words "the person filing said lien shall notify the owner of his intention by registered mail previous to the completion of said contract" and insert in lieu thereof the words "no person who furnishes any materials, machinery or fixtures as aforesaid, for a contractor or a sub-contractor, shall be entitled to file such lien, unless he notify the owner of the land, by registered letter, previous to the completion of said contract, that he has furnished such materials, machinery or fixtures."

Also, insert the following as an enacting clause: "Be it enacted by the legislative assembly of the state of North Dakota."

Also, insert after the enacting clause the following: "Section 1. That section 4788 of the Revised Codes be amended to read as follows:"

And when so amended recommend that the same do pass.

Also,

House bill No. 42,

A bill for an act fixing the liability of railroad companies and corporations owning and operating a railroad for injuries sustained by its employes from the negligent acts of co-employes.

And recommend that the minority report of the committee on railroads be adopted and that the bill do pass.

Also,

House bill No. 7,

A bill for an act to amend section 2737 of the Revised Codes.

And recommend that the same be amended as follows:

That the title of said act be amended to read as follows: "A bill for an act to amend sections 2737 and 2743 of the Revised Codes of North Dakota, relating to the causes for divorce and duration thereof."

That section 1 of said act be amended to read as follows:

Section 1. That section 2737 of the Revised Codes be amended to read as follows:

Sec. 2737. Divorces may be granted for any of the following causes:

1. Adultery.
2. Extreme cruelty.
3. Willful desertion.
4. Willful neglect.
5. Habitual intemperance.
6. Conviction for felony.
7. Incurable insanity.

Sec. 2. That section 2743 of the Revised Codes be amended to read as follows:

Sec. 2743. Willful desertion, willful neglect or habitual intemperance must continue for one year before either is a ground for a divorce, and incurable insanity must continue for two years, the person so afflicted to have been confined in an asylum for the insane during such time before it is a cause for divorce and the testimony of the superintendent of such asylum showing such person to be incurably insane must be produced before the court granting such divorce, before the same shall be granted.

Sec. 3. Whereas, there is now no law providing for causes for divorces as in this act provided, an emergency exists, therefore this act shall take effect and be in force from and after its passage and approval.

And when so amended recommend that the same do pass.

Also,

House bill No. 189,

A bill for an act to amend section 2459 of the Revised Codes of North Dakota relating to water works and fire apparatus in cities, towns, and villages.

And recommend that the same be amended as follows:

By striking out from line 17 of section 1 of the printed bill, after the word "of," the word "ten," and insert in lieu thereof the word "seven."

And when so amended recommend that the same do pass.

Also,

House bill No. 145,

A bill for an act to provide for the compensation of the state oil inspector and his deputies and to define the duties thereof.

And recommend that the same be amended as follows:

In section 4 of printed bill after the word "office" in line 3 add the following: "Except in case mileage is collected as provided in section 5 of this act."

Strike out all of section 5 of printed bill and insert the following: "Section 5. All illuminating oils when shipped into the state shall be inspected on entering the state. The following points being designated as ports of entry: Fairmont, Wahpeton, Fargo, Grand Forks, Oakes and Ellendale. For making inspection at other than said points the inspector or his deputies shall be entitled in addition to fees prescribed to mileage at the rate of 10 cents per mile for each mile actually traveled. Such mileage to be paid by the party for whom inspection is made, and to be retained by inspector or deputy making inspection."

Amend further by striking out all of "section 7" in the printed bill.

Provided, also, that this act shall not apply to the oil inspector appointed by the present governor.

And when so amended recommend that the same do pass.

Senate bill No. 41,

A bill for an act amending sections sixty and seventy-one of chapter one hundred and twenty-four of the session laws of 1897.

And recommend that the bill be amended as follows:

In line 10, page 2, of the printed bill, after the word "of" insert "September" instead of "April."

In line 11, page 1, of the printed bill between the words "who and shall" insert "shall notify by mail such delinquent that taxes have been placed in his hands for collection, and unless same are paid within 15 days, he."

In line 26, page 2, after the word "on" insert "or before fifteenth day of December," and strike out the words, "the first day of July."

And when so amended recommend that the same do pass.

R. N. STEVENS,

Chairman.

Mr. McHarg moved

That the report of the committee of the whole be adopted,
Which motion prevailed, and

The report of the committee of the whole was adopted.

By unanimous consent Mr. Wolbert moved that
House bill No. 42,

A bill for an act fixing the liability of railroad companies and corporations owning and operating a railroad for injuries sustained by its employes from the negligent acts of co-employes.

Be considered engrossed and placed upon its third reading and final passage.

Mr. Wallace moved

That the house do now adjourn,

Which motion prevailed and

The house adjourned until 10 o'clock a. m., March 1:

J. G. HAMILTON,
Chief Clerk.

FIFTY-EIGHTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 1, 1899.

The house assembled at 10 o'clock a. m., pursuant to adjournment.

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except Mr. Restemayer, who was excused, and also Mr. Dwire.

REPORTS OF STANDING COMMITTEES.

The committee on agriculture made the following report:

Mr. Speaker:

Your committee on agriculture to whom was referred

House bill No. 56,

A bill for an act to amend sections 7639, 7640, 7641, 7642, 7643, 7644, 7645, 7646, 7647 and 7648 of the Revised Codes regulating the manufacture and sale of oleomargarine, butterine, patent butter and cheese within the state of North Dakota.

Have had the same under consideration and recommend that the same be indefinitely postponed.

O. C. HAUAN,
Chairman.

Mr. Hauan moved

That the report of the committee on agriculture on House bill No. 56,

A bill for an act to amend sections 7639, 7640, 7641, 7642, 7643, 7644, 7645, 7646, 7647 and 7648 of the Revised Codes regulating the manufacture and sale of oleomargarine, butterine, patent butter and cheese within the state of North Dakota.

Be adopted.

Which motion prevailed, and

The report was adopted.

And the further consideration of House bill No. 56,

A bill for an act to amend sections 7639, 7640, 7641, 7642, 7643, 7644, 7645, 7646, 7647 and 7648 of the Revised Codes regulating the manufacture and sale of oleomargarine, butterine, patent butter and cheese within the state of North Dakota.

Was indefinitely postponed.

The committee on agriculture made the following report:

Mr. Speaker:

Your committee on agriculture to whom was referred House bill No. 216,

A bill for an act repealing section 1573 and section 1574 of the Revised Codes of 1895 relating to the designation of an official estray paper and the publication of estray notices therein, and to pay for the publication of such notices.

Have had the same under consideration and recommend that the same be indefinitely postponed.

O. C. HAUAN,
Chairman.

Mr. Hauan moved

That the report of the committee on agriculture on House bill No. 216,

A bill for an act repealing section 1573 and section 1574 of the Revised Codes of 1895 relating to the designation of an official estray paper and the publication of estray notices therein, and to pay for the publication of such notices.

Be adopted,

Which motion prevailed, and

The report was adopted.

And the further consideration of
House bill No. 216,

A bill for an act repealing section 1573 and section 1574 of the Revised Codes of 1895 relating to the designation of an official estray paper and the publication of estray notices therein, and to pay for the publication of such notices.

Was indefinitely postponed.

The committee on irrigation made the following report:

Mr. Speaker:

Your committee on irrigation to whom was referred
House bill No. 211,

A bill for an act to provide for persons holding lands, the right to water right of way for conducting the same by dams, dykes, ditches, flumes or canals and other purposes.

Have had the same under consideration and recommend that the same be referred to general orders.

D. STEVENSON,
Chairman.

Mr. Stevenson moved

That the report of the committee on irrigation on
House bill No. 211,

A bill for an act to provide for persons holding lands, the right to water right of way for conducting the same by dams, dykes, ditches, flumes or canals and other purposes.

Be adopted,

Which motion prevailed, and

The report was adopted, and

House bill No. 211,

A bill for an act to provide for persons holding lands, the right to water right of way for conducting the same by dams, dykes, ditches, flumes or canals and other purposes.

Was so referred.

The committee on irrigation made the following report:

Mr. Speaker:

Your committee on irrigation to whom was referred

House bill No. 212,

A bill for an act prohibiting the county officers from accepting passes from railway companies, or favors by the way of free rides, free freight rate or reductions on the same, and prohibiting them from being employes of railway companies while holding such offices, and providing penalties therefor.

Have had the same under consideration and recommend that the same be indefinitely postponed.

D. STEVENSON,
Chairman.

Mr. Stevenson moved
That the report of the committee on irrigation on
House bill No. 212,

A bill for an act prohibiting the county officers from accepting passes from railway companies, or favors by the way of free rides, free freight rate or reductions on the same, and prohibiting them from being employes of railway companies while holding such offices, and providing penalties therefor.

Be adopted,
Which motion prevailed, and
The report was adopted, and
The further consideration of

House bill No. 212,

A bill for an act prohibiting the county officers from accepting passes from railway companies, or favors by the way of free rides, free freight rate or reductions on the same, and prohibiting them from being employes of railway companies while holding such offices, and providing penalties therefor.

Was indefinitely postponed.

The committee on agriculture made the following report:

Mr. Speaker:

Your committee on agriculture to whom was referred
Senate bill No. 122,

A bill for an act to amend section 1538 of the Revised Codes of the state or North Dakota, relating to marks and brands.

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

By adding to the title, after the words "North Dakota," "and to repeal sections 1539 of said codes; also to relieve the registers of deeds of any duty in regard to registering marks and brands."

Also, by adding section 2: "Sec. 2. Section 1539 of the Revised Codes of 1895 is hereby repealed."

Also by adding section 3. "Sec. 3. After this act shall take effect, the register of deeds of the several counties shall not be required to make any record of or perform any duty in regard to marks and brands."

And when so amended recommend that the same do pass.

O. C. HAUAN,
Chairman.

The committee on taxes and tax laws made the following report:
Mr. Speaker:

Your committee on taxes and tax laws to whom was referred
House bill No. 205,

A bill for an act amending section 46 of chapter 126 of the law
of 1897 relating to revenue and taxation.

Also,

Senate bill No. 153.

A bill for an act to amend section 1353 of the Revised Codes of
the state of North Dakota, relating to adjustment of delinquent
taxes due the state from counties and repealing section 1347 of
said codes.

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

G. W. EARL,
Chairman.

Mr. Stevens moved

That the house now proceed to the third reading and final
passage of house bills;

Which motion prevailed.

Mr. McHarg moved to withdraw

House bill No. 160,

A bill for an act to provide for the purchase and redemption of
lands sold for taxes and bid in for the state or county where such
taxes are included in judgments rendered pursuant to the pro-
visions of chapter 67 of the session laws of 1897 of the state of
North Dakota, where no sales of such lands have been made under
such judgments.

At the request of the person for whom he introduced the same,

Which motion prevailed.

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

Be it resolved by the house of representatives that this house do ad-
journ sine die at the hour of 8 o'clock p. m. Friday, March 3, 1899.

Which motion prevailed, and

The resolution was adopted

The committee on engrossed bills made the following report:

Mr. Speaker:

Your committee on engrossed bills have examined

House bill No. 217,

A bill for an act to prevent the be'fouling of wells and providing
a penalty therefor.

Also,

House bill No. 210,

A bill for an act to amend section 1733 of the Revised Codes of North Dakota relating to establishing public scales in counties.

Also,

House bill No. 205,

A bill for an act amending section 46 of chapter 126 of the law of 1897 relating to revenue and taxation.

Also,

House bill No. 144,

A bill for an act fixing the rate of passenger fare to be charged on railroads within the state and providing a penalty for a violation thereof.

Also,

House bill No. 55,

A bill for an act to amend section 2985 of the civil code of the state of North Dakota relating to when station house to be maintained.

And find the same correctly engrossed.

A. W. THOMAS,

Chairman.

Mr. Laughlin requested that the privileges of the floor be extended to T. A. Curtis.

Mr. Green requested that the privileges of the floor be extended to Mr. Alfred Zuger, of Valley City.

Mr. Miner requested the privileges of the floor for Mr. M. E. Wilson.

Mr. Speaker requested the privileges of the floor for Messrs. F. N. Chaffee and Thos. McGeehney.

There being no objections, the courtesies of the floor were so extended.

The speaker announced an informal recess for 10 minutes.

The house reassembled.

The committee on ways and means made the following report:

Mr. Speaker:

Your committee on ways and means to whom was referred

House bill No. 89,

A bill for an act entitled "an act fixing the salary of clerks of the district court in the state of North Dakota, providing a fund to reimburse the counties of the state for the same and to repeal sections 2061 to 2067, both inclusive, of the Revised Codes of the

state of North Dakota for the year 1895, the same being all of article 2, of chapter 27, of the Political Code therein."

And

House bill No. 98,

A bill for an act to amend sections 2063 and 2067 of the Revised Codes of North Dakota relating to the appointment of deputy clerks of court and their salaries, and fees to be charged by the clerks of district court.

Have had the same under consideration and recommend that all be stricken out after the enacting clause and insert Substitute for House bills No. 89 and 98.

J. S. JOHNSON,

Chairman.

The committee on engrossed bills made the following report:

Mr. Speaker:

Your committee on engrossed bills have examined

House bill No. 7,

A bill for an act to amend section 2737 of the Revised Codes.

Also,

House bill No. 95,

A bill for an act to amend section 960 of the Revised Codes of North Dakota relating to residents entitled to education free.

Also,

House bill No. 159,

A bill for an act to amend section 4788, of chapter 77, of the Revised Codes of 1895, relating to mechanics liens.

Also,

House bill No. 145,

A bill for an act to provide for the compensation of the state oil inspector and his deputies and to define the duties thereof.

Also,

House bill No. 189,

A bill for an act to amend section 2459 of the Revised Codes of North Dakota relating to water works and fire apparatus in cities, towns, and villages.

Also,

House bill No. 206,

A bill for an act to amend section 4737 of the Revised Codes, 1895, relating to chattel mortgages and their renewal.

Also,

House bill No. 214,

A bill for an act to provide for the appointment of a conservator for drunkards and spendthrifts and their powers and duties.

Also,

House bill No. 190,

A bill for an act to amend section 1807 of the Revised Codes of 1895, relating to printing.

Also,

House bill No. 57,

A bill for an act to amend section 7 of chapter 37 of the laws of 1897 providing for special tax for payment of wolf bounties.

And find the same correctly engrossed.

A. W. THOMAS,

Chairman.

The committee on enrolled bills made the following report:

Mr. Speaker

Your committee on enrolled bills have examined

House bill No. 135,

A bill for an act providing for the manner of the disposition of lands acquired by the state or the several counties of the state under the provisions of chapter 67, laws of 1897.

And find the same correctly enrolled.

M. B. CASSELL,

Chairman.

The committee on engrossed bills made the following report:

Mr. Speaker:

Your committee on engrossed bills have examined

House bill No. 191,

A bill for an act to provide that the state auditor shall consecutively number all vouchers filed for bills, claims or accounts against any of the funds in the treasury of the state of North Dakota, and to issue consecutively all warrants, orders, or certificates for or upon such vouchers in the same order that such vouchers shall have been received and filed by him.

Also,

House bill 169,

A bill for an act entitled "an act making real estate mortgage forms uniform.

And find the same correctly engrossed.

A. W. THOMAS,

Chairman.

The committee on enrolled bills made the following report:

Mr. Speaker:

Your committee on enrolled bills to whom was referred

House bill No. 20,

A bill for an act to amend section 1495 of the Revised Codes of the state of North Dakota, relating to the time of holding an election for the purchase of an asylum for the poor, and providing for the appointment of a superintendent for such asylum.

And find the same correctly enrolled.

M. B. CASSELL,
Chairman.

Mr. Johnson of Richland moved

That the report of the committee on ways and means on House bill No. 89,

A bill for an act entitled "an act fixing the salary of clerks of the district court in the state of North Dakota, providing a fund to reimburse the counties of the state for the same and to repeal sections 2061 to 2067, both inclusive, of the Revised Codes of the state of North Dakota for the year 1895, the same being all of article 2, of chapter 27, of the Political Code therein."

And

House bill No. 98,

A bill for an act to amend sections 2063 and 2067 of the Revised Codes of North Dakota relating to the appointment of deputy clerks of court and their salaries, and fees to be charged by the clerks of district court.

Be adopted,

And that the substitute bill be printed,

Which motion prevailed.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

Senate bill No. 149,

A concurrent resolution relating to the hospital for the insane.

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

O. McHARG,
Chairman Pro Tem.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the governor:

EXECUTIVE CHAMBER,
BISMARCK, NORTH DAKOTA,

March 1, 1899.

To the House of Representatives:

Gentlemen: I have the honor to inform you that I have this day approved and filed with the honorable secretary of state

House bill No. 92,

A bill for an act entitled an act authorizing cities to establish and maintain a general system of sewerage, and to provide for the cost thereof, and to create sewer improvement districts within the limits of such cities.

I have the honor to be,

Very respectfully yours,

F. B. FANCHER,
Governor.

Mr. Stevens moved

That the report of the committee on judiciary on
Senate bill No. 149,

A concurrent resolution relating to the hospital for the insane.
Be adopted,

Which motion prevailed, and

The report was adopted.

THIRD READING OF HOUSE BILLS.

House bill No. 42,

A bill for an act fixing the liability of railroad companies and corporations owning and operating a railroad for injuries sustained by its employes from the negligent acts of co-employes.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 40, nays 16, absent and not voting 6.

Those voting in the affirmative were:

| | | |
|----------------|--------------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Aas, | Ferris, | Nelson, |
| Allen, | Gilbertson, | Ovind, |
| Bacon, | Glasgow, | Peek, |
| Berger, | Green, | Sanford, |
| Boyd, | Gronvold, | Swenson, |
| Brakke, | Hale, | Stevenson, |
| Brotnov, | Hauan, | Thomson, |
| Cassell, | Johnson, Richland, | Tousley, |
| Chacey, | Kennedy, | Towle. |
| Clarke, | Lee, | Tufte, |
| Delsem, | Lish, | Watts, |
| Engelter, | McHarg, | Wolbert, |
| Erickson, | McLean, | Winslow. |
| | | Mr. Speaker, |

Those voting in the negative were:

| | | |
|------------------|----------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Allshouse, | Laughlin, | Stevens, |
| Dougherty, | Lynch, | Taylor, |
| Earl, | Michels, | Thomas, |
| Hare, | Miner, | Thordarson |
| Herbrandson, | Peterson, | Wallace, |
| Johnston, Walsh, | | |

Absent and not voting:

| | | |
|--|--|--|
| <p>Messrs— Dwire, Gulack,</p> | <p>Messrs— Restemayer, Sargent,</p> | <p>Messrs— Stewart, Ugland,</p> |
|--|--|--|

So the bill passed and the title was agreed to.

Mr. Wolbert moved

That the vote by which House bill No. 42 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Senate bill No. 41,

A bill for an act amending sections sixty and seventy-one of chapter one hundred and twenty-four of the session laws of 1897.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 54, nays 2 absent and not voting 6.

Those who voted in the affirmative were:

| | | |
|---|--|--|
| <p>Messrs— Aas, Allen, Bacon, Berger, Boyd, Brakke, Brotnov, Cassell, Chacey, Clarke, Deisem, Dougherty, Earl, Engelter, Erickson, Ferris, Glasgow, Green,</p> | <p>Messrs— Gronvold, Hale, Hare, Hanan, Johnson, Richland, Johnston, Walsh, Kennedy, Laughlin, Lee, Lish, Lynch, McHarg, McLean, Michels, Miner, Nelson, Ovind, Peek,</p> | <p>Messrs— Peterson, Sarford, Stevens, Stewart, Swenson, Stevenson, Taylor, Thomas, Thomson, Thordarson Tousley, Towle, Tufte, Wallace, Watts, Wolbert, Winslow, Mr. Speaker,</p> |
|---|--|--|

Absent and not voting:

| | | |
|---|---|--|
| <p>Messrs— Allshouse, Dwire,</p> | <p>Messrs— Gulack, Restemayer.</p> | <p>Messrs— Sargent, Ugland,</p> |
|---|---|--|

Messrs. Gilbertson and Herbrandson voting in the negative.

So the bill as amended passed and the title was agreed to.

House bill No. 29,

A bill for an act to provide for the giving of proper official bonds, by county treasurers, and to provide for the payment of the expense incurred in procuring the same.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 42, nays 15, absent and not voting 5.

Those voting in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,
Berger,
Boyd,
Cassell,
Chacey,
Clarke,
Delsem,
Dougherty,
Earl,
Engelter,
Gilbertson,
Glasgow,

Messrs—

Green,
Gronvold,
Hale,
Hare,
Johnson, Richland,
Kennedy,
Laughlin,
Lee,
Lish
Lynch,
McHarg,
McLean,
Michels,
Miner,

Messrs—

Peek,
Sanford,
Sargent,
Stevens,
Stewart,
Stevenson,
Taylor,
Thomson,
Tousley,
Ugland,
Wallace,
Wolbert,
Winslow,
Mr. Speaker.

Those voting in the negative were:

Messrs—

Brakke,
Brotnov,
Erickson,
Ferris,
Hauan,

Messrs—

Herbrandson,
Johnston, Walsh,
Nelson,
Ovind,
Swenson,

Messrs—

Thomas,
Thordarson
Towle,
Tufte,
Watts,

Absent and not voting:

Messrs—

Bacon,
Dwire,

Messrs—

Gulack,
Peterson,

Messrs—

Restemayer,

So the bill as amended passed and the title was agreed to.

Mr. Laughlin moved

That the vote by which House bill No. 29 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

House bill No. 36,

A bill for an act to amend sections 3229 and 3230 of the Revised Codes of North Dakota, relating to the powers of banking corporations organized under the laws of the state of North Dakota.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 43, nays 11, absent and not voting 8.

Those voting in the affirmative were:

Messrs—

Aas,
Allen,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Dougherty,

Messrs—

Glasgow,
Green,
Gronvold,
Hale,
Johnston, Walsh,
Kennedy,
Laughlin,
Lish
Lynch,

Messrs—

Sanford,
Sargent,
Stevens,
Stewart,
Stevenson,
Thomas,
Thomson,
Tousley,
Towle,

Messrs—
Earl,
Engelter,
Erickson,
Ferris,
Gilbertson,

Messrs—
McLean,
Michels,
Ovind,
Peek,
Peterson,

Messrs—
Ugland,
Wallace,
Watts,
Wolbert,
Winslow,

Those voting in the negative were:

Messrs—
Chacey,
Delsem,
Hare,
Hauan,

Messrs—
Herbrandson,
Lee,
McHarg,
Miner,

Messrs—
Taylor,
Thordarson
Tufte,
Mr. Speaker.

Absent and not voting:

Messrs—
Allshouse,
Dwire,
Gulack,

Messrs—
Johnson, Richland,
Nelson,

Messrs—
Restemayer,
Swenson,

Mr. Restemayer being excused.

So the bill passed and the title was agreed to.

Mr. Hale moved

That all house bills unacted upon at noon today be turned over to the steering committee, and that they be considered in the order reported by them,

Which motion prevailed.

Mr. Herbrandson moved

That the house concur in the following senate amendment to House bill No. 35.

Substitute for House bill No. 35,

A bill for an act to amend section 970 of the Revised Codes of North Dakota, relating to the compensation and meetings of the board of trustees of the North Dakota blind asylum, and empowering the governor to contract with the state of South Dakota or the state of Minnesota for the education of blind children of school age until such time as the state of North Dakota shall have suitable facilities of its own for this purpose.

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

Section 1. The governor is hereby authorized to contract with the states of Minnesota or South Dakota for the care and instruction of blind children of school age, and shall authorize the state auditor to issue warrants upon the state treasury for that purpose.

Sec. 2. Whereas, there is no provision of law for the care and instruction of the blind; therefore, an emergency exists and this act shall take effect and be in force from and after its passage and approval.

Which motion prevailed.

Substitute for House bill No. 35,

A bill for an act to amend section 970 of the Revised Codes of North Dakota, relating to the compensation and meetings of the

board of trustees of the North Dakota blind asylum, and empowering the governor to contract with the state of South Dakota or the state of Minnesota for the education of blind children of school age until such time as the state of North Dakota shall have suitable facilities of its own for this purpose.

The question recurring upon the final passage of the bill as amended by the senate.

The roll was called and there were ayes 57; nays none, absent and not voting, 5.

Those voting in the affirmative were:

| | | |
|----------------|--------------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Aas, | Green, | Peek, |
| Allen, | Gronvold, | Peterson, |
| Allshouse, | Hale, | Sanford, |
| Bacon, | Hare, | Sargent, |
| Berger, | Hauan, | Stewart, |
| Boyd, | Herbrandson, | Swenson, |
| Brakke, | Johnson, Richland, | Stevenson, |
| Brotnov, | Johnston, Walsh, | Taylor, |
| Cassell, | Kennedy, | Thomas, |
| Chacey, | Laughlin, | Thomson, |
| Clarke, | Lee, | Thordarson |
| Delsem, | Lish, | Tousley, |
| Dougherty, | Lynch, | Towle, |
| Earl, | McHarg, | Tufte, |
| Engelter, | McLean, | Ugland, |
| Erickson, | Michels, | Wallace, |
| Ferris, | Miner, | Watts, |
| Gilbertson, | Nelson, | Winslow, |
| Glasgow, | Ovind, | Mr. Speaker, |

Absent and not voting:

| | | |
|----------------|----------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Dwire, | Restemayer, | Wolbert, |
| Gulack, | Stevens, | |

So the bill as amended passed and the title as amended was agreed to.

Mr. Lynch moved

That the house take a recess until 2:30 p. m.,

Which motion prevailed.

The house reassembled.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
March 1, 1899.

Mr. Speaker:

I have the honor to transmit herewith

Senate bill No. 174,

A bill for an act authorizing, empowering and directing the

governor and secretary of state to grant and convey unto the university of the state of North Dakota a certain tract of land, and authorizing the trustees of the university to negotiate the exchange of a portion thereof.

Also,

Senate bill No. 165,

A bill for an act to amend sections 2533, 2534 and 2535 of the Revised Codes of the state of North Dakota relating to the division of organized townships and prescribing the duties of the board of county commissioners in relation thereto.

Also,

Senate bill No. 169,

A bill for an act to amend section 707, chapter 75, of the session laws of 1897 relating to education; providing for an enumeration each year of the deaf and dumb persons in each school district in the state.

Also,

Senate bill No. 171,

A bill for an act to provide for the execution of tax deeds for lands sold for delinquent taxes under the provisions of chapter 126, of the laws of 1897, and to prescribe the form and to define the effect of all such deeds and the title thereby conveyed.

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

Also,

I have the honor to transmit herewith

House bill No. 70,

A bill for an act to amend section 527 of the Revised Codes of 1895 relating to the canvass and publication of election returns and issuing of certificates of election.

Which the senate has amended as follows:

By striking out in line 15 of page 2 of the engrossed bill the word "at."

And by striking out in line 16 of page 2 the words "a rate not exceeding the rate paid for publishing the."

And by striking out in line 17 of page 2 the words "county commissioners' proceedings."

And by inserting after the word "election" on line 24 of page 2 of said engrossed bill the words, "such publication to be paid for at a rate not exceeding the rate paid for publishing the county commissioners' proceedings."

And passed as amended.

J. O. SMITH,

Secretary.

Also,

I have the honor to return herewith

House bill No. 134,

A bill for an act to amend section 1609 of the Revised Codes of North Dakota relating to appointment of sheep inspectors.

Also,

House bill No. 135,

A bill for an act providing for the manner of the disposition of lands acquired by the state or the several counties of the state under the provisions of chapter 67, laws of 1897.

Which the senate has passed unchanged.

Also,

House bill No. 77,

A bill for an act to amend section 2724 of the Revised Codes of the state of North Dakota, of the revision of 1895, relating to the licensing and solemnizing of marriages and authority of celebrants.

Which the senate has indefinitely postponed.

Also,

House bill No. 112,

Concurrent resolution submitting an amendment to the constitution of the state of North Dakota.

Also,

House bill No. 195,

A bill for an act to amend section 1 of chapter 131 of the session laws of 1897, relating to funding the outstanding indebtedness of the soldiers' home at Lisbon, North Dakota, and providing funds for the permanent improvement of said home.

Also,

House bill No. 167,

A bill for an act to amend chapter 87 of the laws of 1897 being an act relating to societies organized for the purpose of securing homes for orphans or abandoned, neglected or grossly ill-treated children, by adoption or otherwise, and providing rules for the regulation of the same."

Also,

Substitute for House bill No. 111,

Being a concurrent resolution to amend the constitution.

Also,

House bill No. 176,

A bill for an act to provide for the payment of expenses incurred in litigation arising for the enforcement of orders of the

board of commissioners of railroads or other litigation in charge of the attorney general.

Which the senate has passed unchanged.

Also,

House bill No. 25,

A bill for an act in relation to reinsurance and the transaction of business by fire insurance companies or associations otherwise than through resident agents.

Which the senate has amended as follows:

Near the end of section 1, after the word "passengers," strike out all to the end of the section, being "grain in elevators and warehouses stored in the same for the purpose of shipment."

And passed as amended.

Also,

House bill No. 97,

A bill for an act to create a department of agriculture for the promotion of agriculture, stock breeding, etc., the appointment of three trustees to carry out the work of the department for the holding of a state fair at Valley City and an appropriation of money therefor.

Which the senate has indefinitely postponed.

Also,

House bill No. 20,

A bill for an act to amend section 1495 of the Revised Codes of the state of North Dakota, relating to the time of holding an election for the purchase of an asylum for the poor, and providing for the appointment of a superintendent for such asylum.

Which the senate has passed unchanged.

Also,

Substitute for House bill No. 104,

A bill for an act to amend section 2073 of the Revised Codes of the state of North Dakota, providing for the salary of county auditors.

Which the senate has amended as follows:

In lines 1 and 2, page 2, strike out the words "thirteen hundred and fifty" and insert in lieu thereof "fourteen hundred."

Also,

House bill No. 12,

A bill for an act to amend section 4064 of the Revised Codes of North Dakota relating to usury.

Also,

House bill No. 72,

A bill for an act making an appropriation to provide for the

payment of deficiency expenses incurred by the board of university and school lands with reference to the leasing of lands.

Also,

House bill No. 182.

A bill for an act to amend section 373 of the Revised Statutes of North Dakota, relating to deputies.

Which the senate has indefinitely postponed.

Also,

I have the honor to transmit herewith

Substitute for house bill No. 59,

A bill for an act to amend sections 710, 711, 713, 715, 716, 719, and 722, Revised Codes, relating to education, and providing for the apportionment of the special tuition fund by the county superintendent of schools and the payment thereof by the county treasurer to school district treasurers.

Which the senate has passed unchanged.

Also,

House bill No. 49,

A bill for an act to amend section 1943 of the Revised Codes of North Dakota relating to balances to be kept by county treasurers in county depositories.

Which the senate has amended as follows:

After the word "depositories" in line 3, of printed bill, add the following: "equal balances at all times; provided, that in counties where two or more banks, are designated as depositories, the amount deposited in any bank shall not exceed the capital of such bank; provided, further, that in counties where the county deposits exceed the capital of the banks in the county, then the county commissioners shall deposit the funds of the county, in the banks of the county, upon their giving a bond according to law."

And passed as amended.

Also,

House bill No. 174,

A bill for an act to permit water companies to cross over bridges with their pipes.

Which the senate has passed unchanged.

Very respectfully yours,

J. O. SMITH,

Secretary.

Mr. Hale offered

The following resolution

And moved its adoption.

Resolved, That the rules be suspended and that all senate bills after first and second reading be referred to the steering committee, and that

all bills now in the hands of committees, including the committee of the whole, be recalled and referred to the steering committee; that they be considered in the order directed by that committee.

Which motion prevailed, and
The resolution was adopted.

The speaker called Mr. Stevens to the chair.

Mr. Laughlin offered
The following resolution
And moved its adoption.

Be it Resolved by the House of Representatives of the State of North Dakota of the Sixth Legislative Session:

That the thanks of this body are hereby tendered to its speaker, Hon. Thomas Baker, Jr., for the able, fair, courteous and impartial manner in which he has presided over its deliberations and as a token of our respect, esteem and warm friendship he is hereby presented with the gavel which he has so honorably wielded and the chair in which he has so gracefully sat during the session, and that the presentation be made on this day in commemoration of his fortieth birthday.

Which motion prevailed and
The resolution was adopted.

The chairman appointed as a presentation committee Messrs. Laughlin, Cassell and Sargent.

The committee escorted the speaker to the chair, and presenting the speaker with the gavel and the chair which he had used during the session.

The speaker acknowledged his appreciation as follows:

To the Gentleman Who Offered the Resolution, and Members of the House:

I sincerely thank you from the bottom of my heart for the expressions of confidence and esteem embodied in this resolution. The mere presentation of this gavel and the chair which I have occupied during this session is of small significance. The expressions of esteem embodied in the resolution are to me among the best possessions I have on earth. Gentlemen, I thank you heartily for the courtesy and esteem accorded me and if I have done anything during this session to make it pleasant for you it is certainly a pleasure and gain to me, and I thank you most heartily for the expressions embodied in the resolution.

The speaker resumed the chair.

Mr. Stevens moved

That the vote by which

Senate bill No. 104,

A bill for an act regulating the holding of caucuses and providing for a penalty for violation thereof.

Was indefinitely postponed, be reconsidered

Which motion prevailed.

REPORT OF STEERING COMMITTEE.

The steering committee made the following report:
To the Hon. Speaker and Members of the House:

Gentlemen: We recommend, under the resolution passed to-day, that the following bills be taken up by the house, and in the order named:

First—

Substitute for House bill No. 106,

A bill for an act to amend section 2080 of the Revised Codes of the state of North Dakota, providing for the salary of the county treasurers.

Second—

Substitute for house bill No. 119,

A bill for an act to amend sections 1906 and 1925 of the Revised Codes of North Dakota relating to the powers of the board of county commissioners in the furnishing of blanks, books, and other stationery for the use of county officers.

Third—

House bill No. 213,

A bill for an act to amend section 1728 of the Revised Codes of the state of North Dakota relating to the duties of the sheriff in the testing of scales, weight and measures.

Fourth—

House bill No. 209,

A bill for an act to amend section 7960 of the Revised Codes of North Dakota, relating to examination of witnesses in criminal actions.

Fifth—

House bill No. 144,

A bill for an act fixing the rate of passenger fare to be charged on railroads within the state and providing a penalty for a violation thereof.

Sixth—

House bill No. 90,

A bill for an act to repeal section 30 of the Revised Codes of 1895 of the state of North Dakota, relative to assistant legislative clerks and employes.

Seventh—

House bill No. 211,

A bill for an act to provide for persons holding lands, the right to water right of way for conducting the same by dams, dykes, ditches, flumes or canals and other purposes.

Eighth—

House bill No. 210,

A bill for an act to amend section 1733 of the Revised Codes of North Dakota relating to establishing public scales in counties.

Ninth—

House bill No. 217,

A bill for an act to prevent the befouling of wells and providing a penalty therefor.

Tenth—

House bill No. 205,

A bill for an act amending section 46 of chapter 126 of the law of 1897 relating to revenue and taxation.

Eleventh—

House bill No. 55,

A bill for an act to amend section 2985 of the civil code of the state of North Dakota relating to when station house to be maintained.

Twelfth—

House bill No. 190,

A bill for an act to amend section 1807 of the Revised Codes of 1895, relating to printing.

Very respectfully yours,

J. D. WALLACE,

Chairman.

Mr. Tousley moved

That the house concur in the senate amendments to

House bill No. 70,

A bill for an act to amend section 527 of the Revised Codes of 1895 relating to the canvass and publication of election returns and issuing of certificates of election.

Which motion prevailed, and

The house did concur in the senate amendments to

House bill No. 70,

A bill for an act to amend section 527 of the Revised Codes of 1895 relating to the canvass and publication of election returns and issuing of certificates of election.

THIRD READING OF HOUSE BILLS.

Substitute for House bill No. 106,

A bill for an act to amend section 2080 of the Revised Codes of the state of North Dakota, providing for the salary of the county treasurers.

The question being upon the final passage of the bill as amended by senate.

The roll was called and there were ayes 51, nays 4, absent and not voting 7.

Those who voted in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Deisem,
Dougherty,
Earl,
Engelter,
Ferris,
Gilbertson,
Glasgow,

Messrs—

Gronvold,
Gulack,
Hare,
Hauan,
Johnson, Richland
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish,
Lynch,
McHarg,
McLean,
Michels,
Miner,
Ovind,
Peterson,

Messrs—

Sanford,
Sargent,
Stevens,
Stewart,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson,
Tousley,
Towie,
Tuft,
Wallace,
Watts,
Wolbert,
Winslow,
Mr. Speaker,

Those voting in the negative were:

Messrs—

Green,
Hale,

Messrs—

Herbrandson,

Messrs—

Ugland,

Absent and not voting:

Messrs—

Clarke,
Dwire,
Erickson,

Messrs—

Nelson,
Peck,

Messrs—

Restemayer,
Swenson,

Mr. Restemayer being excused.

So the bill as amended passed and the title was agreed to.

Mr. Sargent moved

That the vote by which Substitute for House bill No. 106 passed be reconsidered and the motion to reconsider be laid upon the table.

Which motion prevailed.

Substitute for house bill No. 119,

A bill for an act to amend sections 1906 and 1925 of the Revised Codes of North Dakota relating to the powers of the board of county commissioners in the furnishing of blanks, books, and other stationery for the use of county officers.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 55, nays 1, absent and not voting 6.

Those who voted in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,
Bacon,
Berger,
Boyd,
Brotnov,
Cassell,
Chacey,
Clarke,
Deisem,
Dougherty,
Dwire,
Engelter,
Erickson,
Ferris,
Gilbertson,
Glasgow,
Green,

Messrs—

Gronvold,
Gulack,
Hale,
Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lynch,
McLean,
Michels,
Miner,
Nelson,
Ovind,
Peek,
Peterson,

Messrs—

Sanford,
Sargent,
Stevens,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thordarson,
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Watts,
Wolbert,
Winslow,
Mr. Speaker,

Absent and not voting:

Messrs—

Earl,
Lee,

Messrs—

Lish
McHarg,

Messrs—

Restemayer,
Thomson,

Mr. Restemayer being excused.

Mr. Brakke voting in the negative.

So the bill passed and the title was agreed to.

By unanimous consent Mr. Winslow offered the following amendment to

House bill No. 213,

A bill for an act to amend section 1728 of the Revised Codes of the state of North Dakota relating to the duties of the sheriff in the testing of scales, weight and measures.

In line 8, after the word "correct" insert the following: "And if found to be incorrect he shall cause the same to be made correct."

Mr. McHarg moved

That the amendment to

House bill No. 213,

A bill for an act to amend section 1728 of the Revised Codes of the state of North Dakota relating to the duties of the sheriff in the testing of scales, weight and measures.

Be adopted.

Which motion prevailed, and

House bill No. 213,

A bill for an act to amend section 1728 of the Revised Codes of the state of North Dakota relating to the duties of the sheriff in the testing of scales, weight and measures.

Was so amended.

House bill No. 213,

A bill for an act to amend section 1728 of the Revised Codes of the state of North Dakota relating to the duties of the sheriff in the testing of scales, weight and measures.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 56, nays none, absent and not voting 6.

Those voting in the affirmative were:

Messrs—

Aas,
Allen,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Delsem,
Dwire,
Earl,
Engelter,
Erickson,
Ferris,
Gilbertson,
Glasgow,
Green,

Messrs—

Gronvold,
Gulack,
Hale,
Hare,
Hauan,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish,
Lynch,
McHarg,
McLean,
Miner,
Nelson,
Ovind,
Peek,
Sanford,

Messrs—

Sargent,
Stevens,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson,
Tousley,
Towle,
Tuft,
Ugland,
Wallace,
Watts,
Wolbert,
Winslow,
Mr. Speaker,

Absent and not voting:

Messrs—

Allhouse,
Dougherty,

Messrs—

Herbrandson,
Michels,

Messrs—

Peterson,
Restemayer,

Mr. Restemayer, being excused.

So the bill as amended passed and the title was agreed to.

Mr. Thomson moved

That the vote by which House bill No. 213 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

House bill No. 209,

A bill for an act to amend section 7960 of the Revised Codes of North Dakota, relating to examination of witnesses in criminal actions.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 57, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Deisem,
Dougherty,
Earl,
Engelter,
Erickson,
Ferris,
Glasgow,
Green,

Messrs—

Gronvold,
Gulack,
Hale,
Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish,
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Ovind,

Messrs—

Peek,
Sanford,
Sargent,
Stevens,
Stewart,
Swenson,
Taylor,
Thomas,
Thomson,
Thordarson,
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Watts,
Wolbert,
Winslow,
Mr. Speaker,

Absent and not voting:

Messrs—

Dwire,
Gilbertson,

Messrs—

Peterson,
Restemayer.

Messrs—

Stevenson,

Mr. Restemayer being excused.

So the bill passed and the title was agreed to.

House bill No. 144,

A bill for an act fixing the rate of passenger fare to be charged on railroads within the state and providing a penalty for a violation thereof.

Was read the third time.

The question being upon the final passage of the bill

The roll was called and there were ayes 17, nays 38, absent and not voting 7.

Those who voted in the affirmative were:

Messrs—

Berger,
Brotnov,
Chacey,
Deisem,
Glasgow,
Green,

Messrs—

Gronvold,
Hauan,
Herbrandson,
Johnson, Richland,
Laughlin,
Lynch,

Messrs—

Sanford,
Swenson,
Thomson,
Tufte,
Ugland,

Those voting in the negative were:

Messrs—

Allen,
Allshouse,
Bacon,
Boyd,
Clarke,
Dougherty,
Dwire,
Earl,
Engelter,

Messrs—

Kennedy,
Lee,
Lish,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Ovind,

Messrs—

Stewart,
Stevenson,
Taylor,
Thomas,
Thordarson,
Tousley,
Towle,
Wallace,
Watts,

Messrs—

Ferris,
Gilbertson,
Hale,
Hare,

Messrs—

Peek,
Peterson,
Sargent,
Stevens,

Messrs—

Wolbert,
Winslow,
Mr. Speaker,

Absent and not voting:

Messrs—

Aas,
Brakke,
Cassell,

Messrs—

Erickson,
Gulack,

Messrs—

Johnston. Walsh,
Restemayer.

Mr. Restemayer being excused.

So the bill was lost.

Substitute for House bill No. 90,

A bill for an act to repeal Sec. 30 of the Revised Codes of 1895,
of the state of North Dakota, relative to assistant legislative
clerks and employes.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 57, nays none, absent
and not voting 5.

Those voting in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,
Chacey,
Clarke,
Deisem,
Dougherty,
Dwire,
Earl,
Engelter,
Erickson,
Ferris,
Gilbertson,
Glasgow,

Messrs—

Green,
Gronvold,
Gulack,
Hale,
Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Laughlin,
Lee,
Lish,
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Peek,
Peterson,

Messrs—

Sanford,
Sargent,
Stevens,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson,
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Watts,
Wolbert,
Winslow,
Mr. Speaker,

Absent and not voting:

Messrs—

Cassell,
Johnston, Walsh,

Messrs—

Kennedy,
Ovind,

Messrs—

Restemayer,

Mr. Restemayer being excused.

So the bill passed and the title was agreed to.

Mr. Tufte moved

That the vote by which Substitute for House bill No. 90

passed, be reconsidered and the motion to reconsider be laid upon the table.

Which motion prevailed.

House bill No. 211,

A bill for an act to provide for persons holding lands, the right to water right of way for conducting the same by dams, dykes, ditches, flumes or canals and other purposes.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 38, nays 12, absent and not voting 12.

Those voting in the affirmative were:

Messrs—

Aas,
Allen,
Brotnov,
Deisem,
Dwire,
Engelter,
Erickson,
Ferris,
Gilbertson,
Glasgow,
Green,
Gulack,
Hale,

Messrs—

Hare,
Hanan,
Johnston, Walsh,
Laughlin,
Lee,
Lynch,
McHarg,
McLean,
Michels,
Miner,
Peek,
Peterson,
Sanford,

Messrs—

Stevens,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thordarson
Tufte,
Ugland,
Wallace,
Watts,
Wolbert,

Those voting in the negative were:

Messrs—

Bacon,
Boyd,
Brakke,
Cassell.

Messrs—

Chacey,
Dougherty,
Johnson, Richland,
Lish

Messrs—

Ovind,
Tousley,
Towle.
Mr. Speaker,

Absent and not voting:

Messrs—

Allshouse,
Berger,
Clarke,
Earl,

Messrs—

Gronvold,
Herbrandson,
Kennedy,
Nelson,

Messrs—

Restemayer,
Sargent,
Thomson,
Winslow,

Mr. Restemayer being excused.

So the bill passed and the title was agreed to.

House bill No. 210,

A bill for an act to amend section 1733 of the Revised Codes of North Dakota relating to establishing public scales in counties.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 27, nays 30, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—

Aas,
Allen,
Berger,
Boyd,
Brakke,
Brotnov,
Chacey,
Deisem,
Engelter,

Messrs—

Erickson,
Ferris,
Green,
Gronvold,
Johnston, Walsh,
Kennedy,
McHarg,
McLean,
Michels,

Messrs—

Sanford,
Stevens,
Stevenson,
Thomson,
Tuftte,
Wallace,
Watts,
Wolbert.

Those voting in the negative were:

Messrs—

Allshouse,
Bacon,
Cassell,
Clarke,
Dougherty,
Dwire,
Gilbertson,
Glasgow,
Gulack,
Hale,

Messrs—

Hare,
Herbrandson,
Laughlin,
Lee,
Lish
Lynch,
Miner,
Nelson,
Ovind,
Peterson,

Messrs—

Stewart,
Swenson,
Taylor,
Thomas,
Thordarson
Tousley,
Towle.
Ugland,
Winslow,
Mr. Speaker,

Absent and not voting:

Messrs—

Earl,
Hauan,

Messrs—

Johnson, Richland,
Peek,

Messrs—

Restemayer,
Sargent,

Mr. Restemayer being excused.

So the bill was lost.

House bill No. 217,

A bill for an act to prevent the befouling of wells and providing a penalty therefor.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 52, nays 1, absent and not voting 9.

Those who voted in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,
Bacon,
Berger,
Boyd,
Brakke,
Cassell,
Chacey,
Clarke,
Deisem,
Dougherty,
Dwire,
Engelter,
Erickson,
Ferris,
Gilbertson,
Glasgow,

Messrs—

Green,
Gronvold,
Gulack,
Hale,
Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Kennedy,
Laughlin,
Lee,
Lish
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,

Messrs—

Peek,
Stevens,
Stewart,
Swenson,
Stevenson,
Thomas,
Thomson,
Thordarson
Tousley,
Towle,
Tuftte,
Ugland,
Watts,
Wolbert,
Winslow,
Mr. Speaker,

Absent and not voting:

Messrs—

Brotnov,
Earl,
Johnston, Walsh,

Messrs—

Ovind,
Peterson,
Restemayer,

Messrs—

Sargent,
Taylor,
Wallace,

Mr. Restemayer being excused.

Mr. Sanford voted in the negative.

So the bill passed and the title was agreed to.

House bill No. 205,

A bill for an act amending section 46 of chapter 126 of the law of 1897 relating to revenue and taxation.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 57, nays none, absent and not voting 5.

Those voting in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Deisem,
Dougherty,
Dwire,
Engelter,
Erickson,
Ferris,
Gilbertson,
Glasgow,

Messrs—

Green,
Gronvold,
Gulack,
Hale,
Hare,
Hauan,
Herbrandson,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish,
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Ovind,

Messrs—

Peek,
Sanford,
Stevens,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson,
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Watts,
Wolbert,
Winslow,
Mr. Speaker.

Absent and not voting:

Messrs—

Earl,
Johnson, Richland,

Messrs—

Peterson,
Restemayer,

Messrs—

Sargent,

Mr. Restemayer being excused.

So the bill passed and the title was agreed to.

House bill No. 55,

A bill for an act to amend section 2985 of the civil code of the state of North Dakota relating to when station house to be attained.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 52, nays none, absent and not voting 10.

Those who voted in the affirmative were:

| Messrs— | Messrs— | Messrs— |
|-------------|--------------------|--------------|
| Aas, | Hare, | Sanford, |
| Allen, | Hauan, | Stevens, |
| Allshouse, | Herbrandson, | Stewart, |
| Boyd, | Johnson, Richland, | Swenson, |
| Brakke, | Johnston, Walsh, | Stevenson, |
| Cassell, | Kennedy, | Thomas, |
| Clarke, | Laughlin, | Thomson, |
| Deisem, | Lee, | Thordarson |
| Dougherty, | Lish | Tousley, |
| Dwire, | Lynch, | Towle, |
| Engelter, | McHarg, | Tufte, |
| Ferris, | McLean, | Ugland, |
| Gilbertson, | Michels, | Wallace, |
| Glasgow, | Miner, | Watts, |
| Green, | Nelson, | Wolbert, |
| Gronvold, | Ovind, | Winslow, |
| Gulack, | Peek, | Mr. Speaker, |
| Hale, | | |

Absent and not voting:

| Messrs— | Messrs— | Messrs— |
|----------|-----------|-------------|
| Bacon, | Earl, | Restemayer, |
| Berger, | Erickson, | Sargent, |
| Brotnov, | Peterson, | Taylor, |
| Chacey, | | |

Mr. Restemayer being excused.

So the bill passed and the title was agreed to.

House bill No. 190,

A bill for an act to amend section 1807 of the Revised Codes of 1895, relating to printing.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 23, nays 29, absent and not voting 11.

Those voting in the affirmative were:

| Messrs— | Messrs— | Messrs— |
|------------|-----------|--------------|
| Allen, | Hare, | Stevens, |
| Allshouse, | Kennedy, | Stewart, |
| Bacon, | Laughlin, | Stevenson, |
| Deisem, | McHarg, | Thomas, |
| Dwire, | Michels, | Tousley, |
| Engelter, | Peek, | Watts, |
| Gronvold, | Peterson, | Wolbert, |
| | Sanford, | Mr. Speaker. |

Absent and not voting:

Messrs—

Aas,
Berger,
Brakke,
Brotnov,
Cassell,
Chacey,
Dougherty,
Ferris,
Gilbertson,
Glasgow,

Messrs—

Green,
Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Lee,
Lish,
Lynch,
McLean,
Miner,

Messrs—

Nelson,
Ovind,
Swenson,
Thomson,
Thordarson
Towle,
Tufte,
Ugland,
Winslow,

Those voting in the negative were:

Messrs—

Boyd,
Clarke,
Earl,
Erickson,

Messrs—

Gulack,
Hale,
Restemayer,

Messrs—

Sargent,
Taylor,
Wallace,

Mr. Restemayer being excused.

So the bill was lost.

REPORT OF STEERING COMMITTEE.

The steering committee made the following report:

To the Hon. Speaker and Members of the House:

Gentlemen: We beg leave to add to our report, that the following House bills be acted upon in the order named, which order is consecutive to our previous report:

Thirteenth—

House bill No. 7,

A bill for an act to amend section 2737 of the Revised Codes.

Fourteenth—

House bill No. 191,

A bill for an act to provide that the state auditor shall consecutively number all vouchers filed for bills, claims or accounts against any of the funds in the treasury of the state of North Dakota, and to issue consecutively all warrants, orders, or certificates for or upon such vouchers in the same order that such vouchers shall have been received and filed by him.

Fifteenth—

House bill No. 159,

A bill for an act to amend section 4788, of chapter 77, of the Revised Codes of 1895, relating to mechanics liens.

Sixteenth—

House bill No. 214,

A bill for an act to provide for the appointment of a conservator for drunkards and spendthrifts and their powers and duties.

Seventeenth—

House bill No. 189,

A bill for an act to amend section 2459 of the Revised Codes of North Dakota relating to water works and fire apparatus in cities, towns, and villages.

Eighteenth—

House bill No. 206,

A bill for an act to amend section 473C of the Revised Codes, 1895, relating to chattel mortgages and their renewal.

Nineteenth—

House bill No. 95,

A bill for an act to amend section 960 of the Revised Codes of North Dakota relating to residents entitled to education free.

Twentieth—

House bill No. 145,

A bill for an act to provide for the compensation of the state oil inspector and his deputies and to define the duties thereof.

Substitute for House bills Nos. 89 and 98.

House bill No. 156,

A bill for an act requiring butchers killing branded cattle to keep a certain record pertaining thereto, make report thereof to the secretary of state and prescribing penalties for the violation thereof.

House bill No. 57,

A bill for an act to amend section 7 of chapter 37 of the laws of 1897 providing for special tax for payment of wolf bounties.

And that we adopt the amendments on

House bill No. 191,

A bill for an act to provide that the state auditor shall consecutively number all vouchers filed for bills, claims or accounts against any of the funds in the treasury of the state of North Dakota, and to issue consecutively all warrants, orders, or certificates for or upon such vouchers in the same order that such vouchers shall have been received and filed by him.

Also,

Substitute for House bills Nos. 89 and 98,

Also,

House bill No. 156,

A bill for an act requiring butchers killing branded cattle to keep a certain record pertaining thereto, make report thereof to the secretary of state and prescribing penalties for the violation thereof.

As amended by the committee, for the reason that these bills have been recommended to pass.

Also,

Gentlemen: We hereby submit for your consideration

House bill 169,

A bill for an act entitled "an act making real estate mortgage forms uniform.

As No. 23 $\frac{1}{2}$, to be passed at once after

House bill No. 57.

A bill for an act to amend section 7 of chapter 37 of the laws of 1897 providing for special tax for payment of wolf bounties.

Which we have already reported as No. 23, to pass.

We also recommend this bill to pass, as amended by the house committee.

By the standing committees, who acted on them, as amended,

Also,

House bill No. 64,

A bill for an act to amend section 1605 of the Revised Codes relating to the compensation and bonds of district veterinarians.

For No. 23 $\frac{3}{4}$,

Substitute for House bill Nos. 39, 125 and 128.

A bill for an act entitled "an act providing a method for the nomination of candidates of the different political parties and placing the names of such nominees on the official ballot.

As No. 24,

House bill No. 215,

Concurrent resolution to amend section 217 of the constitution of the state of North Dakota relating to intoxicating liquors.

As No. 25,

Which two last bills we report without any recommendation.

Very respectfully yours,

J. D. WALLACE,

G. W. WOLBERT,

R. N. STEVENS.

Mr. McHarg gave notice that a motion would be made to re-consider the vote by which

House bill No. 190,

A bill for an act to amend section 1807 of the Revised Codes of 1895, relating to printing.

Was lost on March 1.

The speaker called Mr. Bacon to the chair.

House bill No. 7,

A bill for an act to amend section 2737 of the Revised Codes.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 54, nays 3, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,
Chacey,
Deisem,
Dougherty,
Dwire,
Earl,
Engelter,
Erickson,
Ferris,
Gilbertson,
Glasgow.

Messrs—

Green,
Gronvold,
Gulack,
Hale,
Hare,
Hauan,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish,
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,

Messrs—

Ovind,
Peek,
Peterson,
Sanford,
Sargent,
Stevens,
Stewart,
Stevenson,
Thomas,
Thomson,
Thordarson,
Tousley,
Towle,
Tufte,
Ugland,
Wolbert,
Winslow,
Mr. Speaker,

Those voting in the negative were:

Messrs—

Herbrandson,

Messrs—

Swenson,

Messrs—

Watts,

Absent and not voting:

Messrs—

Cassell,
Clarke,

Messrs—

Restemayer,
Taylor,

Messrs—

Wallace,

Mr. Restemayer being excused.

So the bill passed and the title was agreed to.

The steering committee offered the following amendments to House bill No. 191.

A bill for an act to provide that the state auditor shall consecutively number all vouchers filed for bills, claims or accounts against any of the funds in the treasury of the state of North Dakota, and to issue consecutively all warrants, orders, or certificates for or upon such vouchers in the same order that such vouchers shall have been received and filed by him.

Strike out the word "issued" at the end of section 1 of the printed bill and insert in lieu thereof the word "presented."

Add at the end of section 1 of the printed bill the words, "Each voucher shall show the postoffice address of the person in whose favor said warrant shall be made, and the state auditor shall mail said warrant to the address as given, as soon as issued: provided, that none of the provisions of this bill shall apply to moneys in the treasury appropriated for the maintenance of the state capitol."

Mr. Wolbert moved

That the amendment to

House bill No. 191,

A bill for an act to provide that the state auditor shall consecutively number all vouchers filed for bills, claims or accounts against any of the funds in the treasury of the state of North Dakota, and to issue consecutively all warrants, orders, or certificates for or upon such vouchers in the same order that such vouchers shall have been received and filed by him.

Be adopted,

Which motion prevailed and

House bill No. 191,

A bill for an act to provide that the state auditor shall consecutively number all vouchers filed for bills, claims or accounts against any of the funds in the treasury of the state of North Dakota, and to issue consecutively all warrants, orders, or certificates for or upon such vouchers in the same order that such vouchers shall have been received and filed by him.

Was so amended.

The speaker resumed the chair.

House bill No. 191,

A bill for an act to provide that the state auditor shall consecutively number all vouchers filed for bills, claims or accounts against any of the funds in the treasury of the state of North Dakota, and to issue consecutively all warrants, orders, or certificates for or upon such vouchers in the same order that such vouchers shall have been received and filed by him.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 51, nays 3, absent and not voting 8.

Those voting in the affirmative were:

Messrs—

Allshouse,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Deisem,
Dougherty,
Earl,
Engelter,
Erickson,
Ferris,
Gilbertson,
Glasgow,

Messrs—

Green,
Gronvold,
Gulack,
Hale,
Herbrandson,
Kennedy,
Laughlin,
Lee,
Lish,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Ovind,
Peek,
Sanford,

Messrs—

Sargent,
Stevens,
Stewart,
Swenson,
Stevenson,
Thomas,
Thomson,
Thordarson,
Tousley,
Towle,
Tuft,
Ugland,
Wallace,
Watts,
Wolbert,
Winslow,
Mr. Speaker,

Those voting in the negative were:

Messrs—

Hare,

Messrs—

Johnson, Richland,

Messrs—

Lynch,

Absent and not voting:

Messrs—

Aas,
Allen,
Dwire,

Messrs—

Huan,
Johnston, Walsh,
Peterson,

Messrs—

Restemayer,
Taylor,

Mr. Restemayer being excused.

So the bill as amended passed and the title was agreed to.

Mr. Miner moved

That the vote by which House bill No. 190 was lost be reconsidered,

Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

The committee on enrolled bills made the following report:

Mr. Speaker:

Your committee on enrolled bills have examined

House bill No. 29,

A bill for an act to provide for the giving of proper official bonds, by county treasurers, and to provide for the payment of the expense incurred in procuring the same.

Also,

House bill No. 35,

A bill for an act to amend section 970 of the Revised Codes of North Dakota, relating to the compensation and meetings of the board of trustees of the North Dakota blind asylum, and empowering the governor to contract with the state of South Dakota or the state of Minnesota for the education of blind children of school age until such time as the state of North Dakota shall have suitable facilities of its own for this purpose.

And find the same correctly enrolled.

M. B. CASSELL,
Chairman.

The chief clerk announced

That the speaker was about to sign

House bill No. 29,

A bill for an act to provide for the giving of proper official bonds, by county treasurers, and to provide for the payment of the expense incurred in procuring the same.

Also,

House bill No. 35,

A bill for an act to amend section 970 of the Revised Codes of

North Dakota, relating to the compensation and meetings of the board of trustees of the North Dakota blind asylum, and empowering the governor to contract with the state of South Dakota or the state of Minnesota for the education of blind children of school age until such time as the state of North Dakota shall have suitable facilities of its own for this purpose.

House bill No. 190,

A bill for an act to amend section 1807 of the Revised Codes of 1895, relating to printing.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 41; nays 17; absent and not voting, 4.

Those voting in the affirmative were:

| | | |
|-----------|--------------------|--------------|
| Messrs— | Messrs— | Messrs— |
| Allen, | Hale, | Sargent, |
| Bacon, | Hare, | Stevens, |
| Boyd, | Johnson, Richland, | Stevenson, |
| Chacey, | Johnston, Walsh, | Taylor, |
| Deisem, | Kennedy, | Thomas, |
| Dwire, | Laughlin, | Thomson, |
| Earl, | Lish, | Thordarson, |
| Engelter, | Lynch, | Tousley, |
| Erickson, | McHarg, | Tufte, |
| Glasgow, | Michels, | Ugland, |
| Green, | Miner, | Wallace, |
| Gronvold, | Peek, | Watts, |
| Gulack, | Peterson, | Wolbert, |
| | Sanford, | Mr. Speaker. |

Those voting in the negative were:

| | | |
|------------|--------------|----------|
| Messrs— | Messrs— | Messrs— |
| Aas, | Ferris, | Nelson, |
| Berger, | Gilbertson, | Ovind, |
| Brakke, | Hauan, | Swenson, |
| Brotnov, | Herbrandson, | Towle, |
| Cassell, | Lee, | Winslow, |
| Dougherty, | McLean, | |

Absent and not voting:

| | | |
|-----------|-------------|----------|
| Messrs— | Messrs— | Messrs— |
| Allhouse, | Restemayer, | Stewart, |
| Clarke, | | |

Mr. Restemayer being excused.

So the bill passed and the title was agreed to.

Mr. McHarg moved

That the vote by which House bill No. 190 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

The speaker called Mr. McHarg to the chair.

House bill No. 159,

A bill for an act to amend section 4788, of chapter 77, of the Revised Codes of 1895, relating to mechanics liens.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 49, nays 5, absent and not voting 8.

Those voting in the affirmative were:

| | | |
|------------|-----------|--------------|
| Messrs— | Messrs— | Messrs— |
| Aas, | Green, | Sargent, |
| Allshouse, | Gronvold, | Stevens, |
| Bacon, | Gulack, | Stewart, |
| Berger, | Hauan, | Swenson, |
| Boyd, | Kennedy, | Thomas, |
| Brakke, | Laughlin, | Thomson, |
| Brotnov, | Lee, | Thordarson, |
| Cassell, | Lish, | Tousley, |
| Chacey, | McHarg, | Towle, |
| Clarke, | McLean, | Tufte, |
| Deisem, | Michels, | Ugland, |
| Dougherty, | Miner, | Wallace, |
| Dwire, | Nelson, | Watts, |
| Engelter, | Peek, | Wolbert, |
| Erickson, | Peterson, | Winslow, |
| Ferris, | Sanford, | Mr. Speaker. |
| Glasgow, | | |

Those voting in the negative were:

| | | |
|--------------------|------------------|---------|
| Messrs— | Messrs— | Messrs— |
| Herbrandson, | Johnston, Walsh, | Ovind, |
| Johnson, Richland, | Lynch, | |

Absent and not voting:

| | | |
|-------------|-------------|------------|
| Messrs— | Messrs— | Messrs— |
| Allen, | Hale, | Stevenson, |
| Earl, | Hare, | Taylor, |
| Gilbertson, | Restemayer, | |

Messrs. Gilbertson, Restemayer, Stevenson and Taylor being excused.

So the bill passed and the title was agreed to.

Mr. Stevens moved

That the vote by which House bill No. 159 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

The speaker resumed the chair.

House bill No. 214,

A bill for an act to provide for the appointment of a conservator for drunkards and spendthrifts and their powers and duties.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 47; nays 4; absent and not voting, 11.

Those voting in the affirmative were:

| Messrs— | Messrs— | Messrs— |
|-------------|--------------------|--------------|
| Aas, | Herbrandson, | Stevens, |
| Allen, | Johnson, Richland, | Stewart, |
| Berger, | Kennedy, | Swenson, |
| Boyd, | Laughlin, | Thomas, |
| Brakke, | Lee, | Thomson, |
| Cassell, | Lynch, | Thordarson |
| Chacey, | McHarg, | Tousley, |
| Clarke, | McLean, | Fowle, |
| Dougherty, | Michels, | Tufte, |
| Dwire, | Miner, | Ugland, |
| Engelter, | Nelson, | Wallace, |
| Gilbertson, | Ovind, | Watts, |
| Glasgow, | Peek, | Winslow, |
| Green, | Peterson, | Wolbert. |
| Hale, | Sanford, | Mr. Speaker, |
| Hauan, | Sargent, | |

Those voting in the negative were:

| Messrs— | Messrs— | Messrs— |
|------------|----------|---------|
| Allshouse, | Brotnov, | Deisem, |
| Bacon, | | |

Absent and not voting:

| Messrs— | Messrs— | Messrs— |
|-----------|------------------|-------------|
| Earl, | Gulack, | Restemayer, |
| Erickson, | Hare, | Stevenson, |
| Ferris, | Johnston, Walsh, | Taylor, |
| Gronvold, | Lish | |

Messrs. Restemayer, Stevenson and Taylor, being excused.

So the bill passed and the title was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
March 1, 1899.

Mr. Speaker:

I have the honor to return herewith

House bill No. 101,

A bill for an act authorizing board of county commissioners to offer reward for the apprehension and conviction of certain criminals.

Also,

House bill No. 172,

A bill for an act to provide for the destruction of grasshoppers and Rocky Mountain locusts.

Which the senate has passed unchanged.

Also,

I have the honor to transmit herewith

CONCURRENT RESOLUTION.

Providing a Contingent Fund for the First North Dakota Volunteers.

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

That the governor be and he is hereby empowered and directed to draw the sum of \$2,500 from the military appropriation of the state of North Dakota and transmit the same to the first North Dakota volunteers at Manila in the Philippine islands, to be used as a contingent fund for the comfort and welfare of said volunteers, under the direction of a board consisting of the field officers and company commanders in command of said troops.

Which the senate has passed and your favorable concurrence therein is respectfully requested.

Very respectfully yours,

J. O. SMITH,

Secretary.

The chief clerk announced that the speaker was about to sign House bill No. 135.

A bill for an act providing for the manner of the disposition of lands acquired by the state or the several counties of the state under the provisions of chapter 67, laws of 1897.

Also,

Senate bill No. 90,

A bill for an act providing for the calling in of the judge of another district for the trial of civil actions in the district court, on the ground of prejudice of the trial judge.

Also,

Senate bill No. 144,

A bill for an act fixing the times and places of holding general and special terms of the supreme court of the state of North Dakota and providing for the expenses incident thereto.

House bill No. 189,

A bill for an act to amend section 2459 of the Revised Codes of North Dakota relating to water works and fire apparatus in cities, towns, and villages.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 53; nays none; absent and not voting 9.

Those voting in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,
Berger,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Delsem,
Dougherty,
Dwire,
Engelter,
Ferris,
Gilbertson,
Glasgow,
Green,

Messrs—

Gronvold,
Gulack,
Hare,
Hauan,
Herbrandson,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish,
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Ovind,
Peek,

Messrs—

Peterson,
Sanford,
Sargent,
Stevens,
Stewart,
Swenson,
Taylor,
Thomas,
Thomson,
Thordarson,
Tousley,
Towle,
Tufte,
Ugland,
Watts,
Wolbert,
Winslow,
Mr. Speaker,

Absent and not voting:

Messrs—

Bacon,
Boyd,
Earl,

Messrs—

Erickson,
Hale,
Johnson, Richland,

Messrs—

Restemayer,
Stevenson,
Wallace,

Messrs. Restemayer and Stevenson being excused.

So the bill passed and the title was agreed to.

House bill No. 206,

A bill for an act to amend section 4737 of the Revised Codes, 1895, relating to chattel mortgages and their renewal.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 52, nays 1, absent and not voting 9.

Those voting in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,
Berger,
Brakke,
Brotnov,
Chacey,
Clarke,
Delsem,
Dougherty,
Dwire,
Engelter,
Ferris,
Gilbertson,
Glasgow,
Green,
Gronvold,
Gulack,

Messrs—

Hare,
Hauan,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Ovind,
Peek,
Peterson,
Sanford,
Sargent,

Messrs—

Stevens,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson,
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Watts,
Wolbert,
Winslow,
Mr. Speaker.

Absent and not voting:

| | | |
|----------|-----------|--------------|
| Messrs— | Messrs— | Messrs— |
| Bacon, | Earl, | Herbrandson, |
| Boyd, | Erickson, | Lish, |
| Cassell, | Hale, | Restemayer, |

Mr. Restemayer being excused.

Mr. Johnson of Richland voting in the negative.

So the bill passed and the title was agreed to.

The speaker called Mr. McHarg to the chair.

House bill No. 95,

A bill for an act to amend section 960 of the Revised Codes of North Dakota relating to residents entitled to education free.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were, ayes 57; nays none; absent and not voting 5.

Those voting in the affirmative were:

| | | |
|-------------|--------------------|--------------|
| Messrs— | Messrs— | Messrs— |
| Aas, | Gulack, | Sanford, |
| Allen, | Hale, | Sargent, |
| Bacon, | Hare, | Stevens, |
| Berger, | Hauan, | Stewart, |
| Brakke, | Herbrandson, | Swenson, |
| Brotnov, | Johnson, Richland, | Stevenson, |
| Cassell, | Johnston, Walsh, | Taylor, |
| Chacey, | Kennedy, | Thomas, |
| Clarke, | Laughlin, | Thomson, |
| Deisem, | Lee, | Thordarson, |
| Dougherty, | Lish, | Tousley, |
| Dwire, | Lynch, | Towle, |
| Engelter, | McHarg, | Tufte, |
| Erickson, | McLean, | Ugland, |
| Ferris, | Michels, | Wallace, |
| Gilbertson, | Miner, | Watts, |
| Glasgow, | Nelson, | Wolbert, |
| Green, | Ovind, | Winslow, |
| Gronvold, | Peek, | Mr. Speaker. |

Absent and not voting:

| | | |
|-----------|-----------|-------------|
| Messrs— | Messrs— | Messrs— |
| Allhouse, | Earl, | Restemayer, |
| Boyd, | Peterson, | |

Mr. Restemayer being excused.

So the bill passed and the title was agreed to.

Mr. Sargent moved

That the report of the steering committee on House bill No. 145,

A bill for an act to provide for the compensation of the state oil inspector and his deputies and to define the duties thereof.

Be adopted,
Which motion prevailed, and
The report was adopted.

House bill No. 145,

A bill for an act to provide for the compensation of the state oil inspector and his deputies and to define the duties thereof.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were, ayes 48; nays 5; absent and not voting 9.

Those voting in the affirmative were:

Messrs—

Aas,
Allen,
Berger,
Boyd,
Brakke,
Cassell,
Chacey,
Deisem,
Dougherty,
Dwire,
Earl,
Erickson,
Ferris,
Glasgow,
Green,
Gronvold,

Messrs—

Hare,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish,
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Ovind,
Peek,

Messrs—

Peterson,
Sargent,
Stevens,
Stewart,
Swenson,
Taylor,
Thomas,
Thomson,
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Watts,
Wolbert,
Winslow,
Mr. Speaker.

Those voting in the negative were:

Messrs—

Gilbertson,
Gulack,

Messrs—

Hauan,
Sanford,

Messrs—

Stevenson,

Absent and not voting:

Messrs—

Allshouse,
Bacon,
Brotnov,

Messrs—

Clarke,
Engelter,
Hale,

Messrs—

Restemayer,
Thordarson,

Mr. Restemayer being excused

So the bill as amended passed and the title was agreed to.

Substitute for House bills Nos. 89 and 98,

A bill for an act regulating and fixing the salaries of clerks of the district court.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 53, nays none, absent and not voting 9.

Those voting in the affirmative were:

Messrs—

Aas,
 Allen,
 Brakke,
 Brotnov,
 Cassell,
 Chacey,
 Clarke,
 Deisem,
 Dougherty,
 Dwire,
 Earl,
 Erickson,
 Ferris,
 Gilbertson,
 Glasgow,
 Green,
 Gronvold,
 Gulack,

Messrs—

Hale,
 Hauan,
 Herbrandson,
 Johnson, Richland,
 Johnston, Walsh,
 Kennedy,
 Laughlin,
 Lee,
 Lish,
 Lynch,
 McHarg,
 McLean,
 Michels,
 Miner,
 Nelson,
 Ovind,
 Peek,
 Peterson,

Messrs—

Sanford,
 Sargent,
 Stevens,
 Swenson,
 Taylor,
 Thomas,
 Thomson,
 Thordarson,
 Tousley,
 Towle,
 Tufte,
 Uglan,
 Wallace,
 Watts,
 Wolbert,
 Winslow,
 Mr. Speaker.

Absent and not voting:

Messrs—

Allshouse,
 Bacon,
 Berger,

Messrs—

Boyd,
 Engelter,
 Hare,

Messrs—

Restemayer,
 Stewart,
 Stevenson,

Mr. Restemayer being excused.

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

House bill No. 156,

A bill for an act requiring butchers killing branded cattle to keep a certain record pertaining thereto, make report thereof to the secretary of state and prescribing penalties for the violation thereof.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 59, nays none, absent and not voting 3.

Those voting in the affirmative were:

Messrs—

Aas,
 Allen,
 Berger,
 Boyd,
 Brakke,
 Brotnov,
 Cassell,
 Chacey,
 Clarke,
 Deisem,
 Dougherty,
 Dwire,
 Earl,
 Engelter,
 Erickson,
 Ferris,

Messrs—

Gulack,
 Hale,
 Hare,
 Hauan,
 Herbrandson,
 Johnson, Richland,
 Johnston, Walsh,
 Kennedy,
 Laughlin,
 Lee,
 Lish,
 Lynch,
 McHarg,
 McLean,
 Michels,
 Miner,

Messrs—

Sanford,
 Sargent,
 Stevens,
 Stewart,
 Swenson,
 Stevenson,
 Taylor,
 Thomas,
 Thomson,
 Thordarson,
 Tousley,
 Towle,
 Tufte,
 Uglan,
 Wallace,
 Watts,

Messrs—
 Gilbertson,
 Glasgow,
 Green,
 Gronvold,

Messrs—
 Nelson,
 Ovind,
 Peek,
 Peterson,

Messrs—
 Wolbert,
 Winslow,
 Mr. Speaker.

Absent and not voting:

Messrs—
 Allshouse,

Messrs—
 Bacon,

Messrs—
 Restemayer,

Mr. Restemayer being excused.

So the bill passed and the title was agreed to.

Mr. Stevens moved that
 House bill No. 57,

A bill for an act to amend section 7 of chapter 37 of the laws of 1897 providing for special tax for payment of wolf bounties.

Be considered engrossed with additional amendments as stated on page 34 of the house Journal of February 27th.

Which motion prevailed.

House bill No. 57,

A bill for an act to amend section 7 of chapter 57 of the laws of 1897 providing for special tax for payment of wolf bounties.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 55, nays 3, absent and not voting 4.

Those voting in the affirmative were:

Messrs—
 Allen
 Allshouse
 Bacon
 Berger
 Boyd
 Brakke
 Cassell
 Chacey
 Clarke
 Deisem
 Dougherty
 Dwire
 Engelter
 Erickson
 Ferris
 Gilbertson
 Glasgow
 Green

Messrs—
 Gronvold
 Gulack
 Hale
 Hare
 Hauan
 Herbrandson
 Johnson, Walsh
 Laughlin
 Lee
 Lish
 McHarg
 McLean
 Michels
 Miner
 Nelson
 Ovind
 Peek
 Peterson

Messrs—
 Sanford
 Sargent
 Stevens
 Stewart
 Swenson
 Stevenson
 Taylor
 Thomas
 Thomson
 Thordarson
 Tousley
 Tuft
 Uglan
 Wallace
 Watts
 Wolbert
 Winslow
 Mr. Speaker

Those voting in the negative were:

Messrs—
 Brotnov

Messrs—
 Johnson, Richland

Messrs—
 Towle

Absent and not voting:

Messrs—

Aas
Earl

Messrs—

Kennedy
Lynch

Messrs—

Restemayer

Mr. Restemayer being excused.

So the bill passed and the title was agreed to.

The speaker resumed the chair.

Mr. Wallace moved

That the report of the steering committee on
House bill 169,

A bill for an act entitled "an act making real estate mortgage
forms uniform.

Be adopted,

Which motion prevailed, and

The report was adopted.

The chief clerk announced that the speaker was about to sign
Senate bill No. 47,

A bill for an act to amend section 5422 of the Revised Codes,
relating to note of issue, notice of trial and order of trials.

Also,

Senate bill No. 41,

A bill for an act amending sections sixty and seventy-one of
chapter one hundred and twenty-four of the session laws of 1897.

Also,

House bill No. 20,

A bill for an act to amend section 1495 of the Revised Codes of
the state of North Dakota, relating to the time of holding an elec-
tion for the purchase of an asylum for the poor, and providing for
the appointment of a superintendent for such asylum.

House bill 169,

A bill for an act entitled "an act making real estate mortgage
forms uniform.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 56, nays 1, absent
and not voting 5.

Those voting in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,

Messrs—

Gronvold,
Gulack,
Hale,
Hare,
Hauan,
Herbrandson,
Kennedy,
Laughlin,

Messrs—

Sanford,
Sargent,
Stevens,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,

Messrs—

Cassell,
Chacey,
Clarke,
Deisem,
Dougherty,
Dwire.
Earl,
Ferris,
Gilbertson,
Glasgow,
Green,

Messrs—

Lee,
Lish,
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Ovind,
Peek,
Peterson,

Messrs—

Thomson,
Thordarson,
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Watts,
Wolbert,
Winslow,

Absent and not voting:

Messrs—

Engelter,
Erickson,

Messrs—

Johnson, Richland,
Johnston, Walsh,

Messrs—

Restemayer,

Mr. Restemayer being excused.

Mr. Speaker voting in the negative.

So the bill as amended passed and the title was agreed to.

The steering committee made the following report:

To the Hon. Speaker and Members of the House:

Gentlemen: We find that

House bill No. 64,

A bill for an act to amend section 1605 of the Revised Codes relating to the compensation and bonds of district veterinarians.

As engrossed has been mislaid and as it is an important measure we request that the original bill as amended be passed on the recommendation of the house standing committee.

That the printed bill be considered engrossed and placed on its third reading and final passage as amended.

Very respectfully yours,

J. D. WALLACE,
G. W. WOLBERT,
R. N. STEVENS.

Mr. Lynch moved

That the report of the steering committee on

House bill No. 64,

A bill for an act to amend section 1605 of the Revised Codes relating to the compensation and bonds of district veterinarians.

Be adopted,

Which motion prevailed, and

The report was adopted.

Mr. Stevens moved that

House bill No. 64,

A bill for an act to amend section 1605 of the Revised Codes relating to the compensation and bonds of district veterinarians.

Be indefinitely postponed,
Which motion prevailed, and
The further consideration of
House bill No. 64,

A bill for an act to amend section 1605 of the Revised Codes, relating to the compensation and bonds of district veterinarians.
Was indefinitely postponed.

Mr. Cassell moved
That the house concur in the senate amendment to
House bill No. 49,

A bill for an act to amend section 1943 of the Revised Codes of North Dakota relating to balances to be kept by county treasurers in county depositories.

Which motion prevailed, and
The house did concur in the senate amendment to
House bill No. 49,

A bill for an act to amend section 1943 of the Revised Codes of North Dakota relating to balances to be kept by county treasurers in county depositories.

FIRST READING OF SENATE BILLS.

Senate bill No. 174,

A bill for an act authorizing, empowering and directing the governor and secretary of state to grant and convey unto the university of the state of North Dakota a certain tract of land, and authorizing the trustees of the university to negotiate the exchange of a portion thereof.

Was read the first time.

Senate bill No. 165,

A bill for an act to amend sections 2533, 2534 and 2535 of the Revised Codes of the state of North Dakota relating to the division of organized townships and prescribing the duties of the board of county commissioners in relation thereto.

Was read the first time.

Senate bill No. 171,

A bill for an act to provide for the execution of tax deeds for lands sold for delinquent taxes under the provisions of chapter 126, of the laws of 1897, and to prescribe the form and to define the effect of all such deeds and the title thereby conveyed.

Was read the first time.

Senate bill No. 80,

A bill for an act fixing the salary of states attorney and assistant states attorney in the different counties and mode of determining the same.

Was read the first time.

Senate bill No. 169,

A bill for an act to amend section 707, chapter 75, of the session laws of 1897 relating to education; providing for an enumeration each year of the deaf and dumb persons in each school district in the state.

Was read the first time.

Senate bill No. 162,

Memorial and concurrent resolution, relating to inspection of grain by the government of the United States.

Was read the first time.

Senate bill No. 11,

A bill to regulate the granting of marriage licenses.

Was read the first time.

Senate bill No. 156,

A bill for an act to amend sections 607 and 621 of article 15, chapter 8 of the Revised Codes of 1895, relating to election.

Was read the first time.

Senate bill No. 150,

A bill for an act to amend section 243 of the Revised Codes of North Dakota relating to the powers and duties of the state board of health.

Was read the first time.

Senate bill No. 151,

A bill for an act to appropriate money for the reappraisalment, advertising and expenses attendant upon the sale of institution and common school lands.

Was read the first time.

Senate bill No. 137,

A bill for an act to amend section 2068 of the Revised Codes relating to compensation of county judges.

Was read the first time.

Senate bill No. 158,

A bill for an act to amend chapter 109 of the general laws of 1897, entitled "an act to amend section 4764 of the Revised Codes of the state of North Dakota, being chapter 74, entitled pledge."

Was read the first time.

Senate bill No. 139,

A bill for an act to amend section 6615 of the Revised Codes of 1895 providing for the compensation of judges of county courts having increased jurisdiction.

Was read the first time.

Senate bill No. 34,

A bill for an act in relation to reinsurance and the transaction

of business by fire insurance companies or associations otherwise than through resident agents.

Was read the first time.

Senate bill No. 168,

Concurrent resolution amending section 215 of article 19 of the constitution of North Dakota, changing the name of the deaf and dumb asylum to School for the Deaf.

Was read the first time.

Senate bill No. 176,

A bill for an act entitled an act authorizing the board of trustees and warden of the state penitentiary to purchase or otherwise acquire not to exceed thirty (30) acres of land for yard, garden and other purposes and appropriating nine hundred dollars (\$900.00), or so much thereof as may be needed therefor.

Was read the first time.

Senate bill No. 164,

A bill for an act amending sections 5, 6, 7, 8, 9, 10, 11, 13, 14, and 21 of chapter 112 of the laws of 1897 relating to opening and vacating highways, prescribing the duties of supervisors and county commissioners in relation thereto and regulating appeals from the awards thereof, and for the repeal of sections 1050 to 1075 both inclusive, of the Revised Codes of North Dakota.

Was read the first time.

Senate bill No. 161,

A bill for an act to appropriate sufficient funds out of the general fund not otherwise appropriated to be used by the board of university, school and public lands for examining and clearing titles of lands which are now mortgaged to the state of North Dakota.

Was read the first time.

Senate bill No. 152,

A concurrent resolution relating to school lands.

Was read the first time.

Senate bill No. 179,

A joint resolution regulating the compensation of the door-keepers, assistant sergeant-at-arms, janitors and watchmen of the Senate and House of Representatives.

Was read the first time.

Mr. Stevens moved

That the house do now adjourn,

Which motion prevailed and

The house adjourned until 10 o'clock a. m. March 2.

J. G. HAMILTON,

Chief Clerk.

FIFTY-NINTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 2, 1899.

The house assembled at 10 o'clock a. m., pursuant to adjournment.

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present.

PETITIONS AND COMMUNICATIONS.

Mr. Johnson of Richland, presented the following petition:

To the Honorable Representatives from Richland County, in the House of Representatives:

We, the undersigned, citizens of Richland county, do hereby petition you to use all your honorable influence and power by vote and work against any resubmission of this state's prohibition law, and against any scheme what the foes of said law might make up for the cause of weakening said law.

ED. O. JOHNSON,
(and 23 others.)

REPORTS OF STANDING COMMITTEES.

The committee on warehouses and grain grading made the following report:

Mr. Speaker:

Your committee on warehouses and grain grading to whom was referred

House bill No. 19,

A bill for an act to amend sections 1783, 1784, 1785, 1786, 1787, 1788, 1789, 1790, 1791, 1792, 1793, 1794 and 1795 of the Revised Codes of North Dakota.

Have had the same under consideration and recommend that the same be indefinitely postponed.

C. S. DEISEM,
Chairman.

Mr. Deisem moved

That the report of the committee on warehouses and grain grading on

House bill No. 19,

A bill for an act to amend sections 1783, 1784, 1785, 1786, 1787, 1788, 1789, 1790, 1791, 1792, 1793, 1794 and 1795 of the Revised Codes of North Dakota.

Be adopted.

Which motion prevailed and

The report was adopted, and

The further consideration of

House bill No. 19,

A bill for an act to amend sections 1783, 1784, 1785, 1786, 1787, 1788, 1789, 1790, 1791, 1792, 1793, 1794 and 1795 of the Revised Codes of North Dakota.

Was indefinitely postponed.

REPORT OF STEERING COMMITTEE.

To the Hon. Speaker and Members of the House:

Gentlemen: We respectfully submit the following order of House bills, to be considered, under our second order of business for this day:

First—

House bill No. 25,

A bill for an act in relation to reinsurance and the transaction of business by fire insurance companies or associations otherwise than through resident agents.

Second—

House bill No. 49,

A bill for an act to amend section 1943 of the Revised Codes of North Dakota relating to balances to be kept by county treasurers in county depositories.

Third—

House bill No. 70,

A bill for an act to amend section 527 of the Revised Codes of 1895 relating to the canvass and publication of election returns and issuing of certificates of election.

Fourth—

House bill No. 71,

A bill for an act to provide for the construction and maintenance of dams across running streams for use in operating mills and for irrigation purposes.

Fifth—

Substitute for House bill No. 106,

A bill for an act to amend section 2080 of the Revised Codes of the state of North Dakota, providing for the salary of the county treasurers.

Sixth—

Substitute for House bill No. 104,

A bill for an act to amend section 2073 of the Revised Codes of the state of North Dakota, providing for the salary of county auditors.

Very respectfully yours,

J. D. WALLACE,
G. W. WOLBERT,
R. N. STEVENS.

FIRST READING OF SENATE BILLS.

Concurrent resolution, urging the creation of a chair for the instruction of the Spanish language in the University of North Dakota, Grand Forks, N. D.

Was read the first and second times, and
Referred to the steering committee.

Senate bill No. 161,

A bill for an act to appropriate sufficient funds out of the general fund not otherwise appropriated to be used by the board of university, school and public lands for examining and clearing titles of lands which are now mortgaged to the state of North Dakota.

Was read the first and second times, and
Referred to the steering committee.

Senate bill No. 120,

A bill for an act providing for the assessment and taxation of grain in elevators, warehouses and grain houses, and providing for penalties for the violation of the provisions of the act.

Was read the first and second times, and
Referred to the steering committee.

SECOND READING OF SENATE BILLS.

Senate bill No. 179,

A joint resolution regulating the compensation of the door-keepers, assistant sergeant-at-arms, janitors and watchmen of the Senate and House of Representatives.

Was read the second time and
Referred to the steering committee.

Senate bill No. 152,

A concurrent resolution relating to school lands.

Was read the second time, and
Referred to the steering committee.

Senate bill No. 151,

A bill for an act to appropriate money for the reappraisalment, advertising and expenses attendant upon the sale of institution and common school lands.

Was read the second time, and
Referred to the steering committee.

Senate bill No. 150,

A bill for an act to amend section 243 of the Revised Codes of North Dakota relating to the powers and duties of the state board of health.

Was read the second time, and
Referred to the steering committee.

Senate bill No. 137,

A bill for an act to amend section 2068 of the Revised Codes relating to compensation of county judges.

Was read the second time, and
Referred to the steering committee.

Senate bill No. 11,

A bill to regulate the granting of marriage licenses.

Was read the second time, and
Referred to the steering committee.

Senate bill No. 156,

A bill for an act to amend sections 607 and 621 of article 15, chapter 8 of the Revised Codes of 1895, relating to election.

Was read the second time, and
Referred to the steering committee.

Senate bill No. 165,

A bill for an act to amend sections 2533, 2534 and 2535 of the Revised Codes of the state of North Dakota relating to the division of organized townships and prescribing the duties of the board of county commissioners in relation thereto.

Was read the second time, and
Referred to the steering committee.

Senate bill No. 80,

A bill for an act fixing the salary of states attorney and assistant states attorney in the different counties and mode of determining the same.

Was read the second time and
Referred to the steering committee.

Senate bill No. 174,

A bill for an act authorizing, empowering and directing the governor and secretary of state to grant and convey unto the university of the state of North Dakota a certain tract of land, and authorizing the trustees of the university to negotiate the exchange of a portion thereof.

Was read the second time and
Referred to the steering committee.

Senate bill No. 162,

Memorial and concurrent resolution, relating to inspection of grain by the government of the United States.

Was read the second time and
Referred to the steering committee.

Senate bill No. 169,

A bill for an act to amend section 707, chapter 75, of the session laws of 1897 relating to education; providing for an enumeration each year of the deaf and dumb persons in each school district in the state.

Was read the second time, and
Referred to the steering committee.

Senate bill No. 171,

A bill for an act to provide for the execution of tax deeds for lands sold for delinquent taxes under the provisions of chapter 126, of the laws of 1897, and to prescribe the form and to define the effect of all such deeds and the title thereby conveyed.

Was read the second time, and
Referred to the steering committee.

Senate bill No. 158,

A bill for an act to amend chapter 109 of the general laws of 1897, entitled "an act to amend section 4764 of the Revised Codes of the state of North Dakota, being chapter 74, entitled pledge."

Was read the second time, and
Referred to the steering committee.

Senate bill No. 176,

A bill for an act entitled an act authorizing the board of

trustees and warden of the state penitentiary to purchase or otherwise acquire not to exceed thirty (30) acres of land for yard, garden and other purposes and appropriating nine hundred dollars (\$900.00), or so much thereof as may be needed therefor.

Was read the second time, and
Referred to the steering committee.

Senate bill No. 168,

Concurrent resolution amending section 215 of article 19 of the constitution of North Dakota, changing the name of the deaf and dumb asylum to School for the Deaf.

Was read the second time and
Referred to the steering committee.

Senate bill No. 34,

A bill for an act in relation to reinsurance and the transaction of business by fire insurance companies or associations otherwise than through resident agents.

Was read the second time, and
Referred to the steering committee.

Senate bill No. 164,

A bill for an act amending sections 5, 6, 7, 8, 9, 10, 11, 13, 14, and 21 of chapter 112 of the laws of 1897 relating to opening and vacating highways, prescribing the duties of supervisors and county commissioners in relation thereto and regulating appeal from the awards thereof, and for the repeal of sections 1050 to 1075 both inclusive, of the Revised Codes of North Dakota.

Was read the second time, and
Referred to the steering committee.

Senate bill No. 139,

A bill for an act to amend section 6615 of the Revised Codes of 1895 providing for the compensation of judges of county courts having increased jurisdiction.

Was read the second time, and
Referred to the steering committee.

Senate bill No. 147,

A bill for an act to regulate the payment to the state treasurer of state funds collected by or in the hands of county treasurers.

Was read the second time, and
Referred to the steering committee.

The speaker called Mr. Hale to the chair.

The speaker moved

That the house do not concur in the senate amendment to
House bill No. 25,

A bill for an act in relation to reinsurance and the transaction of

business by fire insurance companies or associations otherwise than through resident agents.

Which motion prevailed and

The house did not concur.

Mr. Baker moved

That a conference committee be appointed to confer with a like committee from the senate on

House bill No. 25,

A bill for an act in relation to reinsurance and the transaction of business by fire insurance companies or associations otherwise than through resident agents.

Which motion prevailed.

The speaker resumed the chair.

The speaker appointed as a conference committee Messrs. Hale, McHarg and Tousley.

THIRD READING OF HOUSE BILLS.

House bill No. 70,

A bill for an act to amend section 527 of the Revised Codes of 1895 relating to the canvass and publication of election returns and issuing of certificates of election.

Was read the third time.

The question being upon the final passage of the bill as amended

The roll was called and there were ayes 61; nays none; absent and not voting, 1.

Those voting in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Deisem,
Dougherty,
Dwire,
Earl,
Engelter,
Erickson,
Ferris,
Gilbertson,
Glasgow,
Green,
Gronvold,

Messrs—

Gulack,
Hale,
Hare,
Hauan,
Herbrandson,
Johnston, Walsh,
Johnson, Richland,
Kennedy,
Laughlin,
Lee,
Lish,
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Ovind,
Peek,
Peterson,
Restemayer.

Messrs—

Sanford,
Sargent,
Stevens,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Tbordarson
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Watts,
Winslow,
Wolbert,
Mr. Speaker.

Absent and voting Mr. Bacon.

So the bill as amended passed and the title was agreed to.

The speaker called Mr. Hare to the chair.

House bill No. 49,

A bill for an act to amend section 1943 of the Revised Codes of North Dakota relating to balances to be kept by county treasurers in county depositories.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 57, nays none, absent and not voting, 5.

Those voting in the affirmative were:

| | | |
|-------------|--------------------|--------------|
| Messrs— | Messrs— | Messrs— |
| Aas, | Gronvold, | Sanford, |
| Allen, | Hale, | Sargent, |
| Bacon, | Hare, | Stevens, |
| Berger, | Johnson, Richland, | Stewart, |
| Boyd, | Johnston, Walsh, | Swenson, |
| Brakke, | Kennedy, | Stevenson, |
| Brotnov, | Laughlin, | Taylor, |
| Cassell, | Lee, | Thomas, |
| Chacey, | Lish, | Thomson, |
| Clarke, | Lynch, | Thordarson, |
| Deisem, | McHarg, | Tousley, |
| Dougherty, | McLean, | Towle, |
| Dwire, | Michels, | Tufte, |
| Earl, | Miner, | Ugland, |
| Engelter, | Nelson, | Wallace, |
| Ferris, | Ovind, | Watts, |
| Gilbertson, | Peek, | Wolbert, |
| Glasgow, | Peterson, | Winslow, |
| Green, | Restemayer, | Mr. Speaker, |

Absent and not voting:

| | | |
|-----------|---------|--------------|
| Messrs— | Messrs— | Messrs— |
| Allhouse, | Gulack, | Herbrandson, |
| Erickson, | Huan, | |

So the bill as amended passed and the title was agreed to.

Mr. Johnson of Richland moved

To adopt the following senate amendments to

Substitute for House bill No. 104.

A bill for an act to amend section 2073 of the Revised Codes of the state of North Dakota, providing for the salary of county auditors.

In lines 1 and 2, page 2, strike out the words "thirteen hundred and fifty" and insert in lieu thereof "fourteen hundred."

Which motion prevailed, and

Substitute for House bill No. 104,

A bill for an act to amend section 2073 of the Revised Codes of

the state of North Dakota, providing for the salary of county auditors.

Was so amended.

Substitute for House bill No. 104,

A bill for an act to amend section 2073 of the Revised Codes of the state of North Dakota, providing for the salary of county auditors.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 62, nays none, absent and not voting none.

Those who voted in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Deisem,
Dougherty,
Dwire,
Earl,
Engelter,
Erickson,
Ferris,
Gilbertson,
Glasgow,
Green,

Messrs—

Gronvold,
Gulack,
Hale,
Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish,
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Ovind,
Peek,
Peterson,

Messrs—

Restemayer,
Sanford,
Sargent,
Stevens,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson,
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Watts,
Wolbert,
Winslow,
Mr. Speaker,

So the bill as amended passed and the title was agreed to.

The committee on conference made the following report:

Mr. Speaker:

Your committee on conference to whom was referred House bill No. 71,

A bill for an act to provide for the construction and maintenance of dams across running streams for use in operating mills and for irrigation purposes.

Have had the same under consideration and recommend that the house concur in the amendment as passed by the senate and that the bill be passed.

T. L. TAYLOR,
O. GILBERTSON,
D. STEVENSON.

Mr. Gilbertson moved

To adopt the conference committee report of
House bill No. 71,

A bill for an act to provide for the construction and maintenance of dams across running streams for use in operating mills and for irrigation purposes.

Which motion prevailed and

The report was adopted.

House bill No. 71,

A bill for an act to provide for the construction and maintenance of dams across running streams for use in operating mills and for irrigation purposes.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 61; nays none; absent and not voting 1.

Those voting in the affirmative were:

| | | |
|-------------|--------------------|--------------|
| Aas, | Gulack, | Sanford, |
| Allen, | Hale, | Sargent, |
| Allshouse, | Hare, | Stevens, |
| Bacon, | Hauan, | Stewart, |
| Berger, | Herbrandson, | Swenson, |
| Boyd, | Johnson, Richland, | Stevenson, |
| Brakke, | Johnston, Walsh, | Taylor, |
| Brotnov, | Kennedy, | Thomas, |
| Chacey, | Laughlin, | Thomson, |
| Clarke, | Lee, | Thordarson, |
| Deisen, | Lish, | Tousley, |
| Dougherty, | Lynch, | Towle, |
| Dwire, | McHarg, | Tufte, |
| Earl, | McLean, | Ugland, |
| Engelter, | Michels, | Wallace, |
| Erickson, | Miner, | Watts, |
| Ferris, | Nelson, | Wolbert, |
| Gilbertson, | Ovind, | Winslow, |
| Glasgow, | Peek, | Mr. Speaker, |
| Green, | Peterson, | |
| Gronvold, | Restemayer, | |

Absent and not voting, Mr. Cassell.

So the bill as amended passed and the title was agreed to.

The committee on enrolled bills made the following report:

Mr. Speaker:

Your committee on enrolled bills have examined

House bill No. 167,

A bill for an act to amend chapter 87 of the laws of 1897 being an act relating to societies organized for the purpose of securing homes for orphans or abandoned, neglected or grossly ill-treated

children, by adoption or otherwise, and providing rules for the regulation of the same."

Also,

Substitute for house bill No. 59,

A bill for an act to amend sections 710, 711, 713, 715, 716, 719, and 722, Revised Codes, relating to education, and providing for the apportionment of the special tuition fund by the county superintendent of schools and the payment thereof by the county treasurer to school district treasurers.

Also,

House bill No. 134,

A bill for an act to amend section 1609 of the Revised Codes of North Dakota relating to appointment of sheep inspectors.

Also,

House bill No. 172,

A bill for an act to provide for the destruction of grasshoppers and Rocky Mountain locusts.

Also,

Substitute for House bill No. 111,

Being a concurrent resolution to amend the constitution.

Also,

House bill No. 195,

A bill for an act to amend section 1 of chapter 131 of the session laws of 1897, relating to funding the outstanding indebtedness of the soldiers' home at Lisbon, North Dakota, and providing funds for the permanent improvement of said home.

Also,

House bill No. 176,

A bill for an act to provide for the payment of expenses incurred in litigation arising for the enforcement of orders of the board of commissioners of railroads or other litigation in charge of the attorney general.

Also,

House bill No. 36,

A bill for an act to amend sections 3229 and 3230 of the Revised Codes of North Dakota, relating to the powers of banking corporations organized under the laws of the state of North Dakota.

Also,

House bill No. 174,

A bill for an act to permit water companies to cross over bridges with their pipes.

Also,

House bill No. 112,

Concurrent resolution submitting an amendment to the constitution of the state of North Dakota.

Also,

House bill No. 101,

A bill for an act authorizing board of county commissioners to offer reward for the apprehension and conviction of certain criminals.

And find the same correctly enrolled.

M. B. CASSELL,
Chairman.

To the Hon. Speaker and Members of the House:

Gentlemen: Your committee respectfully present the following order of business for this the fifty-ninth day:

First: To concur in senate amendments to house bills.

Second: First and second reading of senate bills.

Third: Third reading and final passage of senate bills, from general orders, as amended by the house standing committees.

Fourth: Third reading and final passage of senate bills which have not been amended by the house.

And respectfully ask that the house adopt this report.

J. D. WALLACE,
G. W. WOLBERT,
R. N. STEVENS.

Also,

We hereby submit the following list of senate bills, which have been referred to our standing committees and reported back by them as amended, and recommended to pass as amended. And we recommend that they be passed as amended in the following order:

First—

Senate bill No. 78,

A bill for an act to amend sections 625, 707, 751, and 757 of the Revised Codes, as amended by chapter 75 of the laws of 1897, and sections 703, 704, 755, 868, 869, 870, 871, 872, and 873 of the Revised Codes, relating to education.

Second—

Senate bill No. 117,

A bill for an act relating to the protection of game and fish; the appointment of a state game warden; the issuing of permits to hunt; the disposition of money received from the sale of permits

and enacting other provisions relating thereto and providing penalties for violations thereof.

Third—

Senate bill No. 72,

A bill for an act to define and limit the officers before whom the proof or acknowledgment of certain instruments may be made, and the relationship which may exist between the parties to instruments, and officers taking the proof or acknowledgment of the same.

Fourth—

Senate bill No. 49,

A bill for an act to amend section 2869 of the civil code, providing for the secretary of state making record of, and certifying to the state examiner, when charter is granted to certain corporations.

Fifth—

Senate bill No. 122,

A bill for an act to amend section 1538 of the Revised Codes of the state or North Dakota, relating to marks and brands.

Sixth—

Senate bill No. 91,

A bill for an act to amend section 6156 of the Revised Codes relating to custody of trespassing animals until damages are paid.

Also,

We hereby submit as the fourth order of business to-day, the third reading and final passage of Senate bills in the order named.

First—As amended.

Senate bill No. 173,

A bill for an act entitled an act to amend section 404 of the Revised Codes of the state of North Dakota, approved February 24th, 1899, relating to the boundaries of the Second judicial district and fixing the terms of the court therein.

Second—

Senate bill No. 149,

A concurrent resolution relating to the hospital for the insane.

Third—

Senate bill, No. 53,

A bill for an act to provide for the paying of the expenses incurred in the railroad rate case, and to refund money advanced by certain persons for the prosecution of said suit.

Fourth—

Senate bill No. 105,

A bill for an act relating to clerk hire in office of the commissioner of agriculture and labor.

Fifth—

Senate bill No. 112,

A bill for an act to appropriate money to pay S. E. Olson Co. for furniture furnished for the capitol building during the year 1894.

Sixth—

Senate bill No. 110,

A bill for an act to reimburse the county of Burleigh for expenses incurred in prosecuting W. H. Leonard for obtaining wolf bounty from the state treasury under false pretenses.

Seventh—

Senate bill No. 109,

A bill for an act to appropriate money to pay traveling expenses of the board of railroad commissioners and its secretary.

Eighth—

Senate bill No. 145,

A bill for an act to amend section 1391, chapter 19, of the Revised Codes, of the state of North Dakota, relating to the annual encampment of the National Guard of the state of North Dakota.

Ninth—

Senate bill No. 123,

A bill for an act to amend section 1 of chapter 108 of the session laws of 1897 relating to labor of convicts.

Tenth—

Senate bill No. 142,

A bill for an act to legalize irregularities in the formation of school districts and to make valid the acts of the officials thereof.

Eleventh—

Senate bill No. 111,

A bill for an act to appropriate the sum of eight hundred dollars to pay C. A. Leck and H. P. Leck, composing the firm of Leck & Leck, for work and labor done and material furnished for the North Dakota Agricultural College at Fargo, North Dakota.

Twelfth—

Senate bill No. 121,

A bill for an act relating to titles to real property.

Thirteenth—

Senate bill No. 101

A bill for an act legalizing the acts of officers and stockholders

of corporations as notaries public in cases where the corporation is interested.

Fourteenth—

Senate bill No. 153.

A bill for an act to amend section 1353 of the Revised Codes of the state of North Dakota, relating to adjustment of delinquent taxes due the state from counties and repealing section 1347 of said codes.

Fifteenth—

Senate bill No. 71,

A bill for an act entitled "an act to amend section twenty-six of chapter one hundred twenty-six of the laws of 1897 relating to the assessment of bank stock and the method of determining the value thereof for purposes of assessment.

Also,

We hereby give you the list of Senate bills, and the order in which we recommend that they be put upon their third reading and final passage:

First—

Senate bill No. 10,

A bill for an act to amend sections 1 and 2, of chapter 37 of the laws of 1897, providing a bounty on certain stock-destroying animals.

As amended.

Second—

Senate bill No. 70,

A bill for an act providing for a lien upon threshing engines or separators for repairing the same.

Third—

Senate bill No. 159,

A bill for an act to amend sections 2148 and 2321 of the Revised Codes of North Dakota relating to the incorporation and government of cities, and especially relating to the issuing of bonds by cities, as said sections have already been amended by the provisions of chapter 102 of the laws of 1897, and also to amend section 2309 of said Revised Codes relating to the manner and form of issuing bonds.

Fourth—

Senate bill No. 102,

A bill for an act providing that the provisions of the act entitled "an act to amend section 2755 of the Revised Codes of North Dakota relating to dissolution of marriage," shall not apply to any

action in which the complaint shall have been filed in the office of the clerk of the district court prior to July 1st, 1899.

Fifth—

Senate bill No. 140,

A bill for an act to prescribe certain powers, duties and compensation of the state fish commissioner of North Dakota, and to appoint deputy fish wardens, and to prescribe their powers, duties and compensation, and to amend section 7682 of the Revised Codes of 1895, relating to seines and nets to be destroyed.

Sixth—

Senate bill No. 104,

A bill for an act regulating the holding of caucuses and providing for a penalty for violation thereof.

Which bill we submit without any recommendation.

Seventh—

Senate bill No. 126,

A bill for an act relating to physical education as a regular branch of instruction in the public schools of the state and educational institutions receiving aid from the state.

Eighth—

Senate bill No. 180,

CONCURRENT RESOLUTION.

Providing a Contingent Fund for the First North Dakota Volunteers.

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

That the governor be and he is hereby empowered and directed to draw the sum of \$2,500 from the military appropriation of the state of North Dakota and transmit the same to the first North Dakota volunteers at Manila in the Philippine islands, to be used as a contingent fund for the comfort and welfare of said volunteers under the direction of a board consisting of the field officers and company commanders in command of troops.

Very respectfully yours,

J. D. WALLACE,
G. W. WOLBERT,
R. N. STEVENS.

The chief clerk announced that the speaker was about to sign

House bill No. 36,

A bill for an act to amend sections 3229 and 3230 of the Revised Codes of North Dakota, relating to the powers of banking corporations organized under the laws of the state of North Dakota.

Also,

House bill No. 101,

A bill for an act authorizing board of county commissioners to

offer reward for the apprehension and conviction of certain criminals.

Also,

House bill No. 112,

Concurrent resolution submitting an amendment to the constitution of the state of North Dakota.

Also,

House bill No. 174,

A bill for an act to permit water companies to cross over bridges with their pipes.

Also,

Substitute for House bill No. 111,

Being a concurrent resolution to amend the constitution.

Also,

House bill No. 195,

A bill for an act to amend section 1 of chapter 131 of the session laws of 1897, relating to funding the outstanding indebtedness of the soldiers' home at Lisbon, North Dakota, and providing funds for the permanent improvement of said home.

Also,

House bill No. 172,

A bill for an act to provide for the destruction of grasshoppers and Rocky Mountain locusts.

Also,

House bill No. 176,

A bill for an act to provide for the payment of expenses incurred in litigation arising for the enforcement of orders of the board of commissioners of railroads or other litigation in charge of the attorney general.

Also,

Substitute for house bill No. 59,

A bill for an act to amend sections 710, 711, 713, 715, 716, 719, and 722, Revised Codes, relating to education, and providing for the apportionment of the special tuition fund by the county superintendent of schools and the payment thereof by the county treasurer to school district treasurers.

Also,

House bill No. 167,

A bill for an act to amend chapter 87 of the laws of 1897 being "an act relating to societies organized for the purpose of securing homes for orphans or abandoned, neglected or grossly ill-treated children, by adoption or otherwise, and providing rules for the regulation of the same."

Also,

House bill No. 134,

A bill for an act to amend section 1609 of the Revised Codes of North Dakota relating to appointment of sheep inspectors.

REPORTS OF STANDING COMMITTEES.

The committee on engrossed bills made the following report:

Mr. Speaker:

Your committee on engrossed bills have examined

House bill No. 156,

A bill for an act requiring butchers killing branded cattle to keep a certain record pertaining thereto, make report thereof to the secretary of state and prescribing penalties for the violation thereof.

Also,

House bill No. 57,

A bill for an act to amend section 7 of chapter 37 of the laws of 1897 providing for special tax for payment of wolf bounties.

And find the same correctly engrossed.

A. W. THOMAS,
Chairman.

THIRD READING OF SENATE BILLS.

Mr. Wolbert moved

The adoption of the following amendments to

Senate bill No. 78,

A bill for an act to amend sections 625, 707, 751, and 757 of the Revised Codes, as amended by chapter 75 of the laws of 1897, and sections 703, 704, 755, 868, 869, 870, 871, 872, and 873 of the Revised Codes, relating to education.

After the word "office," at the end of line 87, of the printed bill, add the following: "Provided, that special school districts, independent districts, and districts organized for school purposes under special laws, shall enumerate their children of school age on the first day of December, or within the next twenty days following, and such enumeration shall be reported to the county superintendent by the clerk.

Which motion prevailed, and

Senate bill No. 78,

A bill for an act to amend sections 625, 707, 751, and 757 of the Revised Codes, as amended by chapter 75 of the laws of 1897, and sections 703, 704, 755, 868, 869, 870, 871, 872, and 873 of the Revised Codes, relating to education.

Was so amended.

The speaker called Mr. McHarg to the chair.

Senate bill No. 78,

A bill for an act to amend sections 625, 707, 751, and 757 of the Revised Codes, as amended by chapter 75 of the laws of 1897, and sections 703, 704, 755, 868, 869, 870, 871, 872, and 873 of the Revised Codes, relating to education.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 55, nays 4, absent and not voting 3.

Those voting in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Deisem,
Dougherty,
Dwire,
Engelster,
Erickson,
Ferris,
Gilbertson,
Glasgow,
Gronvold,

Messrs—

Hale,
Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Kennedy,
Laughlin,
Lee,
Lish
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Ovind,
Peek,
Peterson,

Messrs—

Restemayer,
Sargent,
Stevens,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Watts,
Wolbert,
Winslow.
Mr. Speaker,

Those voting in the negative were:

Messrs—

Bacon,
Earl,

Messrs—

Green,

Messrs—

Stewart,

Absent and not voting:

Messrs—

Gulack,

Messrs—

Johnston, Walsh,

Messrs—

Sanford,

So the bill as amended passed and the title was agreed to.

Mr. Miner moved

That the following amendment to

Senate bill No. 72,

A bill for an act to define and limit the officers before whom the proof or acknowledgment of certain instruments may be made, and the relationship which may exist between the parties to instruments, and officers taking the proof or acknowledgment of the same.

Be adopted,

That the title to said act be amended to read as follows:

“A bill for an act to define and limit the officers before whom affidavits

and the proof or acknowledgment of certain instruments may be made, and the relationship which may exist between the parties to instruments and officers taking the proof or acknowledgment of the same, and of affidavits."

"After the word "instrument," line 2, section 1, of the printed bill, insert the words "or affidavit."

After the word "acknowledgment," line 3, section 1, of the printed bill, insert the words "or affidavit."

Before the word "shall," line 3, section 2, of the printed bill, insert the words "and taking of affidavits."

After the word "acknowledgment," line 3, section 2, of the printed bill, insert the words "or affidavit."

After the word "acknowledged," line 5, section 2, insert the words "or sworn to."

Before the word "and," line 9, section 2, insert the words "or affidavits."

After the word "acknowledgments," line 11, section 3, insert the words "and affidavits."

After the word "instruments," line 2, section 3, insert the words "and affidavits."

After the word "thereof," line 4, section 4, insert the words "and affidavits."

Which motion prevailed and

Senate bill No. 72,

A bill for an act to define and limit the officers before whom the proof or acknowledgment of certain instruments may be made, and the relationship which may exist between the parties to instruments, and officers taking the proof or acknowledgment of the same.

Was so amended.

Senate bill No. 72,

A bill for an act to define and limit the officers before whom the proof or acknowledgment of certain instruments may be made, and the relationship which may exist between the parties to instruments, and officers taking the proof or acknowledgment of the same.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 59, nays none, absent and not voting 3.

Those voting in the affirmative were:

Aas,
Allshouse,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Deisem,
Dougherty,

Gulack,
Hale,
Hare,
Hauan,
Herbrandson,
Johnston, Walsh,
Johnson, Richland,
Kennedy,
Laughlin,
Lee,
Lish,

Restemayer,
Sanford,
Sargent,
Stevens,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson,

Messrs—

Dwire,
Earl,
Engelter,
Erickson,
Ferris,
Gilbertson,
Glasgow,
Green,
Gronvold,

Messrs—

Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Ovind,
Peek,
Peterson,

Messrs—

Tousley,
Towle,
Tuftes,
Ugland,
Wallace,
Watts,
Winslow,
Mr. Speaker.

Absent and not voting:

Messrs—

Allen,

Messrs—

Bacon,

Messrs—

Wolbert,

So the bill as amended passed and the title was agreed to.

Mr. Speaker resumed the chair.

Mr. Lynch moved

That the following amendments to

Senate bill No. 49,

A bill for an act to amend section 2869 of the civil code, providing for the secretary of state making record of, and certifying to the state examiner, when charter is granted to certain corporations.

Be adopted:

By striking out after the word "the" in the last line of page 1, of the engrossed Senate bill, the words "facts concerning such incorporation, giving the names of its incorporators, also the names and addresses of the directors, if the same is given in the articles of incorporations," and insert in lieu thereof the words "fact that articles of incorporation have been filed, giving the date of such filing."

Which motion prevailed, and

Senate bill No. 49,

A bill for an act to amend section 2869 of the civil code, providing for the secretary of state making record of, and certifying to the state examiner, when charter is granted to certain corporations.

Was so amended.

Senate bill No. 49,

A bill for an act to amend section 2869 of the civil code, providing for the secretary of state making record of, and certifying to the state examiner, when charter is granted to certain corporations.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 60, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs—

Aas,
Allshouse,
Bacon,

Messrs—

Gronvold,
Gulack,
Hale,

Messrs—

Peterson,
Restemayer,
Sanford,

Messrs—

Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Deisem,
Dougherty,
Dwire,
Earl,
Engelter,
Erickson,
Ferris,
Gilbertson,
Glasgow,
Green,

Messrs—

Hare,
Huan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish,
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Ovind,
Peek,

Messrs—

Sargent,
Stevens,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson,
Tousley,
Towle,
Tufté,
Ugland,
Wallace,
Wolbert,
Winslow,
Mr. Speaker,

Absent and not voting: Messrs. Allen and Watts.

So the bill as amended passed and the title was agreed to.

Mr. Lynch moved

That the house take a recess until 2:30 p. m.

Which motion prevailed, and

The house took a recess.

The house reassembled.

Mr. Lish requested the privileges of the floor for Mrs. J. K. Porter of Dickinson.

There being no objections the privileges of the floor were so extended.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
March 2, 1899.

Mr. Speaker:

I have the honor to transmit herewith

House bill No. 55,

A bill for an act to amend section 2985 of the civil code of the state of North Dakota relating to when station house to be maintained.

Also,

House bill No. 196,

A bill for an act to amend section 803 of the Revised Codes of the state of North Dakota relating to education.

All of which the senate has indefinitely postponed.

Very respectfully

J. O. SMITH,
Secretary.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

Your committee on revision and correction of the Journal respectfully report that they have carefully examined the Journal of the fifty-eighth day, and recommend the following corrections:

On page 47 change the vote of "Mr. Tufte on House bill No. 196 from aye to nay."

Also,

Your committee on revision and correction of the Journal respectfully report that they have carefully examined the Journal of the fifty-seventh day and recommend the following corrections:

On page 5, line 27, correct the spelling of the word "indefinitely."

On page 6, line 43, strike out the word "president" and insert in lieu thereof the word "speaker."

On page 9, line 8, strike out the word "house" and insert in lieu thereof the word "senate."

On page 11, line 3, correct the spelling of the abbreviation "Messrs,"

On page 12, line 27, correct the spelling of the name "Restemayer."

Your committee also further recommend the following corrections in the Journal of the fifty-sixth day:

Insert at the bottom of page 25 the following: "Absent and not voting, Messrs. Glasgow, Restemayer and Thomson."

And when so amended recommend that the Journals of the fifty-sixth and fifty-seventh days be approved.

JOHN KENNEDY,

Chairman.

Mr. Kennedy moved

That the report of the committee on revision and correction of the Journal be adopted,

Which motion prevailed, and

The report was adopted.

The following communication was received:

To the Members of the House:

Mrs. Briggs wishes to acknowledge, with sincere appreciation and deep gratitude, the beautiful flowers and the many kindnesses she received from the legislative body at the memorial service of her late husband, Frank A. Briggs.

MRS. NANNIE R. BRIGGS.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the governor:

EXECUTIVE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 2, 1899.

To the House of Representatives:

Gentlemen: I have the honor to inform you that I have this day approved and filed with the honorable secretary of state:

House bill No. 20,

A bill for an act to amend section 1495 of the Revised Codes of the state of North Dakota, relating to the time of holding an election for the purchase of an asylum for the poor, and providing for the appointment of a superintendent for such asylum.

Also,

House bill No. 29,

A bill for an act to provide for the giving of proper official bonds, by county treasurers, and to provide for the payment of the expense incurred in procuring the same.

Also,

House bill No. 135,

A bill for an act providing for the manner of the disposition of lands acquired by the state or the several counties of the state under the provisions of chapter 67, laws of 1897.

I have the honor to be,

Very respectfully yours,
F. B. FANCHER,
Governor.

THIRD READING OF SENATE BILLS.

Senate bill No. 179,

A joint resolution regulating the compensation of the door-keepers, assistant sergeant-at-arms, janitors and watchmen of the Senate and House of Representatives.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 38, nays 15, absent and not voting 9.

Those voting in the affirmative were:

Messrs—

Allen,
Bacon,

Messrs—

Hale,
Hare,

Messrs—

Sargent,
Stevens,

Messrs—

Boyd,
Chacey,
Dougherty,
Dwire,
Earl,
Engelter,
Ferris,
Gilbertson,
Green,
Gronvold,
Gulack,

Messrs—

Kennedy,
Laughlin,
Lee,
Lish,
McHarg,
McLean,
Michels,
Miner,
Peek,
Peterson,
Sanford,

Messrs—

Stewart,
Stevenson,
Thomson,
Tousley,
Towle,
Ugland,
Wallace,
Watts,
Wolbert,
Mr. Speaker.

Those voting in the negative were:

Messrs—

Aas,
Brakke,
Brotnov,
Clarke,
Erickson,

Messrs—

Glasgow,
Hauan,
Herbrandson,
Lynch,
Nelson,

Messrs—

Restemayer,
Swenson,
Thomas,
Tufté,
Winslow,

Absent and not voting:

Messrs—

Allshouse,
Berger,
Cassell,

Messrs—

Delsem,
Johnson, Richland,
Johnston, Walsh,

Messrs—

Ovind,
Taylor,
Thordarson

So the bill passed and the title was agreed to.

Mr. Hale moved

That the vote by which Senate bill No. 179 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

The speaker called Mr. McHarg to the chair.

Mr. Wolbert moved

The adoption of the following amendment to Senate bill No. 117,

A bill for an act relating to the protection of game and fish; the appointment of a state game warden; the issuing of permits to hunt; the disposition of money received from the sale of permits and enacting other provisions relating thereto and providing penalties for violations thereof.

After the word "law" in line 11, section 2, page 2 of the printed bill strike out the words "unless such person, either alone or with another, or others, use any dog in hunting, setting, pointing or retrieving any game in which case such permit must first be obtained," and insert in lieu thereof "provided, nothing in this section shall be construed to prevent the children of this state under the age of 13 years from hunting, they having the written consent of their parents or guardian so to do during the open season without a permit."

Strike out the word "twenty" in line 4, section 5, page 5 of the printed bill and insert in lieu thereof the word "thirty."

Strike out the word "sixty" in line 5, section 5, page 5 of the printed bill and insert in lieu thereof the word "forty."

After the word "services" in line 8, section 5, page 5 of the printed bill insert the words "and the remaining 10 per cent shall be retained by the county auditor for his personal services."

After the word "committed" in line 8, section 6, page 5 of the printed bill insert the words "said warrant to be issued as provided in section 7891 of the Revised Codes."

After the word "arrest" in line 16, section 6, page 6 of the printed bill strike out the words "a fee of \$5" and insert in lieu thereof "such fees as are allowed constables for services in like cases."

After the word "bird" and before the word "at" in line 4, section 7, page 6 of the printed bill insert the words "except snipe or plover."

After the word "goose" in line 10, section 7, page 6 of the printed bill insert the word "crane."

Strike out the word "line" in line 15, section 7, page 7 of the printed bill and insert in lieu thereof the word "lime."

Strike out the word "deer" in line 21, section 7, page 7 of the printed bill.

After the word "sheep" in line 22, section 7, page 7 insert the words "at any time or any deer."

Strike out the word "November" in line 22, section 7, page 7 of the printed bill and insert in lieu thereof the word "October."

Strike out the figure "3" in line 25, section 7, page 7 of the printed bill and insert in lieu thereof the figure "5."

Strike out all of "lines 31 and 32, section 7" of the printed bill.

Strike out the figures "13" line 33, section 7, page 8 of the printed bill and insert in lieu thereof the figures "12"

After the word "sub-divisions" in line 34, section 7, page 8 of the printed bill insert the word "one."

After the word "of" and before the word "ten" in line 37, section 7, page 8 of the printed bill insert the words "not exceeding."

After the word "five" in line 39, section 7, page 8 of the printed bill insert the word "or."

In line 39, section 7, page 8 of the printed bill after the word "six" strike out the words "or twelve."

After the word "and" in line 40, section 7, page 8 of the printed bill insert the words "not exceeding."

After the word "and" line 41, section 7, page 8 of the printed bill insert the words "not exceeding."

Strike out the word "thirteen" in line 42, section 7, page 8 of the printed bill and insert in lieu thereof the word "twelve."

After the word "same" at the end of section 8 of the printed bill add the words "provided, if any person having the possession of any such birds or game and desires to keep the same for a longer period than five days he may apply to the state game warden, or his deputy, for a tag, properly stamped, and describing such game, which shall be attached to each bird or separate part of game and shall remain securely fastened thereto until the same is used for food."

Strike out the word "or" at the end of line 9, section 9, page 9 of the printed bill.

Strike out "line 10, section 9," page 9 of the printed bill.

After the word "thereof" in line 4, section 13, page 11 of the printed bill strike out the words "any attempt to violate any provision of the game laws of this state shall be deemed a violation of such provision."

Which motion prevailed, and

Senate bill No. 117,

A bill for an act relating to the protection of game and fish; the appointment of a state game warden; the issuing of permits to hunt; the disposition of money received from the sale of permits and enacting other provisions relating thereto and providing penalties for violations thereof.

Was so amended.

Senate bill No. 117,

A bill for an act relating to the protection of game and fish; the appointment of a state game warden; the issuing of permits to hunt; the disposition of money received from the sale of permits and enacting other provisions relating thereto and providing penalties for violations thereof.

Was read the third time.

The question being upon the final passage of the bill as amended

The roll was called and there were ayes 42, nays 17, absent and not voting 3.

Those who voted in the affirmative were:

| | | |
|----------------|------------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Aas, | Erickson, | Miner, |
| Allen, | Ferris, | Ovind, |
| Allshouse, | Gilbertson, | Peterson, |
| Berger, | Glasgow, | Restemayer, |
| Boyd, | Green, | Sargent, |
| Brakke, | Gronvold, | Stevens, |
| Brotnov, | Gulack, | Stewart, |
| Cassell, | Hale, | Thomson, |
| Chacey, | Johnston, Walsh, | Thordarson |
| Clarke, | Kennedy, | Tousley, |
| Dougherty, | Laughlin, | Towle, |
| Dwire, | Lish, | Ugland, |
| Earl, | McHarg, | Wolbert, |
| Engelter, | McLean, | Winslow, |

Those voting in the negative were:

| | | |
|--------------------|----------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Delsem, | Lynch, | Taylor, |
| Hare, | Michels, | Thomas, |
| Hauan, | Nelson, | Tufte, |
| Herbrandson, | Sanford, | Wallace, |
| Johnson, Richland, | Swenson, | Watts, |
| Lee, | Stevenson, | |

Absent and not voting:

| | | |
|----------------|----------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Bacon, | Peek, | Mr. Speaker, |

So the bill as amended passed and the title was agreed to.

Mr. Stevens moved that

Substitute for House bill No. 106,

A bill for an act to amend section 2080 of the Revised Codes of the state of North Dakota, providing for the salary of the county treasurers.

Be recalled from the enrollment committee and

Be re-referred to committee on engrossment,

Which motion prevailed.

Mr. Laughlin moved

That the following amendments to

Senate bill No. 122,

A bill for an act to amend section 1538 of the Revised Codes of the state or North Dakota, relating to marks and brands.

Be adopted:

By adding to the title, after the words "North Dakota," and to repeal section 1539 of said codes; also to relieve the registers of deeds any duty in regard to registering marks and brands."

Also, by adding section 2: "Sec. 2. Section 1539 of the Revised Codes of 1895, is hereby repealed."

Also, by adding section 3: "Sec. 3. After this act shall take effect, the register of deeds of the several counties shall not be required to make any record of or perform any duty in regard to marks and brands."

Which motion prevailed and

Senate bill No. 122,

A bill for an act to amend section 1538 of the Revised Codes of the state or North Dakota, relating to marks and brands.

Was so amended

Mr. Stevens moved

That the rules be suspended for the purpose of receiving two bills from the senate, and also for transmitting one house bill to the senate,

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
March 2, 1899.

Mr. Speaker:

I have the honor to transmit herewith
Substitute for House bill No. 88,

A bill for an act to amend section 2075 of the Revised Codes of the state of North Dakota, providing for the salary of register of deeds.

Which the senate has amended as follows:

Amend title by adding thereto the words: "And to repeal section 2077 of said revised codes."

After the words "section 1" insert "That section 2075 of the Revised Codes of the state of North Dakota be and the same is hereby amended to read as follows:

Section 2075. In line 1 of section 2 strike out "sections 2075 and" and insert in lieu thereof the word "section."

Also by striking out all of section 3.

And passed as amended.

Also,

Senate bill No. 157,

A bill for an act to amend section 872 of the Revised Codes of

North Dakota and permitting the state high school board to prescribe military instruction as a part of the curriculum of the high schools of the state of North Dakota.

Also,

Senate bill No. 175,

A bill for an act to amend section 704 of chapter 75 of the general laws of 1897, entitled an "act to amend sections 625, 628, 636, 641, 642, 646, 649, 651, 652, 667, 671, 676, 683, 689, 701 704, 707, 714, 717, 718, 727, 731, 732, 737, 738, 740, 741, 742, 743, 748, 749, 751, 757, 761, 775, 777, 780, 785, 786, 789, 790, 797, 816, 824, 832, 842, 865 of the Revised Codes of 1895 relating to education."

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

Very respectfully yours,

J. O. SMITH,

Secretary.

Senate bill No. 122,

A bill for an act to amend section 1538 of the Revised Codes of the state of North Dakota, relating to marks and brands.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 59, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs—

Aas,
Allen,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Deisem,
Dougherty,
Dwire,
Earl,
Engelter,
Erickson,
Ferris,
Gilbertson,
Glasgow,
Green,

Messrs—

Gulack,
Hale,
Hare,
Huan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish,
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Ovind,
Peek,
Peterson,

Messrs—

Restemayer,
Sanford,
Sargent,
Stevens,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson
Tousley,
Towle,
Tuftte,
Ugland,
Wallace,
Watts,
Winslow,
Mr. Speaker,

Absent and not voting:

Messrs—

Allhouse,

Messrs—

Gronvold,

Messrs—

Wolbert,

So the bill as amended passed and the title was agreed to.

The speaker resumed the chair.

Senate bill No. 91,

A bill for an act to amend section 6156 of the Revised Codes relating to custody of trespassing animals until damages are paid.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 58; nays none, absent and not voting 4.

Those voting in the affirmative were:

Messrs—

Aas,
Allen,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Deisem,
Dougherty,
Dwire,
Earl,
Erickson,
Ferris,
Gilbertson,
Glasgow,
Gulack,

Messrs—

Green,
Hale,
Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Ovind,
Peek,

Messrs—

Peterson,
Restemayer,
Sanford,
Sargent,
Stevens,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Watts,
Winslow,
Mr. Speaker,

Absent and not voting:

Messrs—

Allhouse,
Engelter,

Messrs—

Gronvold,

Messrs—

Wolbert,

So the bill as amended passed and the title was agreed to.

THIRD READING OF HOUSE BILLS.

Mr. Laughlin moved

To adopt the following amendments to

House bill No. 17,

A bill for an act providing for the collection, of vital statistics.

That in line 7, section 4, of the printed bill, the word "twenty-five" be stricken out and the word "ten" be inserted in lieu thereof.

That in line 7, section 5, of the printed bill, the word "twenty-five" be stricken out and the word "ten" be inserted in lieu thereof.

That the whole of section 8 be stricken out,

Which motion prevailed and

House bill No. 17,

A bill for an act providing for the collection of vital statistics.

Was so amended.

House bill No. 17,

A bill for an act providing for the collection of vital statistics.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 46, nays 7, absent and not voting 9.

Those who voted in the affirmative were:

Messrs—

Aas,
Allen,
Bacon,
Boyd,
Brakke,
Cassell,
Chacey,
Clarke,
Delsem,
Dougherty,
Dwire,
Engelter,
Erickson,
Ferris,
Glasgow,
Gronvold,

Messrs—

Gulack,
Hale,
Hare,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Ovind,

Messrs—

Peek,
Peterson,
Sanford,
Sargent,
Stevens,
Stewart,
Swenson,
Stevenson,
Thomson,
Tousley,
Tuft,
Wallace,
Watts,
Winslow,
Mr. Speaker,

Those voting in the negative were:

Messrs—

Gilbertson,
Herbrandson,
Lynch,

Messrs—

Restemayer,
Taylor,

Messrs—

Thomas,
Thordarson

Absent and not voting:

Messrs—

Allshouse,
Berger,
Brotnov,

Messrs—

Earl,
Green,
Hauan,

Messrs—

Towle,
Ugland,
Wolbert,

So the bill as amended passed and the title was agreed to.

Mr. McHarg moved

That the vote by which House bill No. 17 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. McHarg moved that

Senate bill No. 173,

A bill for an act entitled an act to amend section 404 of the Revised Codes of the state of North Dakota, approved February 24th, 1899, relating to the boundaries of the Second judicial district and fixing the terms of the court therein.

Be amended as follows:

Amend the title to read as follows: "A bill for an act to amend section 404 of the Revised Codes of the state of North Dakota relating to

boundaries of the second judicial district, and fixing the terms of court therein, and repealing an act approved February 24, 1899, amending section 404, of the Revised Codes.

Amend section 2 as follows:

In line 1, section 2, strike out all after the figure "2" and insert in lieu thereof as follows, "The act approved February 24, 1899, amending section 404, of the Revised Codes is hereby expressly repealed."

Add section 3 as follows: Section 3. "All acts and parts of acts in conflict with the foregoing act are hereby repealed.

Which motion prevailed, and

Senate bill No. 173, was so amended.

Senate bill No. 173,

A bill for an act entitled an act to amend section 404 of the Revised Codes of the state of North Dakota, approved February 24th, 1899, relating to the boundaries of the Second judicial district and fixing the terms of the court therein.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 57, nays none, absent and not voting 5.

Those voting in the affirmative were:

Messrs—

Aas,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Delsem,
Dougherty,
Engelter,
Erickson,
Ferris,
Gilbertson,
Glasgow,
Green,
Gronvold,
Gulack,

Messrs—

Hale,
Hare,
Huan,
Herbrandson,
Johnson, Richland,
Kennedy,
Laughlin,
Lee,
Lish
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Ovind,
Peek,
Peterson,
Restemayer,

Messrs—

Sanford,
Sargent,
Stevens,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Watts,
Wolbert,
Winslow,
Mr. Speaker,

Absent and not voting:

Messrs—

Allen,
Allshouse,

Messrs—

Dwire,
Earl,

Messrs—

Johnston, Walsh,

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
March 2, 1899.

Mr. Speaker:

I have the honor to inform the house that the senate has re-

fused to concur in the house amendment to

Senate bill No. 117,

A bill for an act relating to the protection of game and fish; the appointment of a state game warden; the issuing of permits to hunt; the disposition of money received from the sale of permits and enacting other provisions relating thereto and providing penalties for violations thereof.

And asks that a committee of conference be appointed, and that the president has appointed for the senate Messrs. Hanna, Porter and Cox.

Very respectfully yours,

J. O. SMITH,

Secretary.

Mr. McHarg moved

That a committee of conference upon

Senate bill No. 117,

A bill for an act relating to the protection of game and fish; the appointment of a state game warden; the issuing of permits to hunt; the disposition of money received from the sale of permits and enacting other provisions relating thereto and providing penalties for violations thereof.

Be appointed,

Which motion prevailed, and

The chair appointed Messrs. Stevens, Sargent and Deisem.

Senate bill No. 149,

A concurrent resolution relating to the hospital for the insane.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 50, nays 9, absent and not voting 3.

Those voting in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,
Bacon,
Berger,
Boyd,
Brotnov,
Cassell,
Chacey,
Clarke,
Dougherty,
Dwire,
Erickson,
Ferris,
Gilbertson,
Glasgow,
Green,

Messrs—

Gronvold,
Hale,
Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish,
Lynch,
McLean,
Michels,
Nelson,
Ovind,
Peek,

Messrs—

Peterson,
Restemayer,
Sanford,
Stevens,
Stewart,
Swenson,
Thomas,
Thomson,
Thordarson,
Towle,
Tufte,
Ugland,
Wallace,
Watts,
Winslow,
Mr. Speaker,

Those voting in the negative were:

| | | |
|-----------|----------|------------|
| Messrs— | Messrs— | Messrs— |
| Brakke, | McHarg, | Stevenson, |
| Deisem, | Miner, | Taylor, |
| Engelter, | Sargent, | Tousley, |

Absent and not voting:

| | | |
|---------|---------|----------|
| Messrs— | Messrs— | Messrs— |
| Earl, | Gulack, | Wolbert, |

So the bill passed and the title was agreed to.

Mr. Dougherty moved

That the vote by which Senate bill No. 149 passed be reconsidered, and the motion to reconsider be laid upon the table,
Which motion prevailed.

REPORT OF SPECIAL COMMITTEE.

The special committee appointed to investigate the Glaspell matter, having announced that they were ready to report,

Mr. Hale moved

That the report of the special committee to investigate the Glaspell matter be accepted, that it be made a special order for 3 o'clock p. m., March 3d, and that the report be printed in the Journal,

Which motion prevailed.

PETITION OF HON. S. L. GLASPELL.

To the Honorable Speaker and Members of the House of Representatives of the Sixth Legislative Assembly of the State of North Dakota:

Your petitioner, Samuel L. Glaspell, represents and shows to your honorable body that he is now and since January 1, 1897, has been the duly elected, qualified and acting judge of the Fifth judicial district of the state of North Dakota.

That on or about January 24, 1899, there appeared in certain newspapers printed in this state, and in Minnesota, articles sent out from Bismarck making serious charges against the character of your petitioner as a judicial officer. It was in effect stated that your honorable body was about to prefer articles of impeachment against your petitioner. Some fourteen days have elapsed since these rumors and charges were placed in circulation, and while your petitioner has anxiously looked for some action tending to bring the matter to an issue, he is now forced to the conclusion that no such action will be taken, by those making accusations. The charge thus publicly made are serious and not only affect the name and fame of your petitioner, but are calculated to bring the judiciary

into disrepute. If the charges are true then your petitioner submits that some notice thereof should be taken, and if they are false and malicious as your petitioner asserts then it is respectfully submitted that your petitioner is entitled to a hearing, and a judgment. That action will be taken looking to that end is the prayer of your petitioner.

SAMUEL L. GLASPELL.

REPORT OF COMMITTEE.

To the Speaker and Members of the House of Representatives of the Sixth Legislative Assembly of the State of North Dakota:

Your committee heretofore appointed for the purpose of investigating the matter set forth in the petition of Hon. Samuel L. Glaspell, judge of the Fifth judicial district, of the state of North Dakota, beg leave to report that they have had under consideration the matters and things referred to them; that they herewith submit for the consideration of the house their action in connection with such investigation.

Your committee have to the best of their ability confined the investigation to the prayer of the petitioner, namely, the newspaper report given herewith. All witnesses presenting themselves have been examined under oath and their testimony is hereto attached and made a part of this report, together with the correspondence between the committee and the petitioner. Your committee have to the best of their ability studiously avoided the bringing up of any matter not contemplated by their appointment.

None of the information contained in this report has been given to the public because in the opinion of the committee it would result in injustice to the petitioner to have the same printed and commented upon until the same could be considered in its entirety, thus avoiding inferences and conclusions that might be drawn when only a part of the matters the committee was considering could be given to the public.

Your committee makes no recommendation as to what action the house should take in relation to the subject of this report for the reason it is beyond the scope of authority given to them by the house in their appointment as your committee understands the same. Your committee convened and organized on the 14th day of February, 1899, and directed to the Honorable S. L. Glaspell the following letter, namely:

BISMARCK, N. D., Feb. 14, 1899.

Hon. S. L. Glaspell:

Sir: I am directed by the committee heretofore appointed by the house of representatives to investigate the request contained

in your petition to the house of representatives of recent date to inform you that at a meeting held on this date the committee did not find in your petition sufficient information to enable them to proceed in such manner as you request, they not being in possession of the newspaper articles you refer to as making charges against your character, and they therefore most respectfully request you to appear before the committee in person or by communication and lay before them the articles making the charges complained of, together with such further information as that the committee may take proof touching their truthfulness or falsity. The committee will meet for that purpose at the office of Stevens & Allen, in the McKenzie block, at 11 o'clock a. m., February 15.

Very respectfully,

R. N. STEVENS, Chairman.

P. S. The committee has decided that neither this or any other communication will be given to the public for publication by them.

(Response by Judge Glaspell.)

Copy.

Bismarck, N. D., 189.

Hon. R. N. Stevens, Chairman:

Sir: In response to your request that I lay before your committee the articles making charges against me, together with such further information as that the committee may take proof touching their truthfulness or falsity, I beg leave to hand you the accompanying newspaper articles. In the event that your committee conclude to summon witnesses, I respectfully request that you will give me two days' notice of such hearing, in order that my counsel, Mr. P. H. Rourke, who is temporarily absent from the city, may have sufficient notice to be present.

Very respectfully,

S. L. GLASPELL.

(Newspaper Articles.)

DUE TO DROP.

IMPEACHMENT PROCEEDINGS AGAINST JUDGE GLASPELL MAY BE PUSHED.

(By wire from Bismarck, N. D., Feb. 7.)

There seems to be a general impression that something is going to drop in connection with the expected impeachment proceedings very soon. The lawyers are naturally keeping very quiet about the matter, but it is regarded as certain that the complaint against Judge Glaspell has been drawn up, and that some of the affidavits which are relied on to prove the charges have been secured.

From what can be learned the charges are based on reports that men engaged in the liquor business in Judge Glaspell's district have stated that they had paid various sums of money to the judge since he went on the bench, and that these payments were made for the purpose of influencing his action in his judicial capacity. Naturally enough these men were not anxious to testify in the matter, as if their statements were true, they were guilty themselves of the crime of bribery equally with the official who they claim took the bribe.

Since the rumor that an impeachment was contemplated became public there has been a good deal of matter published in the press concerning actions of Judge Glaspell, which, while tending to throw discredit on his conduct as an attorney or in his private capacity, have no real bearing on the charges in connection with the impeachment. That proceeding, should it ever be voted by the house, can of course only be based on his conduct as judge, and whatever he may have done before he went on the bench can have no legal bearing on the case. The latest rumor in connection with the matter is that Judge Glaspell's friends are figuring on bringing an impeachment case on their own account, and that they will file charges at an early day against one of the state officials. Another is that a friend of Judge Glaspell's will move the house to set a date on which they who may have charges to present against the judge shall be required to appear and state them, in which case, should none appear, the judge might fairly claim to have been traduced. It is also rumored that some matters may be unearthed in connection with the contest case which Senator Bailey Fuller won against Mr. Sanford, of the Jamestown district two years ago, and in which a recount of the ballots showed considerable changes from the returns as made by the canvassing board, affording some ground for suspicion that the ballots had been tampered with. Altogether the situation is charged with a good deal of dynamite, and an explosion of some sort may be looked for before long. Should an impeachment be voted now, the twenty days which must elapse before the charges could be tried by the senate would bring the matter so near the end of the session that it would be necessary for that body to sit beyond the regular sixty days, which it is allowed to do in case of impeachment. The additional expense this would involve is being urged as a reason why the matter should be allowed to drop, but it is not likely that the objection will cut any figure. The expense would not be large, as the best authorities say it would not be necessary for the house to remain in session, and the present large force of clerks would not be needed.

CAPITAL CHAT.

(Fargo Forum.)

Bismarck, N. D., Feb. 6.—Alfred E. Wood wires the Minneapolis Tribune: "There seems to be a genral impression that something is going to drop in connection with the expected impeachment proceedings very soon. The lawyers are naturally keeping very quiet about the matter, but it is regarded as certain that the complaint against Judge Glaspell has been drawn up, and that some of the affidavits which are relied on to prove the charges have been secured. From what can be learned the charges are based on reports that men engaged in the liquor business in Judge Glaspell's district have stated that they have paid various sums of money to the judge since he went on the bench, and that these payments were made for the purpose of influencing his action in his judicial capacity. Naturally enough these men are not anxious to testify in the matter, as if their statements were true, they were guilty themselves of the crime of bribery equally with the officials who they claimed took the bribe. As in all cases of this sort it resolves itself into a question of one man's word against another, as it is very seldom that there is a third party present as a witness in such transactions. On the face of the matter the word of a district judge would be regarded as more worthy of belief than the word of men who are engaged in an illegal business, such as the selling of liquor in this state. Whether or not these men have told the truth remains to be decided—by the state senate if an impeachment is voted by the house, or by public opinion should the matter not come to a public trial. The latest rumor in connection with the matter is that Judge Glaspell's friends are figuring on bringing an impeachment on their own account and that they will file charges at an early day against one of the state officials. Another is that a friend of Judge Glaspell's will move the house to set a date on which anyone who may have charges to present against the judge shall be required to appear and state them, in which case should none appear the judge might fairly claim to have been traduced. It is also rumored that some matters may be unearthed in connection with the contest case which Senator Bailey Fuller won against Mr. Sanford of the Jamestown district two years ago, in which a recount of the ballots showed considerable changes from the returns as made by the canvassing board, affording some good ground for suspicion that the ballots had been tampered with. Altogether the situation is charged with a good deal of dynamite, and an explosion of some sort may be looked for before very long. Should an impeachment

be voted now, the twenty days which must elapse before the charges could be tried would bring the matter so near the end of the session that it would be necessary for that body to sit beyond the regular sixty days, which it is allowed to do in case of impeachment. The additional expense this would involve is being urged as a reason why the matter should be allowed to drop, but it is not likely that the objection would cut any figure. The expense would not be large, as the best authorities say it would not be necessary for the house to remain in session, and the present large force of clerks would not be needed. Octopus.

EXHIBIT "C."

(Minneapolis Tribune.)

Bismarck, N. D., Jan. 28.—(Special to the Tribune.)—A great interest is taken by the members in the reports that an impeachment of one of the judges of the state would come before the legislature, and there is much curiosity as to the evidence that will be produced to sustain the charges. Nothing definite as to the witnesses or testimony has yet been given out by those in charge of the case, but the current rumors are that they will allege habitual drunkenness and corruption in office through accepting presents from litigants in cases before the court. Another claim that is said will be made is that the judge induced a member of a school board whom he had removed from office, by promises to protect them from criminal prosecution, to institute proceedings in his court under which some county commissioners were removed from office. A number of members seem inclined to largely discount the charges as being the result of a political feud and it is safe to say that the charges will be carefully sifted before the house will vote to adopt them. Those in charge of the case claim that politics has nothing to do with it, but that things have come to such a pass that people in that country are afraid to oppose the judge for fear that they will get it in the neck, as it is claimed that some have done in the past. They say that if the impeachment is once voted so that the judge will be suspended from office until acquittal, that a number of persons will give evidence who so far have been afraid to do so, except in case of subpoena.

TESTIMONY.

The committee convened at 8:45 a. m., Feb. 17, 1899.

There appeared before the committee George H. Purchase, to whom was administered the following oath: "You do solemnly swear that the testimony you shall give in the investigation now being prosecuted by this committee shall be the truth, the whole

truth and nothing but the truth, so help you God." George H. Purchase.

After subscribing to the above oath the following questions were asked and answers given.

Q. Please state your name, age, residence and occupation?

A. George H. Purchase; West Superior, Wisconsin; 35 years of age; traveling salesman for a wholesale cigar manufacturing company, when I left West Superior.

Q. Have you a profession, if so what?

A. Attorney at law.

Q. Where do you practice law?

A. Jamestown, North Dakota.

Q. When did you commence living there, and when did you remove from there?

A. In April, 1879, and continued until February, 1892.

Q. Have you seen in the Fargo Forum an article purporting to give an account of a suit pending between yourself and Hon. S. L. Glaspell, judge of the Fifth judicial district, relative to some attorney's fees?

A. I have.

Q. Will you please give to the committee a history of that matter giving the connection of Glaspell with that case, and also if you have had any other suit or matters growing out of it?

A. Yes, a suit instituted for the collection of damages for an injury to one William J. Everett against the Northern Pacific Railroad company in which myself and Samuel L. Glaspell were attorneys, and in which the following verdict was rendered:

"Bismarck, N. D., April 27, 1890.

We, the jury, find for the plaintiff and award him damages to the amount of \$7,000.

EZRA. TURNER, Foreman."

Q. How much, if any, was collected on that judgment?

A. \$9,000.

Q. How much of that was retained as attorney's fees?

A. \$4,500.

Q. To whom was that attorney fee to go?

A. To Samuel L. Glaspell and myself, half and half.

Q. By Samuel L. Glaspell do you mean Samuel L. Glaspell, judge?

A. Yes sir, Samuel L. Glaspell, judge of the Fifth judicial district.

Q. Do you know whether or not Glaspell collected the judgment?

A. I do.

- Q. What became of it after he collected it?
- A. He paid \$4,500 according to the contract to the administratrix of the deceased plaintiff.
- Q. And the balance?
- A. The balance he kept.
- Q. Has there any suit grown out of that transaction between you and he?
- A. There has.
- Q. When was that suit instituted?
- A. On the 28th day of November last the summons was served upon Samuel L. Glaspell by the United States Deputy Marshal Davis.
- Q. Had you had conversations with Mr. Glaspell previous to the bringing of this suit in connection with the payment of your part of that fee?
- A. I did upon several different occasions.
- Q. Have you had any conversations in relation to it since he has been judge?
- A. I have.
- Q. What were they?
- A. I went to his residence in the latter part of June, 1897, and he told me when I asked him about it that my only recourse was at law. There were costs attached to the original suit of which he paid half and I half. I gave a check on Lloyd's bank for my half of the expenses.
- Q. When was the summons served on him in your suit against him?
- A. About 10 o'clock in the forenoon of November 28, last.
- Q. What next transpired if anything between you?
- A. I was arrested about 2 o'clock in the afternoon of the same day upon a bench warrant charging me with having maintained a common nuisance in the city of Jamestown, county of Stutsman, state of North Dakota, in the year 1891. It was claimed to have been a violation of the prohibition law. That I had rented to one James O'Brien a room in the Grand Central Hotel building now known as the Capital hotel, for the purpose of conducting a common nuisance therein.
- Q. Was anybody else complained against at the time of the issuance of the original warrant?
- A. Not that I now remember of. O'Brien was not complained against and was never arrested. I have no idea as to whether or not any papers were made out for him.
- Q. Well, what became of that suit in which you were originally complained against for maintaining a nuisance?
- Q. I was tried and acquitted by a jury on the 18th of January,

1899, of this year.

Q. Have you been within the jurisdiction of the court at any time previous to the time you were arrested since 1891?

A. I have been, frequently, for the last four years, and in the summer and fall of 1898, just prior to my arrest, I was in Jamestown for five months and met the different parties on the street every day.

Q. Whom do you mean by all these parties?

A. The judge, states attorney, sheriff, and all those who had charge of criminal matters.

Q. During this time you have last mentioned was anything said to you by those having charge of the criminal court matters about the old complaint?

A. Nothing, only by Judge Rose and States Attorney Conklin, who said that it was dropped, that there would be nothing come of it. That was in 1894.

Q. I mean was anything said to you in relation to this matter during your last visit of four or five months at Jamestown previous to your arrest this last time?

A. Nothing.

Q. Please state what was done with you after your arrest in Jamestown on the 28th of November, 1898?

A. Deputy Sheriff Dewey, who arrested me, accompanied me at my request to Judge Rose's office, who informed me that as he was presiding judge at the time the original complaint was sworn out he could not appear as my attorney. Then I went with the deputy sheriff to the court house to the clerk of court's office and examined the papers, and while I was examining the papers a Jamestown party came in and I had him assist me, and that evening he concluded he would go to Bismarck and get me out of custody on a writ of habeas corpus. For the first day there after I was allowed to sleep in the hotel and went around town unaccompanied, although an officer slept with me, and then went home in the morning. I went about town until about 4 o'clock in the afternoon, when he informed me that I must go to jail, that the key must be turned upon me if only for three minutes. No matter whether my bonds were approved or not I must go to jail and the key must be turned upon me for a few minutes. The deputy sheriff and I walked to the jail ahead of my bondsmen and attorney; I went to jail with him and he locked me in, and about five minutes later he let me out; we then went up stairs, and he said my bonds were not approved, and I went with him to the attorney and my brother and they said the deputy clerk was playing cards at Hofacker's & Smith's and that he absolutely refused to leave the game to come to his office to approve or disapprove the bonds, and

the other deputy, there were two, Mr. Gaffney was the other, said he had instructions to have nothing to do with the Purchase matter whatever.

Q. By whom was he instructed?

A. The judge. The bondsmen justified in the sum of \$2,000; the bond was originally made out in the sum of \$1,000 by the judge, to be approved by Deputy Clerk Branch.

Q. Did he afterwards approve or disapprove of the bond?

A. That is what my attorney told me that he should approve it or mark it disapproved.

Q. Did he, do you know?

A. He did not so far as I know.

Q. Did he ever approve or disapprove of the bond?

A. He did not.

Q. Has the bond ever been acted upon?

A. Not that bond.

Q. What became of you after that?

A. I was locked up.

Q. How long did you remain in jail?

A. 32 days.

Q. Did you do anything more towards securing a bond?

A. I got Mr. Durkee, an alderman in Jamestown to sign the bond, and when he went before Mr. Branch, the deputy clerk, to justify, Mr. Branch put his fist up in his face and made him go and take his name off.

Q. That is only hearsay on your part is it not?

A. I saw him, and my attorney and I saw him do that and my attorney destroyed the bond and drew a new one.

Q. Was this a regular term of court at which the bench warrant you have mentioned was issued?

A. Special session. No other business was transacted during the session.

Q. Why did you not immediately apply to Glaspell for the approval of your bond when Branch refused to do so?

A. For the reason he took the train about 10:45 in the forenoon and went to New Rockford to hold a term of court and was absent the entire week. This was on Monday, the 28th, and he was absent all week.

Q. Did you ever apply personally or by attorney after that time to him to approve your bond?

A. I did not.

Q. Why did you not apply to him for approval of the bond?

A. Because I was unable to procure an attorney to apply to him.

Q. Did you know whether or not any other order was made in

connection with that bond?

A. There was.

Q. By whom?

A. Samuel L. Glaspell.

Q. On whose application?

A. No one to my knowledge.

Q. What was that order?

A. It is on record in the office of the clerk of court, Jamestown, N. Dak.

Q. Were you released on that bond?

A. I was released one week later than the judge's order.

Q. Did you have any conversation with anyone purporting to represent the judge in connection with the bond?

A. I did, every day.

Answer continued: An attorney came to me, that is he came to the court house and had the deputy sheriff bring me up stairs to the county commissioner's room and said to me in the presence of my wife, Ida J. Purchase, and my brother, Lewis E. Purchase, that he could get me out of jail for the sum of \$100, providing I would not appear on the first day of the term of the district court in January, 1899. It was the time at which I was ordered to appear on my bond. I stated to John Vennum and others that I would not pay the \$100 or any part of it as that would interfere with my civil suit which was then pending in the United States district court.

Q. How long after that time did you remain in jail?

A. One week.

Q. Did you have any further conversation with anyone representing Glaspell or coming from him or advising you what to do in this connection?

A. I did.

Q. State what, in substance?

A. A party came to see me and insisted on my going and offered to take my note for \$100 due in the fall. I asked him if he thought I was a farmer. He then said he knew better but that he wanted to see me get out of jail.

Q. Was there any other conversation when anyone else was present?

A. One conversation which Joe Kauffman claims he overheard. He is a carpenter by occupation who resides in Stutsman county, and has for the past sixteen years, and who because of a divorce suit pending between he and his wife had been confined in jail by Judge Glaspell for failure to pay an attorney fee to Mr. Ellsworth, Glaspell's former partner who was Mrs. Kaufman's attorney, Kaufman claiming to have no money to pay the attorney fee.

Q. How long was he in jail at this time?

A. About three weeks the time I was in, and the conversation he claims to have heard while he was doing some work up stairs, and the conversation he claims to have heard was practically the same as I have heretofore stated. I said I would never leave the jail until the flies carried me out through the key hole for the simple reason it would interfere with my civil suit, and I would not leave jail until I was tried by a jury, and I left the jail on the 31st day of December.

Q. What bond did you give at that time?

A. My own individual bond.

Q. Have you had any conversation since that trial with any person in relation to the newspaper articles, and if so with whom and when?

A. I was taken sick two weeks ago, and had been in bed a week, and a liveryman from Wood's stable in Jamestown drove out to my father's house, and told my mother that Mr. Rose wanted to see me at once; that he had come with a rig to take me to Jamestown. I went to town and on the way there the driver told me that it was young Mr. Rose that wanted to see me and not the ex-judge. It was Edward S. Rose. I went to his office and as I was going in he came from across the street. He stated to me that he was afraid he would loose his job as court stenographer in case that Glaspell was turned out of office, and that he being such a good friend of mine, he wished me to make affidavit showing that I knew Governor Fancher was at the bottom of the charges of impeachment.

Q. Did you make the affidavit?

A. I did not.

Q. Why not?

A. Because I could no do so truthfully. He held out as an inducement, our great friendship, and said he would pay me \$100 which would come out of his own pocket. I explained to him that I thought the world of him, but all the time I was satisfied he was acting as the agent of Judge Glaspell.

Q. Did you afterwards return home?

A. Before returning home Mr. Rose asked me to go to the Gladstone hotel and take dinner with him. I went but before going I said to him that my overcoat looked shabby to go over there, and he then took me over to Morris Beck's clothing store and bought me a blue overcoat which I am now wearing. I afterwards returned home. Before leaving him he told me he would see me the following Wednesday, and gave me an order to the liveryman to take me home. (Here witness hands the reporter an order in the following words): "Take Mr. Purchase, the bearer, back home and charge to me. E. S. Rose."

Q. To whom was this order to be delivered?

A. The foreman on Mr. White's livery stable at Jamestown.

Q. Who is E. S. Rose, whose name is signed to it?

A. Court stenographer for Judge Glaspell, judge of the Fifth judicial district.

Q. Do you know that is his writing?

A. I saw him write it, and I know that it is his writing.

Q. Did you deliver the order to the liveryman?

A. I went to the foreman that had brought me in from the country, and stated that I was ready to go back home, and he immediately hitched up a rig and took me out home without being paid or my presenting the order.

Q. Who is the deputy clerk of the district court, you have mentioned and who was asked to approve your bond?

A. Theo. F. Branch, but he has not been deputy since the first of the year.

Q. Do you know of any relation existing between this clerk and Judge Glaspell as to friendliness or otherwise?

A. I do. Mr. Glaspell was one of Mr. Branch's bondsmen when he was the clerk of the court of that district, and Mr. Branch made final proof for Mrs. Glaspell on a tree claim. Mr. Glaspell as Mr. Branch's bondsman at one time made good, I am told, a defalcation of \$500, money belonging to the Fire companies fund, paid by the state from the insurance fund. I do not know this of my own knowledge; I have heard it and believe it. A controversy arose between the two fire companies in Jamestown, and the money was paid into the hands of the clerk pending litigation over this sum of money, and Mr. Branch was short in his accounts \$500 and they made it good. Mr. Glaspell signed his note at the bank, and as clerk of court he paid \$25 a month until it was settled.

Q. Who, if you know, gave to the newspapers the statements connected with your case that have been published?

A. I gave them to Mr. Wood.

Q. You and Glaspell are not on friendly terms are you?

A. We are not.

Q. And may it not be because of that unfriendliness you have colored what you have stated about Glaspell?

A. No, sir, it is a matter of record.

Q. Are you and Governor Fancher on intimate terms?

A. We are acquainted. His farm is two or three miles from my father's but I have been away from home for seven years, and have not met him but once or twice during that seven years.

Q. Please state if you know who asked for the convening of the special term of court and for the issuance of the bench warrant upon which you were arrested on the 28th of November, 1898?

A. No one, I understand asked for it. I saw the complete rec-

ords of the court and they were read during my trial, and there was nothing to show that anyone had asked for the issuance of the bench warrant. As I understand the statute it reads that upon the request of the state's attorney a bench warrant shall be issued. The state's attorney told me he was not consulted in regard to this; was not present at the time, but that the judge had requested him upon various occasions during the fall to issue a warrant for my arrest for boot legging, selling whisky contrary to the law, and that he had told the judge that that was nonsense. That he knew that George was not engaged in that business (meaning me) and he told the judge that he (meaning the judge) knew better, and he declined to issue the warrant.

Can you furnish the committee a complete transcript of the records in your case, your arrest, confinement and release?

A. I can.

Q. Who acted as judge at the time you were tried by a jury charged with the crime for which you were arrested.

A. Judge Pollock, of Fargo. I filed an affidavit of prejudice for the reason there was an action pending between Glaspell and myself and he called in Judge Pollock to try my case.

Q. Have you anything further you desire to state to the committee?

A. No, sir.

GEO. H. PURCHASE.

STATE OF NORTH DAKOTA,

County of Burleigh.

I, George H. Purchase, do solemnly swear that the statements and facts contained in the foregoing evidence, given before the legislative investigating committee, are true, so help me God.

GEORGE H. PURCHASE.

Subscribed and sworn to before me this 18th day of February, A. D. 1899.

EDWD. S. ALLEN,

(Seal)

Notary Public.

The committee convened pursuant to adjournment, and there appeared before them Peter Pearson, who after having been duly sworn testified as follows:

Q. Please state your name, age, residence and occupation?

A. Peter Pearson; 55 years of age; Jamestown, N. Dakota; justice of the peace and collector.

Q. How long have you resided in Jamestown?

A. 16 years.

Q. Are you acquainted with Hon. S. L. Glaspell, judge of the fifth judicial district, and if so how long have you known him?

A. I have been intimately acquainted with him for the past ten years.

Q. Have you seen the newspaper reports of Glaspell in connection with certain proceedings connected with yourself and others in the district court at Jamestown?

A. I have.

Q. Are you the same Peter Pearson who was tried by the district court, Judge Glaspell presiding, for misconduct as a school officer in Stutsman county?

A. I am.

Q. Please state what the charge was at that time, and on which you were tried?

A. The charge of collecting illegal fees and expending over \$100 without having advertised for bids for the same.

Q. How much did the illegal fees of which you were convicted of taking amount to? (

A. \$4, in my case was the amount.

Q. What was it for?

A. The sum of \$2 was for an extra meeting and the other \$2 was for cleaning the school house.

Q. An extra meeting was held?

A. It was held, yes, sir.

Q. Why then was it considered an illegal charge?

A. Because the law prescribed there should be four quarterly meetings, for which the directors should charge \$8. The law provides no further charge should be made for any meetings held by the board.

Q. And this was an extra meeting to that?

A. Yes, sir.

Q. Where was this meeting held?

A. This meeting was held in my office, just outside of the school district limits.

Q. How much was this amount in excess of the legal amount you had a right to contract for in your contract, that was declared illegal?

A. The amount that was expended amounted to \$102, and some cents for the erection of a school house. It was between \$2 and \$3 over \$100.

Q. Did you have any notice that a trial was to be had for this offense previous to your arrest?

A. No, sir.

Q. Was this a civil or criminal suit?

A. We were served with a civil summons first. One member of the board was in Canada and the matter rested until his return.

We met in the district attorney's office when he returned home and a week after that we were served with a criminal summons.

Q. Was the civil case tried?

A. Yes, sir.

Q. What was the verdict?

A. We were found guilty and had to pay the expenses of the action.

Q. Have you ever been tried on the criminal case?

A. No, sir.

Q. Any proceedings had?

A. None.

Q. Did you pending the civil action and previous to its having been brought have conversations with either Judge Glaspell or any one of his intimate friends in connection with the hearing on the proceeding?

A. I did. Prior to the trial I had several conversations with Judge Glaspell and certain friends of his in Jamestown prior to the school board case. I naturally felt very much annoyed at the position I was placed in through any intention to defraud the tax payers by my actions and felt very bitterly towards those accessory to the charges made, and remarked that if this case was pushed and we were found guilty that I would look into the matter of the doings of the county commissioners as I thought they were very much more liable to actions of this kind than the school board were. I was told by certain friends of Judge Glaspell that the judge would be very much pleased if I would start proceedings against the county commissioners and that he would take care to have the board removed and that they would help all they could towards that end. I also had a conversation with Glaspell personally on several occasions in regard to the same matter and he made the remark that if I would do so he would show me what he would do with them. I told him that he would have a chance. After the trial I was asked several times why I did not press this commissioner suit by both Judge Glaspell and his friends. I replied that the papers were in course of preparation. It took several weeks before I got the papers in shape to present to the court. One afternoon in the presence of another Judge Glaspell made some remark to me about his charge to the jury on the school board case. I replied to him that I thought it was a damn chilly charge I thought. The judge replied, I will give those fellows a charge chilly enough to suit even you. Before the trial of the county commissioners came up I had several conversations in the same strain. He replied that those sons of bitches, referring to the commissioners, had refused to furnish his new chambers, and he

would see that they were removed. He said they had been robbing the county and ought to have been thrown out years ago, and referred to the expenditures made by the board in regard to roads and bridges, that they spent one dollar for every thirty cents of value the county got. The case against the commissioners was heard and they were removed bodily. I did not read the charge but the judge told me afterwards that our charge was mild compared to the charge in the commissioner's case. That he had remarked in the charge of the school board case, that we, the school board, were gentlemen, but he did not qualify his remarks to that extent with the commissioners.

Q. Who prepared the charge against the county commissioners?

A. I myself, went through the books and records and vouchers and got all the data for preparing the charge, and prepared it to that extent. The complaint was written by Attorney Murphy, J. E. Murphy. Mr. Murphy is a Democrat, and I was recommended to have him prepare this complaint by certain Republican friends of Judge Glaspell in Jamestown.

Q. Previous to the time the complaint was written did you have any conversation with Judge Glaspell about it?

A. Yes, frequently. He seemed to be extremely anxious that the complaint should be prepared and filed. He twitted me several times with being afraid to go on with it. On several occasions the matter was discussed by myself and Glaspell on the line of appropriation and the matter of charges. During the time we spoke of this commissioner deal there was also some considerable talk in regard to our district attorney. The judge and he did not get along very smoothly, and on one occasion having made as he thought all arrangements with the Northern Pacific Railroad company to pay delinquent taxes, he went South for a month and in the interim Baldwin took the tax case out of the district court and placed it in the federal court without consulting Glaspell, and when Glaspell came back and found he had done so he was very much incensed, and the suggestion was made that there was another fellow who ought to be removed, and I was dared to tackle Fredrus Baldwin, and after having gone through the trouble, anxiety and disgrace of having been brought to public trial on the charges in the school board matter, I was in a frame of mind to make use of any such suggestion and I told Mr. Glaspell that I would file a complaint against Baldwin if there were any grounds for removal because he had not acted in a very friendly manner towards the school board when the complaint was filed with him. Judge Glaspell mentioned that this matter of taking that tax case out of the district court and placing it in the federal court and thereby

defraud Stutsman county out of a large sum of money which was due them, he was liable to be removed. Then certain friends of Judge Glaspell assisted a little further in helping out this Fredrus Baldwin case by mentioning one or two other matters that might be introduced in the same complaint to the effect that he had always collected illegal fees, and was thus rendered liable to be removed. With the assistance of these friends and upon their instructions I found certain vouchers in the county auditor's office which seemed to bear out the statements and I with their help prepared a complaint asking for the removal of Fredrus Baldwin from the office of district attorney for lack of diligence in his office and collecting illegal fees. That complaint I filed, or placed in the hands of Judge Glaspell himself. He said although he was aware this complaint was coming up, he asked me if I didn't think they were coming a little thick and if I hadn't better wait a little before prosecuting the charge. I replied that the matter was now in his hands and he could suit himself; that I was ready at any time to take any action necessary from my standpoint as complainant in the case, and he said, well we will hold it over for a little, it is now in the hands of the court, and when we are ready I will ask you to name the attorney you want to prosecute in this case. The matter remained in this shape until two days after the county convention to nominate delegates for the state convention, when he came to an office I was then in and seemed to be very much incensed about the result of the convention, and wanted to start in then on this Baldwin case. I replied to him that I thought that would be a damn fool deal at this time; and more especially as it was well known that he was not in favor of the renomination of Baldwin for district attorney, and I thought it would be a wise policy to wait until things had cooled off a little. He then said, who do you want to name for prosecuting attorney in the case, and I mentioned the name of E. M. Sanford, as I thought he would be a good man to see that Baldwin got justice, and a few minutes later he said I will take your advice and leave it for a few days, since which time I have heard nothing of the complaint or its disposal. As near as I can remember that is a general recital of the facts in the case.

Mr. Wallace: Were your friends on the school board with you all removed?

A. Yes, sir.

Q. And the three county commissioners?

A. Yes, sir.

Q. You are not on friendly terms with Judge Glaspell are you?

A. Yes, sir, perfectly friendly.

Mr. Stevens: Do you not feel angry with him for having removed you from office?

A. I did feel a little sore, and that feeling is not quite healed yet.

Q. Does not that feeling color your testimony against him?

A. No, sir, I could make my statements a good deal stronger.

Q. You are employed at the capitol are you not?

A. Yes, sir.

Q. What are the relations existing between you and Governor Fancher?

A. They are of a friendly nature. I have known him ever since I came to Stutsman county; we have always been friendly and are now.

Q. Have you not had conversations with Gov. Fancher in connection with this matter we are now investigating?

A. I have had no conversation in regard to this matter further than this, that on the morning the letter of Glaspell's appeared in the papers censuring Fancher, I asked the governor if he had seen it. He said yes, and I carried the conversation a little further and said, Sam must have been pretty mad when he wrote that letter. The governor replied that he did not think it would be wise on his part to enter into a discussion of the case at that time. I then apologized for having introduced the subject, and remarked that I would not refer to it in the future, and I have not done so since.

Now as to my friendship with Judge Glaspell, when he was here Tuesday last, he met me at the hotel, asked me what they were going to do with him, and I said I knew nothing about it, that the people in Jamestown seemed to know more about it than we did in Bismarck. He then asked me to find out all I could about what was going on, what the committee's plans were, what they were going to do with him, and let him know. I said, if I heard anything I would tell him, but that I did not put myself in the way of hearing anything. I did not hear anything, neither did I report to him, and I have not spoken to him since.

PETER PEARSON.

Subscribed and sworn to before me this 2nd day of February, 1899.

EDWD. S. ALLEN,
Notary Public.

(Seal)

Hon. H. A. Langlie, Public Examiner, made the following report: I have examined the records of the clerk of the district court in and for the county of Logan, state of North Dakota. No irregularities appeared insofar as the records examined by me are

concerned, but it came to my notice that the clerk of the said court had been in the habit of granting and issuing citizens' papers without the judge of the said court being present. There being nothing in the records examined by me to show that such were the facts, I therefore called J. A. Weed and N. R. Farrell to testify under oath, each of said witnesses signing an affidavit, which is attached to and made a part of this report, setting forth the facts that all the citizens' papers granted and issued, recorded on pages 74 to 84, both inclusive, in Book "A" Naturalization Record, were granted and issued without the judge of the said district court being present. It further shows that the above mentioned record was sent to the judge of said court at Jamestown, N. D., for the purpose of said judge signing his name to the record of the citizens' papers granted and issued as above, and in the affidavit hereto attached, is set forth, at a date subsequent to the dates at which the above mentioned citizens' papers granted and issued as above stated, giving the date of each paper, name of the applicant and the two witnesses in each case

Respectfully submitted,

(Signed) H. A. LANGLIE,
State Examiner.

Dated at Bismarck, N. D., the }
14th day of February, A. D. 1899. }

(Copy)

STATE OF NORTH DAKOTA, }
County of Logan. } ss.

M. R. Farrell, being first duly sworn, deposes and says that he was the clerk of the district court in and for the county of Logan, state of North Dakota, during the entire year of 1898, and further states that all the citizens' papers granted and issued recorded on pages seventy-four (74) to eighty-four (84), both inclusive, in Book "A" Naturalization Record, were granted and issued without the judge of the said district court being present; that upon verbal orders by the judge, S. L. Glaspell, said citizens' papers recorded on the pages above mentioned were granted and issued upon the dates therein given without the presence of said judge as above stated. He further deposes and says that upon the order of said judge the above naturalization record was sent during the month of December, 1898, to the said Judge S. L. Glaspell, at Jamestown, for the purpose of the said record of the citizens' papers being signed by the said judge, and that during the month of January, 1899, the said record was returned to me from said judge, all records of the citizens' papers above mentioned being duly signed by the said judge, there being no signature of the said judge on the records of the citizens' papers

recorded on the pages above mentioned at the time and date said record was sent to the said judge as above stated.

(Signed) M. R. FARELL.

Sworn to before me the 13th day of February, 1899.

H. A. LANGLIE,
State Examiner.

STATE OF NORTH DAKOTA, }
County of Logan. } ss.

I, J. A. Weed, of Napoleon, N. Dak., having full knowledge of the fact that citizens' papers have been granted and issued at Napoleon, in the county of Logan, without the judge being present, do upon oath say that I have examined the naturalization record lettered "A" and find that the citizens' papers issued and recorded on pages seventy-four (74) to eighty-four (84) inclusive were to my personal knowledge granted and issued without the judge of the district court, fifth judicial district being present.

JAMES A. WEED.

Sworn to before me this 13th day of February, A. D. 1899.

H. A. LANGLIE,
State Examiner.

List of the naturalization papers granted and issued in the county of Logan, state of North Dakota, in the absence of the judge of the district court in and for the said county, as the same appear upon the naturalization record.

| Page. | Record "A" Issue. | Name of Applicant. | Name of Witness. |
|-------|----------------------|------------------------|------------------------------------|
| 74.. | Aug. 29, 1898.. | Andreas Eissinger..... | J. H. Hoof & Geo. Ackermann |
| 75.. | Oct. 24, 1898.. | John Graf, Jr..... | Chas. Carpenter & W. L. Belden |
| 76.. | Oct. 24, 1898.. | John Tercho..... | Carl Kaz & John Wentz |
| 77.. | Oct. 24, 1898.. | Christain Baltzer..... | Gottlieb Sandau & Carl Kaz |
| 78.. | Oct. 24, 1898.. | Gottlieb Sandau..... | Carl Kaz & Christain Baltzar |
| 79.. | Oct. 25, 1898.. | Johan Muller..... | John Goehring & Chris Becker |
| 80.. | Oct. 25, 1898.. | Henrich Permann..... | John Goehring & Chris Becker |
| 81.. | Oct. 25, 1898.. | Jacob Schnaidt..... | Henrich Permann & J. S. Wittmeyer |
| 82.. | Oct. 25, 1898.. | Philipp Schaffer..... | John Muller & Chris Becker |
| 83.. | Oct. 25, 1898.. | Johan Miller, Jr..... | John Goehring & Philipp Schaffer |
| 84.. | Nov. 2, 1898.. | Johan Hust..... | Christian Klundt & Gottlieb Klundt |

(COPY.)

NAPOLEON, N. D. 189

VALLEY CITY, N. D., Dec. 19, 1898.

MR. M. R. FARRELL.

Napoleon, N. D.

Dear Sir: Send your naturalization record to me by express to Jamestown and also inform me whether or not your records show that court was open on the dates when you took the affidavits of applicants for citizenship. Be careful to inform me on the latter point.

Yours truly,

(Copy of letter.)

S. L. GLASPELL.

(Certified copy of the records of Stutsman county in the case of the State of North Dakota vs. George H. Purchase.)

Copy.

Crim. 366—Be it remembered that the district court convened on the 28th day of November, 1898. Present Hon. S. L. Glaspell, presiding judge, and T. F. Branch, deputy clerk.

And now it was ordered by the Court that a bench warrant to issue in the case of the State of North Dakota vs. George H. Purchase against the said defendant George H. Purchase and that he be admitted to bail in the sum of one thousand dollars for his appearance at the next January, A. D. 1899, term of this court said bond to be approved by the clerk of this court, and now there being no further business to come before the court it is adjourned at will.

T. F. BRANCH, Deputy Clerk.

STATE OF NORTH DAKOTA, }
County of Stutsman. } ss.

I, C. R. Weber, clerk of the district court, within and for the county aforesaid, do hereby certify that the within and foregoing is a true and correct copy of the original record as the same now remains in my office, on page 612, minute book "B."

Witness my hand and seal of said court this 18th day of February, A. D. 1899.

[Seal]

C. R. WEBER,
Clerk.

To Hon. Chas. A. Pollock, Judge of the Third Judicial District:

Sir: You are hereby requested to hear and preside at the trial of the case of the State of North Dakota vs. George H. Purchase.

S. L. GLASPELL,

Judge of the Fifth Judicial District.

Filed in the clerk's office, Stutsman county, North Dakota, Jan. 17, 1899, at 3:20 o'clock p. m.

C. R. WEBER,
Clerk.

STATE OF NORTH DAKOTA, }
County of Stutsman, } ss

I, C. R. Weber, clerk of the district court within and for the county aforesaid, do hereby certify that the within and foregoing are a true and correct copies of the original six instruments as the same now remain on file in my office.

Witness my hand and the seal of said court this 18th day of A. D. 1899.

C. R. WEBER,
Clerk.

STATE OF NORTH DAKOTA, }
County of Stutsman. }

In District Court.

The State of North Dakota vs. George H. Purchase.

STATE OF NORTH DAKOTA, }
 County of Stutsman. } ss.

George H. Purchase being first duly sworn says that he is the defendant in the above entitled action; that he has good reasons to believe and does believe that he cannot have a fair and impartial trial of said action on account of the prejudice of the judge of the said court against the defendant; that affiant makes this affidavit for the purpose of procuring an order of this court changing the place of trial of said action to some other county or judicial subdivision within the state of North Dakota; or if such change of place of trial be not granted that provision may be made for the judge of another judicial district to preside at said trial in the said county of Stutsman pursuant to the provisions of section 8120 of the Revised Codes of North Dakota for 1895.

GEORGE H. PURCHASE.

Subscribed and sworn to before me this 4th day of January,
 A. D. 1899. OSCAR J. SEILER,
 (Seal.) Notary Public,

Stutsman County, North Dakota.

Endorsements:

Filed in the clerk of court's office, Stutsman county, at 10:30
 A. M. January 12th, 1899.

C. R. WEBER,
 Clerk of District Court.

Know All Men By These Presents: That we, George Purchase as principal, and _____ of the county of Stutsman, is held and firmly bound unto the state of North Dakota in the penal sum of one thousand dollars lawful money of the United States for the payment of which well and truly to be made we bind ourselves and our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents.

Sealed with our seals, and dated this 31st day of December, A. D. 1898.

The conditions of the above obligation are such that whereas the said George Purchase now stands indicted in the district court of the fifth judicial district of the state of North Dakota, within and for the county of.....for the crime of maintaining a common nuisance, and has by the said district court been admitted to bail thereon in the sum of \$1,000.

Now therefore, if the said George Purchase shall personally be and appear at the court house in Jamestown before the said district court in and for the county of Stutsman forthwith at the term thereof to be held on the 9th day of January, A. D. 1898 to answer to the said indictment and shall remain in attendance upon said court from day to day and from term to term and from day to day of each term until the final sentence or order of said court and shall not depart from said court without leave thereof, and shall abide the judgment of said court upon said indict-

ment, and shall observe and obey all the orders of said court in that behalf, then this obligation to be null and void, otherwise to remain in full force and effect.

(Seal)

GEORGE. H. PURCHASE.

STATE OF NORTH DAKOTA, }
County of Stutsman. } ss.

On this 31st day of December in the year of one thousand eight hundred and ninety eight before me P. H. Gaffney, deputy clerk of the district court in and for said county and state personally appeared George H. Purchase known to me to be the person who is described, and who executed the within instrument and acknowledged to me that he executed the same.

(Seal.)

P. H. GAFFNEY,
Deputy Clerk.

Approval of sureties: I find the sureties in the within undertaking sufficient and do approve and allow the same.

P. H. GAFFNEY,
Deputy Clerk of Court.

Filed this 31st day of December, A. D. 1898.

H. G. PROCTOR, Clerk.

By P. H. GAFFNEY, Deputy.

STATE OF NORTH DAKOTA,
vs.
Geo. H. Purchase.

ORDER.

The defendant is hereby admitted to bail in the sum of one thousand dollars.

Upon his giving and filing with the clerk of the district court his personal recognizance without sureties for his appearance at the next term of the district court it is ordered that he be released from custody.

Dated December 24, 1898.

S. L. GLASPELL, Judge.

STATE OF NORTH DAKOTA, }
County of Stutsman. } ss.

In District Court,
Fifth Judicial District.

JANUARY TERM 1892.

Marion Conklin, states attorney of the county of Stutsman and state of North Dakota, and in the name and by the authority of the state of North Dakota, now comes in open court before the Honorable Roderick Rose, judge of the district court in and for said county of Stutsman and state of North Dakota, and lays before the said district court as informant, information of the commission of the public offense; viz: that the crime of maintaining a common nuisance has been committed.

That heretofore, to-wit; on the 23rd day of November in the year one thousand eight hundred and ninety-one at the county of Stutsman in the state of North Dakota, George H. Purchase, late of said county of Stutsman, state of North Dakota aforesaid, did commit the crime of maintaining a common nuisance committed as follows, to-wit: On the 23rd day of November, 1891, and for a long time immediately preceding and prior thereto the said George H. Purchase did on the second floor of the building known as the Grand Central Hotel in the city of Jamestown, county of Stutsman and state of North Dakota aforesaid, and situate on the south part of lots ten (10) and eleven (11) and twelve (12), in block twenty-four (24), of the original plat of the said city of Jamestown then and there keep for sale, barter and gift intoxicating liquors consisting of whisky, beer and other intoxicating beverages this unlawfully and without any permit therefor from the county judge of said county of Stutsman, this contrary to the form of statute in such cases made and provided and against the peace and dignity of the state of North Dakota.

Dated at Jamestown this 5th day of January, 1892.

Name of witnesses examined before the court: Archibald McKecknie, Andrew Ellingson.

Additional placed hereon by order of court of date January 18, 1899.

Frank Loomis, Pat. Burke, Jas. A. Murphy, George Masters, Josiah Pearson, Alfred Steel, C. R. Weber.

MARION CONKLIN,

State's Attorney, Stutsman County, North Dakota.

(Endorsement Thereon)

Information No. January term, 1892, district court, 5th judicial district, county of Stutsman, state of North Dakota vs. George H. Purchase. Information for maintaining a common nuisance.

Attest:

MARION CONKLIN,

State's Attorney, County of Stutsman, State of North Dakota.

Presented in open court by the state's attorney of the county of Stutsman, state of North Dakota, and ordered filed in the clerk's office of the district court within and for the county of Stutsman, 5th judicial district, this 5th day of January, 1892.

.....Judge.

Second sheet: Information.

STATE OF NORTH DAKOTA, }
County of Stutsman. } ss.

Marion Conklin being first duly sworn says that he is states attorney of the county of Stutsman and state of North Dakota in the above entitled information. That he has read the foregoing information and knows the contents thereof; that the alle-

gations therein contained to his best knowledge, information and belief.

MARION CONKLIN.

Subscribed and sworn to this 5th day of January, 1892.

T. F. BRANCH,

(Seal.)

Clerk of the District Court,
County of Stutsman, state of North Dakota.

Filed in the office of the clerk district court, in Stutsman county, N. Dakota, Jan. 5, 1892, at 5 o'clock p. m.

T. F. BRANCH,
Clerk.

STATE OF NORTH DAKOTA, }
County of Stutsman. } ss.

District Court,
Fifth Judicial District.

STATE OF NORTH DAKOTA,

To any sheriff, constable, policeman or marshal in this state, greeting:

An information having been found on the 5th day of January, A. D. 1892, in the district court in and for the county of Stutsman charging George H. Purchase with the crime of maintaining a common nuisance.

You are therefore commanded to forthwith arrest the above named George H. Purchase, and that you deliver him into the custody of the jailor of the county of Stutsman, that he may give bail to answer the information.

By order of court.

Given under my hand with the seal of said court affixed this 28th day of November, A. D. 1898.

H. G. PROCTOR,
Clerk.

(Seal.)

By T. F. BRANCH,
Deputy.

(Copy of article appearing in the Fargo Forum and certificate of register of the land office at Fargo, North Dakota.)

BISMARCK, N. D., Jan. 28.—To the Forum: There are some awfully warm reports in circulation here about the acts of Judge Glaspell while he was an attorney, and since his elevation to the bench. His opponents assert that they will make a showing on the impeachment proceedings that will astound the people of the state. It is claimed that a gentleman was recently in Fargo and made some investigations at the Fargo land office that showed rather startling results and developed some points that will keep the judge busy for some time giving explanations.

It is asserted that in June, 1881 an application was filed in the Fargo land office in the name of Catherine Glaspell for timber culture entry, number 5,745, on the se¼ 18, 142. 64. This land lies about twelve miles north of Jamestown in Stutsman county. In some way when the application was made there was no inquiry as to whether the applicant was a single woman. The

point escaped the observation of the Fargo officials as well as the department at Washington and the matter went along until Nov. 29, 1892, when final proof was made on the land and forwarded to Washington. Nothing was asked then as to whether the applicant was married or single, as it made no difference at the time the entry was made. At the department in Washington, however, before making out the patent the omission of the question as to marriage in the entry was discovered. The entry was suspended June 1, 1893 and the Fargo office ordered to notify Catherine Glaspell to file an affidavit stating whether she was married or single on June 9, 1881—when the entry was made. The Fargo office notified her on Nov. 28, 1893. The affidavit was not forthcoming, and on Oct. 18, 1895, the commissioner of the general land office instructed the Fargo office to inform the applicant that if the affidavit was not furnished within sixty days the entry would be cancelled. The notification was sent on Oct. 25, 1894, by registered letter directed to Catherine Glaspell, Jamestown. The receipt was returned signed by S. L. Glaspell—the name of the present judge. As there was nothing to show that S. L. Glaspell had the power of attorney to sign for Catherine Glaspell the department refused to concede this as service and on September 25, 1895 again notified the Fargo office to notify the applicant. This was done three days later by registered letter which was afterwards returned to the local office as unclaimed. The status of the case was reported to the department on Jan. 7, 1896, and on Jan. 21, 1896 the entry and final certificate was cancelled by the department.

The record of the Fargo land office shows that S. L. Glaspell made a timber culture entry in 1880 and a pre-emption in 1881 in Stutsman county, both of which were proved upon.

Catherine Glaspell is the wife of Judge Glaspell. She was his wife at the time the application for timber culture entry was made. As only heads of families are allowed to make entries the application was illegal—and there is one of the many things alleged against Judge Glaspell. It is claimed that the application was in his own handwriting and that he had direct charge of the papers in the proof twelve years later. He was at that time an attorney thoroughly familiar with the practice of the land office and his opponents assert knew what he was doing.

All the papers are on file, and it is claimed that some of the receipts sent the land office will still further involve the judge. Experts on handwriting it is claimed, will compare the handwriting on the application for Mrs. Glaspell's timber culture entry with that of Judge Glaspell, and the whole will be laid before the legislature along with the other charges brought against the ermine wearer.

Since the cancellation of the entry the land has been homesteaded and is now the home of a Stutsman county farmer.

DEPARTMENT OF THE INTERIOR,
UNITED STATES LAND OFFICE,
FARGO, N. Dak., Feb. 17, 1899. }

This is to certify that I have read the printed article hereto attached, referring to the timber culture and pre-emption entries of Catherine Glaspell and Samuel Glaspell, and the dates, entry numbers and description of land agree with the records of this office.

There is nothing in the records of this office to show that Catherine Glaspell mentioned in said article is the wife or relative of S. L. Glaspell, and the statement "the entry was suspended June 1, 1893, and Fargo office ordered to notify Mrs. Glaspell" should have read Catherine Glaspell instead.

CHARLES N. VALENTINE,
Register.

(No witness having appeared before the committee on behalf of Mr. Glaspell the following letter was delivered to Judge Glaspell's attorney:)

BISMARCK, N. Dakota, February 22, 1899.

Hon. S. L. Glaspell, Jamestown, N. Dak.:

Dear Sir: I am directed by the committee, of which I am chairman, to inform you that the committee has received from your attorney, John Knauf, newspaper clippings as follows:

The Minneapolis Tribune, Jan. 7, 1899; Minneapolis Tribune, Jan. 23, '99; Minneapolis Tribune, January 24, 1899; The Fargo Forum, February 7, '99.

There has also been presented to the committee a newspaper clipping of January 28th, giving what purports to be a history of the connection of yourself with timber culture entry claim No. 5745 to which is attached the certificate of the register of the land office at Fargo, that it is a copy of the official data upon that subject.

We have also received a certified copy of the records of Stutsman county in connection with the suit in which the state of North Dakota was plaintiff and George H. Purchase is defendant.

We have also received a statement signed by H. A. Langlie, public examiner of the state of North Dakota, and to which is attached the sworn affidavit of M. R. Farrell, as clerk of the district court, and James A. Weed, a person claiming to have a full knowledge of the facts in which the witness in substance says that all the naturalization papers recorded on pages 74 to 84 inclusive of the naturalization record of Logan county were issued by the clerk of the court on a verbal order from you direct-

ing him to do so, court not being in session at the time, and that during the month of December by your directions he forwarded to you the naturalization records and in January received it back with your name signed to the records showing that naturalization had been granted in open court.

The committee has also taken the sworn statement of one George H. Purchase, which to the extent of his statements, at least confirm the truthfulness of the newspaper reports of which you have complained. Mr. Purchase testifies among other things that he was the individual who gave to the newspapers the statements published in the clippings you have furnished the committee. In addition, Mr. Purchase stated in substance that one Ed. Rose, your official stenographer, had attempted to bribe him into making an affidavit connecting Governor Fancher with the publications, but that he could not truthfully make any such statement. That Rose furnished him free transportation from his father's house (meaning Purchase's father) to Jamestown and return, and produced before the committee an order purporting to be in Rose's handwriting for the furnishing to him of a rig.

The committee has also taken the sworn testimony of one Peter Pearson who testifies to the truthfulness of those parts of the printed interviews of the printed slips furnished the committee, so far as they relate to matter on the board of commissioners.

The substance of what the committee has done is contained in the above. No witnesses have been examined other than above indicated, and the committee has been at a loss how to proceed with exact justice to all concerned. Their time has been so thoroughly occupied with the legislation before the House, and the time is so short between now and adjournment, that how they may proceed in a way to do exact justice and at the same time be absolutely impartial and fair has caused them considerable annoyance, and they have therefore determined to, as I have hereinbefore, inform you in substance of all that has been done, and ask you to either come in person or by representative, and let the committee know what further you desire done in the matter, and what if any testimony you have to offer in contradiction of the truthfulness of the newspaper articles of which you have complained. The committee feels that unless you desire it, they do not want to go out of the lines of the matters of which you have complained, and when the matter of naturalization papers came up I had a conference with your attorney Mr. Knauf, and he informed me that there some decisions upon the subject, and it seems to me it would be a wise matter for you to cite the committee to them so that wrong inferences may not be drawn from the fact as they would seem to exist from the affidavit of the clerk at that place.

It seems to the committee that you should in person and by such witnesses as you may see fit to produce, make affidavit

and such testimony as you desire, showing that the matters of which you have been charged in the newspapers are false. That was the allegation of your petition that we were instructed to investigate, and while the committee desires to do all things which will be looked upon by all fair men as their duty, in the premises, at the same time they do not desire to put themselves in the shape of a committee of either prosecution or persecution, but a committee to investigate the charges you have sent them in the newspaper clippings.

We have been willing to have called before the committee, and will be glad to do so now, any of the newspaper men you may suggest, or in fact adopt whatever course we can consistently with our duties in the premises. We have also been furnished with a copy of a communication purporting to be signed by you insinuating certain charges against other officials than yourself, and because the same is not contained in your petition we were appointed to investigate, we have deemed it somewhat beyond the scope of our authority. Should you however, desire to introduce some witnesses in the matter we would deem it our duty to take such testimony.

The committee has in every way attempted to steer clear of any local, personal or political prejudices, and trust you will be able to furnish us at an early date with such testimony as you desire us to consider.

Yours very respectfully,

(Reply to letter of 22nd of February, 1899.)

(Copy)

BISMARCK, N. D., 2-24, 1899.

HON. R. N. STEVENS,
Chairman.

Dear Sir: In reply to yours of the 22nd inst. will say, 1st, I desire a copy of all testimony introduced before your committee; 2nd, an opportunity to cross examine all witnesses who have testified or may hereafter testify before you; 3rd, an opportunity to introduce rebuttal testimony if deemed advisable; 4 h, the privilege of appearance by attorney before the committee for any and all purposes. Any notice may be served on my attorney.

Very respectfully,

S. L. GLASPELL,
By JOHN KNAUF,

His Attorney.

(Committee's letter in reply.)

BISMARCK, N. DAK., February 24th, 1899.

HON. S. L. GLASPELL,
Jamestown, N. Dak.

Dear Sir: The committee are in receipt of your favor of this day and instruct me to say in reply thereto that it seems to the committee you have not been altogether fair to the committee in

that you are already fully advised of all matters that have been considered by them, including the testimony taken. You have been repeatedly offered an opportunity to come before the committee, personally or by witness, to present such matters as you desire in relation to the petition filed by you and which we were to investigate. Unless you do so at once we will be compelled to file our report in the matter.

Respectfully,
R. N. STEVENS,
Chairman Committee.

On the 27th of February, being Monday last, witnesses in behalf of the petitioner presented themselves before the committee and each having been duly sworn testified as follows:

B. W. Fuller being first duly sworn testified as follows:

Q. State your name, age, residence and occupation.

A. B. W. Fuller; 42 years; Jamestown, N. Dak.

Q. Do you occupy an official position?

A. I am senator from the 23d district.

Q. Are you acquainted with Peter Pearson?

A. I am.

Q. How long have you known him?

A. Probably 10 or 15 years.

Q. Have you been intimately connected with him in business, has he been in your employ or otherwise, as to be well acquainted with him, his character and characteristics?

A. He has worked for me off and on for ten or twelve years, keeping books and doing anything I wanted him to in regard to office work.

Q. Mr. Pearson has testified before the committee that certain conversations had been had between he and S. L. Glaspell in relation to suits that had been brought against the county commissioners of Stutsman county, and that these conversations were in the presence of another; Mr. Glaspell's attorney represents that street rumors and information he got from parties purporting to know that the person known as "another" was yourself; will you please tell the committee if you were present at any conversation between Glaspell and Pearson in relation to these matters, and if so give the version of the conversation as is true.

A. I remember of Mr. Glaspell coming in; Pearson was on one side of the desk and I on the other, and in my joshing way I said, Pearson has worked steadier and slept better since you gave your charge to the county commissioners. It was after the county commissioners had been tried and removed, and Pearson said, I feel perfectly satisfied now because you gave it to them fully as cold as you did to me, or words to that effect.

Q. Is that the only conversation Mr. Pearson had with Judge Glaspell in your presence on that subject?

A. I think so.

Q. Did you hear a conversation between Pearson and Glaspell previous to the time the county commissioners were tried, being the county commissioners trial or the trial had in which Pearson was defendant?

A. In the trial in which Pearson was defendant, I remember that after the school board was removed, of which Pierson was a member, he dropped into the office and the judge was there, and he said, you gave it to me pretty strong, and I had often heard Peter make the remark that Baldwin went out of the way to arrest him and that the judge had no business to talk to him as strong as he did, that he might have eased up on him a little.

Q. Are you acquainted with the reputation of Pearson for truth and veracity?

A. Why, yes.

Q. Have you anything further to say in relation to Glaspell and Pearson that would cause Pearson to swear falsely or would have a tendency to greatly color and prejudice his testimony against Glaspell?

A. I heard him make the remark several times that he would get even with the damn sons of bitches. I have heard him say that.

Q. Do you think of anything further, Mr. Fuller?

A. I have heard him remark and heard it rumored in my presence that Mr. Glaspell had been in and asked Pearson to get those papers out against the commissioners. There never was any such talk in my presence. I was always there and there was no such talk whatsoever. I paid very little attention to the county commissioners, and often told Peter that life was too short to scrap with our neighbors. The commissioners had not stolen anything, but might have made some little mistake and I thought it was very foolish for him to be mixed up in it. He had gotten out of the school board trouble and he had better let well enough alone, but he was determined to go after someone to get even.

Q. Pearson has also testified that he prepared and filed a complaint against Mr. Baldwin for malfeasance in office; what if anything do you know about that?

A. There was something said about that when Mr. Glaspell was in the office. It appears he had gotten the papers all ready and had them filed or was going to have them filed with the judge, and then I did say something: I said, are you crazy Peter or what is the trouble; I think you have stirred up trouble enough and I would let it stop where it is. That is nearly the language I used.

Allen: Who is this Baldwin?

A. State's Attorney.

Q. What did Glaspell do or say in the matter? A. He made no remarks.

Q. Nothing at that time said between Glaspell and Pearson?

A. No.

Q. Did you hear any conversation about Baldwin between Pearson and Glaspell? A. Nothing that I can remember; There might have been some little talk there, but I don't remember about it. Pearson said that Mr. Baldwin was the first man that told him to get after the county commissioners. That was the idea he always carried to me, and Baldwin probably had roasted him pretty hard at the trial and he wanted to get even with him.

Q. Now about Mr. Purchase, do you know him? A. Yes, I have known him for 15 or 16 years.

Q. Have you ever had any conversations with him in relation to these matters? A. He has often told me what he was going to do.

Q. Did he give you any reasons why he was going to do these things? A. No, not that I remember.

Q. Are you acquainted with Purchase for truth and veracity? A. Perfectly.

Q. Is it good or bad? A. Very bad; I would not believe him under oath or out of oath.

Q. Do you think of anything else on the Purchase matter? A. No.

Allen: What has been his business down there? A. The last business he was running a blind pig and gambling room.

Q. When was that? A. That was some years ago in 1889 or 1890.

Q. He run a blind pig then? A. Yes sir, a pretty lively place.

Q. Did they arrest him there? A. Yes, twice I think.

Q. At that time or recently? A. At that time.

Q. Did he get out of the country? A. Yes he run away, but came back once or twice but made very short stops until last fall; no it was some time in the summer in the harvest time, or perhaps a little before.

Q. There was a warrant for him and he ran away? A. Yes that is it.

B. W. FULLER.

Subscribed and sworn to before me this 2nd day of March, A. D. 1899.

EDWD. S. ALLEN,

Notary Public.

Edwin Rose being first duly sworn testified as follows:

Q. State your name, age, residence and occupation?

A. Edwin S. Rose; Jamestown, North Dakota; 29 years; attorney at law and official stenographer fifth judicial district.

Q. Are you acquainted with George H. Purchase?

A. Yes sir.

Q. Mr. Purchase has testified before this committee in substance that since the appointment of this committee you have sent a rig to his father's house, for him, when he came to

Jamestown you had a meeting, and you tried to get him to make an affidavit making Governor Fancher the author of the publications that have appeared in the newspapers about the impeachment of Judge Glaspell; that you gave him an overcoat; offered to give him \$100; gave him an order in writing for the rig to take him back home; that he went back home in the rig which he did not pay for, but retained the order and has presented it to the committee; please make such explanations as you deem proper in the premises?

A. I forget, but I think it was two days after the appointment of this committee, I sent a rig out from Wood's livery barn for Mr. Purchase and had him come in; he came in to my office about twelve o'clock noon; I asked him if he was at the bottom of the newspaper reports and he said he was not; I asked him who was, and he refused to answer; I asked him if Governor Fancher was at the bottom of it and he had nothing to say; I asked him if the governor's secretary, Tom Poole was at the bottom of it and he said he had nothing to say; I asked if the matter came up before the senate, and I subpoenaed him, if he would come up, and he said that he would on certain conditions; I asked him what that was, and he said there was considerable talk about his case, and I asked him what it was; he said Ed, you know I have not a cent, I would like to go up and see the boys; I know them all; I told him all right, I would subpoena him, and he said "I cannot go without money;" I told him that I would see that his board bill was paid; he then said he had nothing to go up on and spend during the meantime and he said, "I would go if you can give me \$100;" I told him that was out of the question for I could not do it. I had not talked to the judge at all and the judge knew nothing about it; I positively refused to give him one cent; after the conversation it was perhaps 1:15 p. m., past my dinner hour at home, and I told him I was going to dinner and would see him in the afternoon; he asked me where I was going to dinner and I told him at the hotel; he did not say so in so many words but I knew he did not have the price of his dinner and I asked him to go to the Gladstone and take dinner with me. We had dinner and about 2 p. m. left the dining room; we sat down and talked and he said something about his shabby overcoat which was his brother's and asked me if I would go good for an overcoat for him at Morris Beck's, across the street, and I told him yes. I went there he selected his overcoat, the price was \$12.50, and Morris Beck asked me if I was good for it, and I told him I was. Whether or not he has paid for it, I do not know, but I have never received a bill for it, nor has it ever been mentioned to me since. I never offered him one cent of money or anything else. I asked him if he was called to testify what he would testify too, he said he didn't know and I asked him to tell the truth. I did not care whether he was subpoenaed by Glaspell's opponents or

whether I did. I never offered him one cent or anything in any way. No sir, not one single cent.

Q. Anything further?

A. That is all about it. I think that is the whole conversation.

Q. You sent a rig for him did you?

A. Yes sir I did and the order with it. He came to the office about three o'clock in the afternoon and said he was ready to go home. It was a cold day and I did not care to go to the stable. and I said I will just give you an order George, and I addressed it to Woods—I forget the words I used.

Q. The reason you sent for him was to have this conversation with him, find out what he would testify to, if possible, before this body, and then you sent him home?

A. Yes sir, that is it exactly.

Q. Why did you care what he would testify to before this body?

A. I wanted to know and find out what he would testify to.

Q. What object had you in finding it out?

A. Well it was to find out, and see if he would admit of this?

Q. Of what.

A. These newspaper controversies; I wanted to know what he was going to tell that was it.

Q. You were at that time the official stenographer of the fifth judicial district were you not? A. Yes sir.

Q. Appointed by Judge Glaspell? A. Yes sir.

Mr. Wallace: You did not find out from Mr. Purchase if he was the author of these reports did you? A. No sir, I did not. He refused positively to tell me anything.

Q. How long have you known Purchase? A. Ever since 1885.

Q. Have you been in partnership with him? A. Yes at one time about four monts.

Q. Studied law in your fathers office did he not? A. Yes sir.

Q. Are you acquainted with his reputation. A. Yes sir.

Q. Please state what his reputation is? A. He is know as the most disruptable man that was ever in Jamestown in every way. He is a gambler, he has been tried for blind pigging but was acquitted, and he was tried for embezzlement and acquitted. He is simply an outcast and no one has anything to do with him at all.

Q. Would you believe him under oath? A. No sir; nothing which he was interested in himself.

Bacon: What object had you in wanting him subpoenaed to come up here and testify in this case, when you would not believe him under oath? A. I wanted him to tell the truth; I wanted him to come before the committee, I wanted to see him; that is the truth of the matter. I did not care how he got here

or who subpoenaed him. I wanted him to come before you and let you have a look at him. That is the honest God's truth.

Q. Did you have an idea that it would influence this committee to see him, and for that reason you wanted him to testify in relation to this matter. A. No sir, I thought witnesses would be called before you on behalf of the judge, or on the other side and you would form your own inference. He might make an impression no matter what he said.

Q. Then you did this as a favor to the judge did you? A. The judge did not know this, but it was because of my friendly feeling to the judge.

Q. As the official stenographer of the court are you present at the court? A. Yes sir.

Q. When was the last term of court held in Logan county?

A. Last April I think.

Q. At that time was that term of court closed at the end of it?

A. No, it was left open.

Q. Then Judge Glaspell leaves terms of court open in one county and holds another while that term of court is open?

A. He never adjourns at all.

Q. Then in his district all courts are open at all times?

A. At all times they can come to chambers and try court cases.

Q. Do you mean to say that a regular term of court is held open in Stutsman county and in Logan county at the same time?

A. Yes, sir, they are all open.

Q. Do you know whether or not any term of open court has been held in Logan county since that time?

A. Why it is open now.

Q. At which the judge was present?

A. The judge has not been there since last April I think.

Q. Do you know what the judge's practices are as to issuing naturalization papers in Logan county, where are the records when he signs them?

A. His practice is the same there as in the other seven counties.

Q. Then he has the records of Logan county in Stutsman county to sign, or does he go to Logan county to sign them?

A. No he goes to Logan county to sign them; that has been his practice in the other counties, and in Logan county so far as I know.

Q. Do you know a man in Logan county named Ferrel?

A. Yes, he is clerk of court.

Q. What kind of man is he?

A. A very nice gentleman.

Q. Is his reputation good or bad?

A. Good, so far as I know.

Q. For truthfulness how?

A. I never heard anything to the contrary .

Q. Do you know a man by the name of James Eaton Weed?

A. Yes, sir.

Q. How as to his reputation?

A. Good so far as I know.

Q. Now coming back to Purchase, do you believe he would keep an obligation or commercial transaction?

A. I hope so.

Q. What do you think about it, would you trust him in a commercial transaction?

A. I did do it, but I don't think I would again.

Q. What happened since that, that you trusted him before and not now?

A. Simply his conduct and the affidavits put before your committee.

Q. Do you think of anything further, that if you were Mr. Glaspell's attorney, you would ask?

A. Nothing, no.

Mr. Bacon: Do you appear here Mr. Rose in the interest of the judge?

A. I appear here simply; how do you mean?

Mr. Bacon: I mean, are you interested in seeing Judge Glaspell vindicated?

A. Yes, sir, to see him vindicated, as I would any other man that is right; not because I am employed by him at all; not in that way, but the duty of good citizens one to another.

Q. At the time of the conversation with Mr. Purchase, and at the time of his leaving to go home did you believe that he would testify in the interest of Judge Glaspell, or against him?

A. I thought he would testify against him; I believed that and my object in seeing him was to try and find out what he would testify against him.

EDWIN S ROSE.

Subscribed and sworn to before me this 28th day of February, 1899.

EDWD. S. ALLEN,

Notary Public.

(Seal)

Fredrus Baldwin being first duly sworn testified as follows:

Q. State your name, age, residence and occupation?

A. Fredrus Baldwin; 54 years; Jamestown, N. Dak.; attorney at law.

Q. Are you acquainted with George H. Purchase?

A. I am.

Q. Mr. Purchase has testified before this committee in substance that a conversation had been had between you and Judge Glaspell, in which the judge had tried to get you to have Purchase arrested for boot-legging, or violating the prohibition law, that you had told Glaspell that he, Glaspell, knew that Purchase was not guilty, and that you would not have him arrested. Will you please state if there was ever such a conversation, and if so what?

A. There never was any such conversation between the judge and myself about that; there was no such statement made by me to Purchase that there was; there was some talk by me with Purchase that he was charged with boot-legging, that the night police of Jamestown, Enoch Russell, had remarked that he was guilty of such; he is mistaken, because the judge never said that.

Q. Did you have any conversation with Judge Glaspell at any time in relation to Purchase?

A. Not until about two weeks prior to his suit the first of January.

Q. What was that?

A. Purchase had been arrested on a bench warrant on an order by the judge; on Monday morning as the judge was going to take the train for New Rockford to hold a term of court there, and some time previous to the January term I was at the judge's chambers, and he asked me as state's attorney what criminal matters were before the court, and I named over the cases that was there, and among others the Purchase case came up and I told him that because I was representing Purchase as his attorney in the lower court, and could not try his case as state's attorney, and said I will have to get some one else to try it. I said I would speak to Attorney Morrill, have him come here and pay him out of my own pocket. And the judge said there was no need of going to that expense, can't you get some one in Jamestown. I suggested Ellsworth. I have him assisting in the county case in the United States court, and I thought he would not charge me anything for the work done, and the judge said all right, or something to that effect, it will probably be tried; I said I understand not, and he said yes, I will try it but will call in some other judge, and I think Judge Pollock; I saw Ellsworth, and afterwards told the judge that he would try the case but Ellsworth insisted that I should see to the impanelling of the jury upon the part of the state, and he would take care of the rest of it.

Q. You say Purchase was arrested on a bench warrant; at whose request?

A. That I only know from what the clerk and others told me, which would be hearsay I presume. I understand it was done at

the judge's request; not at the request of the state's attorney, neither do I understand it is necessary. In fact I supposed that case was ended by the payment of the bond.

Q. How old is the case?

A. In the year of 1891 or about that time.

Q. What was the reason, if you know, for the issuance of the bench warrant?

A. I know of no reason. I saw the newspaper reports, Purchase had a case in the United States court; Green, an attorney at Fargo, was preparing it, and I understand that Green had notified the judge that he was going to bring action.

Q. Had Purchase been there for a time previous to this?

A. I think Purchase came there some time during the wheat harvest from where he lived at Duluth.

Q. It would be some three or four months then?

A. Yes, something like that.

Q. Had you seen him during that time?

A. Yes.

Q. Had anyone since you were state's attorney said anything to you about the Purchase case about pushing it, or anything?

A. No.

Q. The first then you knew of it the bench warrant had been issued by the judge and Purchase was in jail.

A. The first I knew of the bench warrant, if I remember right, I was away from home, and I saw an account of it in the paper first.

Q. Were you in the city at that time?

A. I don't think I was; I was away somewhere and when I got home I saw the Monday evening paper and that is the first I knew of it.

Q. Do you know anything about the bond for purchase?

A. Only what the clerk told me.

Q. Were you asked to examine the bond?

A. Yes, the clerk asked me to examine the bond made by Purchase and his brother, to justify in the sum of two thousand dollars, and the clerk told me what order the judge had made, that it must be in the sum of one thousand to be approved by him, and he asked me as states attorney if that was sufficient and I said no sir.

Q. Purchase was afterwards released on his own recognizance, was he not?

A. I saw Purchase afterwards on the street, and was told by the sheriff that he had orders from the court to let him go on his own recognizance.

Q. Can you give any reason why the bond should be made with

sureties of one thousand dollars, to be approved, etc., and he afterwards released on his own recognizance?

A. I never heard anyone say; I don't know.

Q. Are you acquainted with Purchase's reputation for truth and veracity?

A. I am; it is bad, there is no question about that.

Q. How did you come to appear as a witness before the committee?

A. I was asked to come up here by Judge Glaspell, and I was told that Purchase had connected me more or less with this matter, and the judge asked me to come before the committee and state my knowledge of this man. I have known him since 1883, and he, George, is a bright fellow, and he has held places of trust, etc., but morally his character is bad; he was indicted in our county for embezzlement, but was acquitted. The people of Jamestown generally speak of his reputation as being bad, and I doubt if you could find ten individuals who have known him as long as I have, that would testify favorably to his truth and veracity; his reputation is bad; of course I have no enmity towards him; of course I felt a little as though he ought not have been arrested on that charge and tried. It was an old charge, he had paid three hundred dollars on it, and it did not displease me to see him acquitted, but so far as his character is concerned, it is bad.

Q. What did you think about the policy of the issuance of the bench warrant in that matter?

A. I would not have done it if I had been judge, never. People of course connected the civil suit with the arrest.

Q. In your opinion did his arrest on this bench warrant have anything to do in the case?

A. I could not tell that; the natural inference of the public would be to connect the one with the other.

Q. Are you acquainted with Mr. Pearson?

A. I am.

Q. He has testified that on a suggestion made by Judge Glaspell he had filed a complaint against you for malfeasance in office, or something like that, and filed it with Judge Glaspell, do you know anything about that?

A. I found it out last week for the first time that there was such a paper. I found such a paper in the bottom drawer of an old stand in the clerk's office with a lot of rubbish.

Q. Do you know whether or not that paper was filed in court?

A. It was filed in the clerk's office, for I found the mark of his stamp on the paper.

Q. You found it where?

A. In an old stand in the corner of the vault, used as a wash stand, in which rubbish and papers of no value were put.

Q. Was anything ever said to you about it?

A. Not until last week.

Q. That was since this investigation?

A. Yes, sir.

Q. Was it through any information you got that you found it?

A. Yes, I had been at the clerk's office several times and had asked Branch, who was acting clerk, if any such paper had been filed in the office or was the clerk in possession of any such paper. I asked this in the presence of John Severn and others, and the clerk always informed me that no such paper had been filed in the office, and he was not in possession of such a paper, but last week Judge Glaspell said to me, do you know that Peter Pearson filed a lot of charges against you as state's attorney. I said never for certain, although I had heard rumors of such papers before the election; he said he did nothing to them, but had told Mr. Branch to pigeon-hole them or something to that effect.

Q. Then Branch and Glaspell are friendly?

A. Yes, sir.

Q. Do you know anything about this Mr. Pearson?

A. I know all about him.

Q. Acquainted with his reputation for truth and veracity?

A. Yes sir, it is bad.

Q. Has he been friendly with Glaspell or otherwise previous to this time?

A. I don't know whether they are friendly or unfriendly; I don't remember of ever having seen them together, except the time he was tried in court.

Q. Do you know whether or not any feeling exists between Judge Glaspell and the county commissioners in relation to any subject previous to the trial of the county commissioners of that county?

A. I know that Glaspell and Woodbury are both Knights Templars; they don't like one another, but I don't know what that grew out of. Woodbury says that at one time Glaspell wanted to collect for the county of Stutsman the taxes against the Northern Pacific road which amounted to thousands of dollars, a certain percentage, and that Mr. Woodbury informed him he never would consent to his having the job; that the state's attorney could do that job, but whether or not that is the difficulty I don't know.

Q. Is there a friction between you and Mr. Glaspell on the question of any suit pending in the United States court?

A. I think Glaspell did not like a stipulation I made in the

matter, but he never expressed any displeasure at it. He asked me about it, and when I told him his manner was a little singular and at the time I thought he did not like it, but the conversation that followed made me doubt whether or not I was correct. The question was as to delinquent taxes under 1897, in the district court, under the Woods bill, and after the matter had been commenced in court, by the application of the Northern Pacific by petition and bond for removal to the United States court, they presented the petition to him, and he refused to accept of the petition and bond and had instructed the clerk not to make a copy of the delinquent tax list unless it included all of the delinquent taxes, and I had it stipulated that this was a true copy of the tax list.

Q. Do you know of his having any connection in the charges against you?

A. I do not know. He denies it to me. I never spoke to him about it until last week.

Q. Are you and Pearson on friendly terms?

A. I don't think I have any unfriendly feelings towards him, but I think he has wronged me in the charges he has testified to against me which are false and groundless. I could prosecute him for perjury for this.

Q. This committee has been appointed to investigate certain newspaper charges against Judge Glaspell, among other things a matter relating to the final proof made by Kate E. Glaspell on a tree claim. Have you any knowledge of the facts in the matter, if so, state what they are in as concise a manner as possible.

A. All I know is what the land office records show and what I was shown by the register of the land office. I was in the land office one day looking up vacant lands in our county and I saw this quarter and saw that it was free, and I asked how is this. He said I will show you and he took the files down, letters from the land commissioner, and different orders the commissioner had issued to show whether or not Mrs. Glaspell was married or single. I saw all these papers, and I came home and told my brother-in-law and told him that if he wanted a quarter that was free and clear there was a chance, and he filed a homestead on it. The allegations in the Forum were exactly as they appear in the land office.

Q. Has any trouble grown out of that since?

A. Not that I know of; I don't believe so.

Q. Have you seen in the newspapers that this committee were investigating in that same line, have you not?

A. No sir.

FREDRUS BALDWIN.

Subscribed and sworn to before me this 28th day of February,
A. D. 1899.

EDWARD S. ALLEN,
Notary Public.

James A. Murphy being first duly sworn testified as follows:

Q. State your name, age, residence and occupation?

A. James A. Murphy, 34 years of age; Jamestown, N. Dak.;
practice law.

Q. Are you acquainted with Peter Pearson?

A. Yes, sir.

Q. Did you draw any papers for the removal of the county commissioners? The commissioners of Stutsman county?

A. I did.

Q. At whose request?

A. Mr. Pearson's request.

Q. What if any conversation did you have with Mr. Pearson before he took the papers you drew to Judge Glaspell?

A. Some time in May, 1898, charges were preferred against the Homer school district directors. Mr. Pearson came to our office and requested Mr. Conklin and myself to defend him in the suit, and left the charge or a copy that had been filed against him with us. I took charge of the case; took what evidence we could and got ready for the July term of court. Mr. Pearson came in several times to our office and talked about the case, and said that if they removed from the office that he would prefer charges against other officials in the county, meaning the county commissioners. He said that he had learned from the county auditor that things were not straight with the county commissioners, and talked in that line several times, and was determined to file this charge if he was removed. Of course this was done, I think, to help his own case, that they would run up on them. He talked about this all the time, and when he was removed in July he came to me and requested me to prepare affidavit, and I said I would if he would furnish me the material for the affidavit. He went to the court house himself got the material and I prepared the affidavit. At the time he intimated that he did not know how the judge would act on this, but as long as a precedent had been laid down he thought the judge would instruct the jury in this case as in his.

Q. Have you been Mr. Pearson's attorney?

A. In that case, yes, sir.

Q. No other?

A. No other, no. I practiced before him as justice of the peace.

Q. Had any friendly or unfriendly feeling towards him since you have known him?

A. Neither friendly or unfriendly. He has been in the office more or less.

Q. Are you acquainted with his reputation for truth and veracity?

A. Some, yes, sir.

Q. General reputation?

A. Yes.

Q. From that reputation would you believe him under oath?

A. I would not.

Q. Who have you heard say they would not believe him under oath?

A. I could not call to mind the people. Mr. Steele was one that said he would not believe him under oath; Alf. Griffin was another, and there were others but I do not recall now who they were. Several have talked the matter over in the office, but I do not remember who they were.

Q. That was since the investigation came up?

A. Yes, sir.

Q. Previous to that did you know his reputation?

A. I knew it was not good.

Q. Did you hear anyone say previous to this investigation that they would not believe him under oath?

A. Yes, sir, I do not recall who, but he has lied to me, and for that reason I would not believe him under oath.

Q. Are you acquainted with the reputation of George H. Purchase?

A. In a general way.

Q. For truth and veracity?

A. Yes, it is bad.

Q. Would you believe him under oath?

A. No, I would not.

Q. Why?

A. Because the general impression in Jamestown is that he is not a man of good character, and that as a man of business they do not consider him reliable and not reputable.

Q. You have knowledge of that reputation since or before the investigation.

A. Before this. I have known Purchase for 12 years, he has had this same reputation all the time.

Q. Has he been convicted of any crimes?

A. He was convicted once; that is charges were brought against him for blind pigging.

Q. Has he been tried?

A. Yes, and acquitted.

Q. Is it not true that a great many men are charged and acquitted considered equivalent to innocence.

A. That is true, but we know from Purchase's reputation that he did conduct a blind pig in Jamestown.

Q. You know that from reputation did you?

A. I believe it; I was in his place once.

Q. Did he run a blind pig at that time?

A. He sold whiskey; further than that I don't know.

Q. Do you know he sold whiskey?

A. Yes.

Q. How did it come you were not a witness on the trial?

A. I did not care to appear, and they did not ask me to appear.

Q. Were you not a witness for the purpose of screening Purchase or yourself, which?

A. I did not ask to; I had nothing to do with it, and I was not asked to testify.

Q. You practice law in Judge Glaspell's court, do you not?

A. Yes, sir.

Q. Are you friendly or unfriendly with the judge?

A. Judge Glaspell is always friendly to me, yes, sir.

Q. There are no reasons why you should be especially friendly or unfriendly with him are there?

A. No.

Q. Did you come here at the judge's request to appear before the committee?

A. No, sir, I came of my own. Judge Knauf requested me to come.

Q. Mr. Knauf is Judge Glaspell's attorney is he not?

A. Yes, sir.

Q. Is there any other matter you wish to testify to that I have not asked you?

A. I can think of none.

Q. Have you any other matter that you desire to present to the committee for consideration?

A. I don't know of anything further. I might say that on several conversations with Peter Pearson regarding this county commissioners, and I am confident from those conversations that Judge Glaspell knew nothing of the charges that were preferred against the county commissioners, and was not consulted in any way because when he left the papers with me he said I wonder what the judge will say about this; maybe, he will think we are putting it on a little thick and after filing the affidavits against the county

commissioners Mr. Pearson came to me, and desired me to prepare an affidavit against Fredrus Baldwin, state's attorney. I told him I would just as soon not do that, and if he desired to prefer charges he had better prepare the papers himself which I understand he did.

Q. You don't know who talked to him or who did not?

A. No.

Question by Mr. Bacon: Did you say you would not believe Purchase under oath?

A. I did.

Q. Did you say you would not believe Pearson?

A. I did.

Q. Are you friendly or unfriendly to these men?

A. I am neither friendly nor unfriendly. I simply know them as men.

Q. Have you any good reason for saying you would not believe them under oath?

A. Yes. They are men not having a good character; their standing in the community, and I would not believe them under oath where they were interested.

Q. Did you ever know any transaction, or have any with them in which you know that they would not testify to the truth under oath?

A. With Pearson I have, not with Purchase.

Q. Then your reason for believing that Pearson would testify to a lie is just from your own knowledge as to the petition and not personal knowledge of your own?

A. Yes.

Q. Have you seen the newspaper reports of which Judge Glasspell complained in his petition to the house of representatives?

A. I have.

Q. Do you know anything about their truthfulness or falsity?

A. No I do not.

JAMES A. MURPHY.

Subscribed and sworn to before me this 27th day of February, A. D. 1899.

(Seal)

EDWD. S. ALLEN,
Notary Public,
Burleigh County, N. Dak.

John Knauf being first duly sworn testified as follows:

Q. State your name, age, residence and occupation?

A. John Knauf; Jamestown, N. D.; attorney at law; 30 years of age.

Q. You are attorney for Judge Glaspell in the matter now in hearing, are you not?

A. I am.

Q. Will you please state to the committee what you may know in relation to the truthfulness of the matter the committee are investigating, and also matter relative to the testimony that has been taken before the committee and which has been given to you for your information?

A. As to the truthfulness of the statements of which the committee are investigating, and which I believe were contained in the papers I submitted to the committee for Mr. Glaspell, I would say that in my opinion the charges against Judge Glaspell in his official capacity as to drunkenness, malfeasance in office, etc., that none of these statements are true. I have practiced law before Judge Glaspell since he went on the bench and in my experience, he has been absolutely fair and fearless on all questions brought before him. As to the matter of Purchase against Judge Glaspell, I had some information at about the time that what purports to be a suit of Mr. Purchase against Judge Glaspell was commenced. A few days before the commencement of the case I met Mr. Branch, who has a grievance against Purchase, and he spoke to me about the advisability of having this man Purchase arrested. I knew nothing of the facts of the case, and the day before the papers in what purports to be a suit against Judge Glaspell by Purchase, Mr. Branch told me a bench warrant had been issued, or was about to issue from the court for the arrest of Purchase, for some crime of which he had been indicted for some years, and which was still in force. On Monday morning the judge took the train for New Rockford to hold court and as he was about to take the train the papers in the Purchase case were served upon the judge. Mr. Branch told me that day before leaving the court house that an order had been made out and a bench warrant had been issued prior to the service of the papers on the judge in what is called the Purchase suit.

As to Mr. Purchase being an attorney, I have known him since about 1887 and I have never known him to be in court except when he was defendant and then in criminal cases. I have known his general character for truth and veracity, sobriety and manliness during the past ten years, and I would say that his character in all respects is bad, and that I would not believe him under oath nor in any other way if he had any motive for speaking.

I understand that Peter Pearson testified and I have known him for several years, I have known his general reputation for truth and veracity, and I would not believe him under oath if he had any motive for testifying. I was informed that he had mentioned my

name in connection with some part of his testimony relative to Judge Glaspell.

Q. Mr. Pearson has testified that he was urged on by certain friends of Judge Glaspell in connection with the charges that he preferred against the county commissioners of Stutsman county, also the state's attorney; what have you to say in relation to it?

A. As to the county commissioners, Mr. Pearson frequently called at my office after he had been removed from the school board and told me that Baldwin had said to him, well you can have the county commissioners removed, they have been doing the same kind of things you have and they are just as guilty as you are, and Mr. Pearson told me that Mr. Vennum had made up a statement of what purported to be illegal acts of the county commissioners, and that he was going to get a statement; go over their records, get a bill and file it with the judge and have the county commissioners removed, and that he was going for the county attorney and county treasurer. As to urging him on, I perhaps to this extent did say to him that if they are guilty they are no better than you are and they ought to be removed from office, but I don't think I ever urged him on. As to urging the charges against Baldwin, I never did. When he had an outline of the charges prepared he brought it to me and offered them to me to read. I read down several lines until I found out what they purported to be and as soon as I knew they were papers against Baldwin I handed them back to him and said I wished nothing to do with them, and would have nothing to do with them. He asked me if the charges were sufficient, and I said I didn't know, as I did not want to express an opinion. I understand he afterwards filed some papers against Mr. Baldwin—in fact I saw a copy of them after the county convention in our county. I never read them before, and never knew the contents of them until after that convention.

Q. You and Mr. Baldwin were rival candidates for nomination were you not?

Q. Mr. Pearson was tried for misconduct as a school officer of one of the school boards in Stutsman county, tried before a jury, found guilty and removed; the county commissioners were tried before a jury and found guilty and removed; as to Mr. Glaspell's conduct on the bench I have never seen anything wrong with it in any way, shape or manner.

Q. What do you desire to say on behalf of Mr. Glaspell in relation to the naturalization papers of which you know?

A. I would say this: in my opinion, while there may be some irregularities in the admission of aliens to citizenship from the

judge's record, I do not think it is such an irregularity as would be considered a misfeasance or malfeasance in office.

Q. You have acted as Judge Glaspell's attorney since the beginning of this investigation have you not. Yes, but not wholly because I think he has advised with others.

Q. You have been present most of the time in the city of Bismarck.

A. Part of the time; I have been here perhaps two weeks all told at various times.

Q. As Judge Glaspell's attorney, have you at any time desired to come before the committee and been denied the privilege.

A. Not to my knowledge, no sir, except as requested in notices served on you.

Q. Have you, as his attorney, ever asked to come before the committee, or have a witness produced, and been refused. A. Nothing further than when we have served notice on you or your committee, which you have received. Q. Has the committee said or done anything in connection with you that would be considered by you as the attorney of Glaspell in any manner unfair or prejudicial to the judge in this investigation.

A. I would say this, that every member of the committee have treated me with the utmost courtesy any respect at all times. The committee has done nothing prejudicial to me or the judge. Of course what was done behind doors I don't know, but personally the committee have treated me with respect.

Q. Have you had an opportunity to come before the committee on any matter you desired at all times.

A. So far as I know whenever I have asked to come before the committee I have done so. Except as requested in notices.

Mr. Wallace: The newspapers have charged us with holding "star chamber" meetings, and what we would like to know is does anyone believe that this is correct.

A. The committee has always treated me fairly.

Mr. Bacon: Has the committee in your judgment at all times and in all matters connected with this investigation been eminently fair to all parties.

A. Well, Mr. Bacon, I would not be competent to answer, but so far as I know the committee have treated me with fairness, but I would not say as to what you might have done or might not have done, but so far as I know the committee has been fair.

JOHN KNAUF.

Subscribed and sworn to before me this 28th day of February,
A. D. 1899.

EDWD. S. ALLEN,
Notary Public.

The following testimony was presented on the question of the truthfulness and veracity of Peter P. Pearson:

D. F. Ellsworth, having been first duly sworn, testified as follows:

Q. State your name, age, residence and occupation.

A. D. F. Ellsworth; 62 years; Jamestown, N. Dak.; publisher.

Q. How long have you resided in Jamestown?

A. Since October, 1897.

Q. Are you acquainted with Peter Pearson?

A. I am.

Q. How long have you known him?

A. Since I have been a resident of Jamestown.

Q. Are you acquainted with his reputation in the community in which he resides?

A. I think I am.

Q. Are you positive whether or not you are, his general reputation I mean?

A. I am.

Q. Is it good or bad?

A. Good.

Q. What business is he engaged in, if you know?

A. He has been keeping books and tending office work for Senator Fuller, also county justice of the peace.

Q. Have you ever heard his character for truthfulness discussed among the citizens of Jamestown?

A. I never have heard his reputation for truth and veracity questioned.

Q. From his reputation would you say he was a man who could be believed on oath, or not.

A. Yes, sir; he could be believed.

D. F. ELLSWORTH.

Subscribed and sworn to before me this 28th day of February,
A. D. 1899.

EDWD. S. ALLEN,

Notary Public,

Burleigh Co.,

N. Dak.

Harry Cornwall having been first duly sworn to tell the truth the whole truth and nothing but the truth testified as follows:

Q. State your name, age, residence and occupation?

A. Harry Cornwall; age 42; grain buyer; Eldridge, North Dakota.

Q. Are you acquainted with Peter Pearson, of Jamestown, North Dakota?

A. I am.

Q. How long have you known him.

A. About eight years I think.

Q. Are you acquainted with the general reputation in the community in which he resides.

A. Yes sir.

Q. Is it good or bad.

A. Good so far as I know. I never heard anything bad of him.

Q. Have you been so situated, and is your acquaintance in Jamestown such that if he had a bad reputation you would have heard of it.

A. Yes.

Q. From the reputation he has in the community in which he lives, would you believe him on oath.

A. I would.

Q. Does he hold any official position in Jamestown.

A. I have forgotten whether he was elected justice of the peace or not, but I think he was. He has held that position heretofore.

Q. He was removed as a school director was he not.

A. Yes sir.

Q. Did that in any manner affect his reputation for truth and honesty in that community?

A. Not that I have heard of.

Q. You say you live at Eldridge; is your acquaintance such in Jamestown that you would know those things you have testified to from intercourse with the people in Jamestown.

A. It is; I have been in Stutsman county eighteen years and I am in Jamestown on an average of twice a week, and if he had anything but a good reputation I certainly would have heard of it.

Q. Have you any business connections in Jamestown.

A. I have, I do the general auctioneering for the county, and all the sales are held in Jamestown.

Q. Does that bring you generally in contact with the people of Jamestown.

A. It does, yes sir.

Q. Have you anything further you could enlighten the committee on at this hearing.

A. I have done business personally with Mr. Fuller, through Peter Pearson and have always found him honest and accurate in every respect. The only thing that has ever come against him to my knowledge was in relation to the Homar school district business. I have understood that his removal was brought about through mere technicalities, and through no intention of wrong doing on his part.

HARRY CORNWALL.

Subscribed and sworn to before me this 28th day of February,
A. D. 1899.

EDWD. S. ALLEN,

Notary Public,

Burleigh County, North Dakota.

Oscar J. Seiler being first duly sworn to tell the truth the whole truth and nothing but the truth testified as follows:

Q. State your name, age, residence and occupation?

A. Oscar J. Seiler; 29 years; Jamestown, N. Dak.; Insurance agent.

Q. How long have you resided in Jamestown?

A. About 11 years.

Q. Are you acquainted with Peter P. Pearson, and if so how long have you known him?

A. Yes, about 10 years.

Q. Are you acquainted with his general reputation in the community in which he resides?

A. Yes.

Q. Is it good or bad?

A. It is good.

Q. Have you ever heard his reputation for truth and veracity discussed?

A. I don't remember that I have.

Q. From his reputation is he worthy of belief on oath?

A. Yes.

Q. Has he ever to your knowledge been in any trouble or difficulty?

A. Only in the school board matter.

Q. He was removed from office then was he not?

A. Yes.

Q. What if any effect had that upon his reputation for honesty, truth and veracity?

A. None.

Q. Can you give any reason why it should not affect his reputation for honesty he having been removed from office?

A. It was generally understood that his removal was because of spite, and the cause for which he was removed was merely technical.

Q. Has he held any positions of trust, confidence, etc.

A. Yes, he was elected justice of the peace since his removal from the school board, and he held that office before.

Q. What political party ticket did he run on at the last election.

A. He was nominated in the republican convention and run on the republican ticket.

Q. Did he have any pronounced opposition from any of the republicans of Jamestown for election last November?

A. No, I never heard any objections to him at all.

Q. What is the politics of John Knauf, Fredrus Baldwin and Bailey Fuller?

A. They are all republicans.

Q. Did they take any part in the last campaign?

A. Mr. Baldwin stumped the county for the ticket; Mr. Ful-

ler and Mr. Knauf took no particular part in the campaign, but Mr. Knauf was chairman of the county central committee.

Q. Did Mr. Knauf, Mr. Fuller and Mr. Baldwin make any fight against the nomination and election of Mr. Pearson?

A. No, his nomination was practically unanimous in the convention.

Q. Are you acquainted with James Murphy?

A. Yes.

Q. What are his politics?

A. Democrat or populist, I am not sure which.

Q. What is Judge Glaspell's politics?

A. Republican.

Q. Did he make any opposition to the election of Pearson for justice of the peace?

A. Never that I heard of.

Q. Was Pearson's nomination for justice of the peace the last election, prior to or since his removal as a school officer?

A. Since.

Q. You have considerable law business, do you not?

A. Yes.

Q. In the business do you have anything to do with Peter P. Pearson as justice of the peace.

A. I frequently have cases before him.

Q. Do you consider the election of Peter P. Pearson conclusive evidence that the people of Jamestown were satisfied with his truth and veracity from the fact that he was elected after having been removed from his official capacity on the school board.

A. Yes, I do not think the people ever considered that Mr. Pearson had intentionally done any wrong on the school board.

OSCAR J. SEILER.

Subscribed and sworn to before me this 28th day of February,
A. D. 1899.

EDWD. S. ALLEN,

Notary Public,

Burleigh Co., N. Dak.

Ralph E. Knowlton being first duly sworn testified as follows:

Q. State name, age, residence and occupation.

A. R. E. Knowlton; insurance agent, 39 years; Jamestown, N. Dak.

Q. Are you acquainted with Peter P. Pearson?

A. I am, I have known him a little over four years.

Q. Are you acquainted with his reputation in the community in which he lives?

A. I am as well as I am acquainted with most of the business men.

Q. Is it good or bad?

A. It is good enough so that he has held a county office for the last four years and was re-elected at the last election.

Q. From his reputation would you believe him on oath?

A. I should most assuredly.

Q. He was removed from a school office for malfeasance was he not?

A. He was removed, but I think it was technicalities, not for dishonesty. It was for spite.

Q. Did that help or hurt his reputation in that community?

A. It did not decrease his friends any at the last election.

Q. Are you a republican or a democrat?

A. A republican.

Q. Did you take part in the last political campaign?

A. I did.

Q. Was Peter Pearson a candidate for office at that time?

A. He was.

Q. Was there any opposition to his election among the republicans of Stutsman county.

A. I did not hear of any, except Judge Glaspell and a friend or two of his.

Q. Did John Knauf, Frednus Baldwin or B. W. Fuller make any opposition to his election.

A. Not to my knowledge.

Q. They are all influential politicians in the county are they not.

A. Supposed to be.

Q. By whom was he nominated for justice of the peace the last time.

A. The republican party.

Q. Were Knauf & Baldwin candidates before the convention at which he was nominated.

A. They were.

Q. Were they members of the convention.

A. Knauf held a proxy, I think Baldwin did not.

Q. Any opposition made by Knauf to Peter Pearson's nomination in the convention.

A. I did not hear any.

Q. Were you a member of the convention?

A. Not as a delegate, I was before the convention as a candidate.

Q. Was the convention you mentioned held prior or subsequent to Pearson's removal as a school officer?

A. It was after.

RALPH E. KNOWLTON.

Subscribed and sworn to before me this 1st day of March, A. D. 1899.

ED. S. ALLEN,
Notary Public, Burleigh Co., N. D.

O. A. Boynton being first duly sworn testified as follows:

Q. State your name, age, residence and occupation.

A. O. A. Boynton; 54; Jamestown, N. D.; farmer.

Q. Are you acquainted with Peter P. Pearson, and if so how long have you known him?

A. I am, I have known him I think about 10 or 12 years, maybe longer.

Q. Are you acquainted with his reputation for sobriety, truthfulness and manliness?

A. I have known him in the way of business transactions. I have always known him to be honest, sober and truthful.

Q. Do you consider his reputation good or bad?

A. Good.

Q. From his reputation would you believe him on oath?

A. I would.

Q. Have your relations with him been intimate enough in business affairs so that you have had an opportunity to test his truthfulness and honesty?

A. They have, I have been personally connected with him as a business associate for 5 years; I never knew him to tell a falsehood in all my business relations with him.

Q. He was removed from office for misconduct was he not?

A. He was removed from office for technically violating the law.

Q. What effect did that have upon his reputation for truthfulness and honesty?

A. I should say that it had none; my reasons are he was immediately nominated for the office of justice of the peace, and elected.

Q. Do you know of any reason why any person in Jamestown would testify they would not believe Mr. Pearson under oath?

A. I do not from a standpoint of truth.

O. A. BOYNTON.

Subscribed and sworn to before me this 2nd day of March, 1899.

ED. S. ALLEN,

Notary Public.

Your committee begs leave to further report that after having taken the testimony aforesaid which was all given by witnesses who voluntarily appeared before the committee, the petitioner's attorney was informed what the testimony in support of the veracity of Peter P. Pearson was, he being before that time in possession of what the balance of the testimony had been, and was asked if he desired to have further evidence taken and whether or not Judge Glaspell would appear before the committee. He informed the committee that he had not, and that Judge Glaspell would not appear as a witness.

The committee accepted no testimony except that of witnesses who appeared before it and testified, except the report of Public Examiner Langlie hereinbefore set forth, for the reason that it believed an esparte affidavit is not such evidence as should con-

vict or acquit a person charged with offense, and that injustice would be done the petitioner by allowing affidavits to be filed in that many matters might be thus injected into the hearing that the committee would not be willing to consider under their appointment. The exception in the case of Public Examiner Langlie being solely because he was one of the officers of the state and a further exception was offered to be made as will appear from the correspondence in favor of any affidavit of Judge Glaspell that he might have seen fit to have presented. We have the honor to be.

Your Obedient Servants,

R. N. STEVENS,

W. D. ALLEN,

J. D. WALLACE.

J. D. BACON,

T. W. ALLSHOUSE.

Committee.

Mr. Stevens moved

That 500 extra copies of the Journal of March 2d be printed,
Which motion prevailed.

Senate bill, No. 53,

A bill for an act to provide for the paying of the expenses incurred in the railroad rate case, and to refund money advanced by certain persons for the prosecution of said suit.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 57, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Deisem,
Dougherty,
Earl,
Engelter,
Erickson,
Ferris,
Gilbertson,
Glasgow,

Messrs—

Green,
Gronvold,
Gulack,
Hale,
Hare,
Hauan,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish,
Lynch,
McHarg,
McLean,
Michels,
Miner,
Ovind,
Peek,

Messrs—

Restemayer,
Sanford,
Sargent,
Stevens,
Stewart,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson,
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Watts,
Wolbert,
Winslow,
Mr. Speaker,

Absent and not voting:

Messrs—

Dwire,
Herbrandson,

Messrs—

Nelson,
Peterson,

Messrs—

Swenson,

So the bill passed and the title was agreed to.

Senate bill No. 105,

A bill for an act relating to clerk hire in office of the commissioner of agriculture and labor.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 41, nays 11, absent and not voting 10.

Those voting in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Deisem,
Earl,

Messrs—

Engelter,
Ferris,
Gilbertson,
Glasgow,
Green,
Gronvold,
Hale,
Hare,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Laughlin,
Lee,
Lish,

Messrs—

Lynch,
McHarg,
McLean,
Miner,
Nelson,
Stevens,
Stevenson,
Thomas,
Thomson,
Thordarson,
Tousley,
Ugland,
Wallace,
Mr. Speaker.

Those voting in the negative were:

Messrs—

Dougherty,
Kennedy,
Ovind,
Restemayer,

Messrs—

Stewart,
Swenson,
Taylor,
Towie,

Messrs—

Tufte,
Watts,
Winslow,

Absent and not voting:

Messrs—

Dwire,
Erickson,
Gulack,
Hauan,

Messrs—

Michels,
Peek,
Peterson,

Messrs—

Sanford,
Sargent,
Wolbert,

So the bill passed and the title was agreed to.

FIRST AND SECOND READING OF SENATE BILLS.

Senate bill No. 157,

A bill for an act to amend section 872 of the Revised Codes of North Dakota and permitting the state high school board to prescribe military instruction as a part of the curriculum of the high schools of the state of North Dakota.

Was read the first and second times, and

Referred to the steering committee.

Senate bill No. 175,

A bill for an act to amend section 704 of chapter 75 of the general laws of 1897, entitled an "act to amend sections 625, 628, 636, 641, 642, 646, 649, 651, 652, 667, 671, 676, 683, 689, 701 704, 707, 714, 717, 718, 727, 731, 732, 737, 738, 740, 741, 742, 743, 748, 749, 751, 757, 761, 775, 777, 780, 785, 786, 789, 790, 797, 816, 824, 832, 842, 865 of the Revised Codes of 1895 relating to education."

Was read the first and second times, and
Referred to the steering committee.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
March 2, 1899.

Mr. Speaker:

I have the honor to transmit herewith
House bill No. 132,

A bill for an act amending section 2540 of chapter 31 of the Revised Codes of North Dakota, relating to annual township meetings.

Which the senate has amended as follows:

"That the emergency clause be stricken out."

And passed as amended.

Also,

Concurrent resolution relating to state funding warrants,

Also,

Substitute for House bill 45,

A bill for an act to amend sections 863 and 864 of the Revised Codes relating to education.

Also,

Substitute for house bill No. 119,

A bill for an act to amend sections 1906 and 1925 of the Revised Codes of North Dakota relating to the powers of the board of county commissioners in the furnishing of blanks, books, and other stationery for the use of county officers.

Also,

House bill No. 53,

A bill for an act "an act to amend sections 1880, 1881, 1883, 1886 and 1887 of the Revised Codes of the state of North Dakota of 1895 relating to the procedure for the removal of county seats."

Which the senate has passed unchanged.

Very respectfully yours,

J. O. SMITH,

Secretary.

THIRD READING OF SENATE BILLS.

Senate bill No. 112,

A bill for an act to appropriate money to pay S. E. Olson Co. for furniture furnished for the capitol building during the year 1894.

Was read the third time.

The question being upon the final passage of the bill

The roll was called and there were, ayes 45; nays none; absent and not voting 17.

Those voting in the affirmative were:

Messrs—

Aas,
Berger,
Brakke,
Brotnov,
Chacey,
Delsem,
Dougherty,
Earl,
Engelter,
Erickson,
Gilbertson,
Glasgow,
Green,
Hale,
Hare,

Messrs—

Hauan,
Herbrandson,
Johnson, Richland,
Kennedy,
Laughlin,
Lee,
Lish,
Lynch,
McLean,
Miner,
Nelson,
Ovind,
Peek,
Peterson,

Messrs—

Sargent,
Stevens,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson
Tousley,
Towie,
Tuftte,
Ugland,
Wallace,
Wolbert,
Winslow,
Mr. Speaker.

Absent and not voting:

Messrs—

Allen,
Allshouse,
Bacon,
Boyd,
Cassell,
Clarke,

Messrs—

Dwire,
Ferris,
Gronvold,
Gulack,
Johnston, Walsh,
McHarg,

Messrs—

Michels,
Restemayer,
Sanford,
Stewart,
Swenson,
Watts,

So the bill passed and the title was agreed to.

Senate bill No. 110,

A bill for an act to reimburse the county of Burleigh for expenses incurred in prosecuting W. H. Leonard for obtaining wolf bounty from the state treasury under false pretenses.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 35, nays 6, absent and not voting 21.

Those voting in the affirmative were:

Messrs—

Aas,
Allshouse,
Bacon,
Berger,
Brotnov,
Chacey,
Clarke,
Deisem,
Dwire,
Earl,
Engelter,
Green,

Messrs—

Hale,
Hare,
Herbrandson,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish,
Lynch,
McHarg,
Miner,
Peek,

Messrs—

Sanford,
Sargent,
Stevens,
Stevenson,
Taylor,
Thomas,
Tousley,
Ugland,
Wallace,
Wolbert,
Mr. Speaker,

Those voting in the negative were:

Messrs—

McLean,
Stewart,

Messrs—

Swenson,
Towle,

Messrs—

Tufte,
Watts,

Absent and not voting:

Messrs—

Allen,
Boyd,
Brakke,
Cassell,
Dougherty,
Erickson,
Ferris,

Messrs—

Gilbertson,
Glasgow,
Gronvold,
Gulack,
Hauan,
Johnson, Richland,
Michels,

Messrs—

Nelson,
Ovind,
Peterson,
Restemayer,
Thomson,
Thordarsou,
Winslow,

So the bill passed and the title was agreed to.

The speaker called Mr. McHarg to the chair.

REPORT OF STEERING COMMITTEE.

Your committee recommend that in

Senate bill No. 109,

A bill for an act to appropriate money to pay traveling expenses of the board of railroad commissioners and its secretary.

The word "five," in line 3 of section 1, be stricken out and "eight" be inserted instead.

J. D. WALLACE,
R. N. STEVENS,
G. W. WOLBERT.

Mr. Deisem moved

That the report of the steering committee on

Senate bill No. 109,

A bill for an act to appropriate money to pay traveling expenses of the board of railroad commissioners and its secretary.

Be adopted,

Which motion prevailed.

Senate bill No. 109,

A bill for an act to appropriate money to pay traveling expenses of the board of railroad commissioners and its secretary.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 36, nays 14, absent and not voting 12.

Those voting in the affirmative were:

| | | |
|-------------|--------------------|------------|
| Messrs— | Messrs— | Messrs— |
| Aas, | Hare, | Sanford, |
| Allen, | Hauan, | Sargent, |
| Bacon, | Herbrandson, | Stevens, |
| Brotnov, | Johnson, Richland, | Stewart, |
| Delsem, | Johnston, Walsh, | Stevenson, |
| Dougherty, | Laughlin, | Taylor, |
| Dwire, | Lee, | Thomas, |
| Earl, | Lish, | Thomson, |
| Engelter, | McHarg, | Tousley, |
| Gilbertson, | McLean, | Wallace, |
| Green, | Miner, | Wolbert, |
| Gronvold, | Peek, | Winslow, |

Those voting in the negative were:

| | | |
|----------|----------|---------|
| Messrs— | Messrs— | Messrs— |
| Brakke, | Michels, | Towle, |
| Hale, | Nelson, | Tufte, |
| Kennedy, | Ovind, | Ugland, |
| Lynch, | Swenson, | Watts, |

Absent and not voting:

| | | |
|------------|-----------|--------------|
| Messrs— | Messrs— | Messrs— |
| Allshouse, | Clarke, | Peterson, |
| Berger, | Erickson, | Restemayer, |
| Boyd, | Ferris, | Thordarson, |
| Cassell, | Glasgow, | Mr. Speaker, |
| Chacey, | Gulack, | |

So the bill as amended passed and the title was agreed to.

The chair announced an informal recess of ten minutes.

House reassembled.

The speaker resumed the chair.

Mr. Johnson of Richland, moved

To reconsider the vote by which
Substitute for House bill No. 106,

A bill for an act to amend section 2080 of the Revised Codes of the state of North Dakota, providing for the salary of the county treasurers.

Passed,

Which motion prevailed.

Mr. Johnson of Richland, moved

To amend

Substitute for House bill No. 106,

A bill for an act to amend section 2080 of the Revised Codes of the state of North Dakota, providing for the salary of the county treasurers.

By striking out all of section 2.

Which motion prevailed, and
Substitute for House bill No. 106,

A bill for an act to amend section 2080 of the Revised Codes of the state of North Dakota, providing for the salaries of the county treasurers.

Was so amended.

Mr. Johnson of Richland, moved that
Substitute for House No. 106,

A bill for an act to amend section 2080 of the Revised Codes of the state of North Dakota, providing for the salary of the county treasurers.

As amended, be placed upon its third reading and final passage.
Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
March 2, 1899.

Mr. Speaker:

I have the honor to transmit herewith
Substitutes for House bills 89 and 98.

A bill for an act entitled "an act fixing the salary of clerks of the district court in the state of North Dakota, providing a fund to reimburse the counties of the state for the same and to repeal sections 2061 to 2067, both inclusive, of the Revised Codes of the state of North Dakota for the year 1895, the same being all of article 2, of chapter 27, of the Political Code therein."

Also,

House bill No. 21,

A bill for an act relating to negotiable instruments and providing for their interpretation, utterance, collection and construction.

Which the senate has passed unchanged.

Also,

House bill No. 117,

A bill for an act to amend chapters 67 and 68 of the penal code of the revised codes of North Dakota, relating to adulterated dairy products, and selling adulterated and unwholesome food or medicine, and to create a deputy commissioner of agriculture with certain duties in connection therewith, and fixing his salary.

Which the senate has amended as follows:

In title strike out words "with certain duties in connection therewith," and inserting in lieu thereof the words "defining his duties."

In line 2 of section 8 strike out the words "or otherwise" and insert in lieu thereof the words "or other vehicles."

After the word "commission" in line 8, of section 8 add the words: "But any person desiring to engage in such dairy business shall first procure a license as aforesaid, which shall be valid until the first day of June next succeeding its issue."

Also amend title as follows: After word "to" in line 1 of title add the following:

"Regulate the manufacture and sale of dairy products and imitations and substitutes therefor, prescribing penalties for violations, to create a deputy commissioner of agriculture, prescribing his duties and fixing his salary."

Amend by striking out the word "twenty" in line 6, page 10, printed bill, and insert in lieu thereof the word "five." Strike out the word "fifty" in line 6, page 10, printed bill, and insert in lieu thereof the word "ten." Strike out all of sections 17, 18 and 19.

Also,

House bill No. 181,

A bill for an act to enable the substitution of lost papers or papers destroyed by fire in the county courts of this state and providing the manner of said substitution.

Also,

House bill No. 136,

A bill for an act requiring the owners or occupants of lands within the state to fill or cover securely any and all wells situated thereon.

Also,

House bill No. 94,

A bill for an act to provide for the granting of the right of way by municipal corporations for telephone lines, on and over public grounds, streets, alleys and highways, and making valid such grants heretofore made.

Which the senate has passed unchanged.

Also,

House bill No. 8,

A bill for an act to repeal chapter 53 of session laws of 1897, and sections 4816, 4817, 4818 and 4819 of the Revised Codes of North Dakota relating to liens for sires.

Which the senate has amended as follows:

In lines 3 and 4, section 2, of the printed bill, strike out the words "and a copy issued by him shall be filed" and insert in lieu thereof the words "who shall file a copy of such certificate."

In line 5, section 2, strike out the word "such" and insert in lieu thereof the word "and;"

Also, after the word "copies" in line 5, insert the words "of such certificate."

And passed as amended.

J. O. SMITH,
Secretary.

REPORTS OF STANDING COMMITTEES.

The committee on enrolled bills made the following report:

Mr. Speaker:

Your committee on enrolled bills have examined
House bill No. 71,

A bill for an act to provide for the construction and maintenance of dams across running streams for use in operating mills and for irrigation purposes.

Also,

House bill No. 70,

A bill for an act to amend section 527 of the Revised Codes of 1895 relating to the canvass and publication of election returns and issuing of certificates of election.

Substitute for House bill No. 104,

A bill for an act to amend section 2073 of the Revised Codes of the state of North Dakota, providing for the salary of county auditors.

And find the same correctly enrolled.

M. B. CASSELL,
Chairman.

Substitute for House bill No. 106,

A bill for an act to amend section 2080 of the Revised Codes of the state of North Dakota, providing for the salary of the county treasurers.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 46, nays 5, absent and not voting 11.

Those voting in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,
Berger,
Boyd,
Brakke,
Cassell,
Chacey,
Deisem.

Messrs—

Gronvold,
Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Laughlin,
Lee,
McHarg,
McLean,

Messrs—

Sanford,
Sargent,
Stevens,
Stewart,
Stevenson,
Taylor,
Thomas,
Thordarson
Tousley,

Messrs—

Dougherty,
Earl,
Erickson,
Ferris,
Gilbertson,
Glasgow,
Green,

Messrs—

Miner,
Nelson,
Ovind,
Peek,
Peterson,
Restemayer,

Messrs—

Tufte,
Wallace,
Watts,
Wolbert,
Winslow,
Mr. Speaker,

Those voting in the negative were:

Messrs—

Brotnov,
Hale,

Messrs—

Johnston, Walsh,
Michels,

Messrs—

Ugland,

Absent and not voting:

Messrs—

Bacon,
Clarke,
Dwire,
Engelter,

Messrs—

Gulack,
Kennedy,
Lish
Lynch,

Messrs—

Swenson,
Thomson,
Towle,

So the bill as amended passed and the title was agreed to.

Mr. Johnson of Richland moved

That the vote by which House bill No. 106 passed, be reconsidered and the motion to reconsider be laid upon the table,
Which motion prevailed.

Mr. Cassell moved

To reconsider the vote by which
House bill No. 49,

A bill for an act to amend section 1943 of the Revised Codes of North Dakota relating to balances to be kept by county treasurers in county depositories.

As amended by the senate passed,
Which motion prevailed.

Mr. Cassell offered

The following amendment to the
Substitute for House bill No. 49,

A bill for an act to amend section 4943 of the Revised Codes of North Dakota, relating to balances to be kept by county treasurers in county depositories.

And moved its adoption:

By striking out all of lines 21 and 22 of the engrossed bill.

Which motion prevailed, and

Substitute for House bill No. 49,

A bill for an act to amend second 4943 of the Revised Codes of North Dakota, relating to balances to be kept by county treasurers in county depositories.

Was so amended.

Senate bill No. 145,

A bill for an act to amend section 1391, chapter 19, of the Revised Codes, of the state of North Dakota, relating to the annual encampment of the National Guard of the state of North Dakota.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 60, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Delsen,
Dougherty,
Dwire,
Earl,
Engelter,
Erickson,
Ferris,
Gilbertson,
Glasgow,

Messrs—

Green,
Gronvold,
Hale,
Hare,
Hauan,
Herbrandson,
Johnston, Walsh,
Johnson, Richland,
Kennedy,
Laughlin,
Lee,
Lish,
Lynch,
McLean,
Michels,
Miner,
Nelson,
Ovind,
Peek,
Peterson,

Messrs—

Restemayer,
Sanford,
Sargent,
Stevens,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Watts,
Wolbert,
Winslow,
Mr. Speaker,

Absent and not voting, Messrs. Gulack and McHarg.

So the bill passed and the title was agreed to.

The chief clerk announced that the speaker was about to sign House bill No. 71,

A bill for an act to provide for the construction and maintenance of dams across running streams for use in operating mills and for irrigation purposes.

Also,

House bill No. 70,

A bill for an act to amend section 527 of the Revised Codes of 1895 relating to the canvass and publication of election returns and issuing of certificates of election.

Senate bill No. 123,

A bill for an act to amend section 1 of chapter 108 of the session laws of 1897 relating to labor of convicts.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 57, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,
Berger,
Boyd,
Brotnov,
Brakke,
Chacey,
Clarke,
Deisem,
Dougherty,
Dwire,
Earl,
Engelter,
Erickson,
Ferris,
Gilbertson,
Glasgow,
Green,

Messrs—

Hale,
Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish,
Lynch,
McHarg,
McLean,
Michels,
Miner,
Ovind,
Peek,
Peterson,
Restemayer.

Messrs—

Sarford,
Sargent,
Stevens,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Watts,
Wolbert,
Winslow.
Mr. Speaker,

Absent and not voting:

Messrs—

Bacon,
Cassell,

Messrs—

Gronvold,
Gulack,

Messrs—

Nelson,

So the bill passed and the title was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER.

March 2, 1899.

Mr. Speaker:

I have the honor to transmit herewith
House bill No. 31,

A bill for an act to promote immigration.

Which the senate has amended as follows:

In line 1 of section 1 of the printed bill strike out the words "one thousand" and insert in lieu thereof the words "five hundred."

And passed as amended.

Also,

House bill No. 38,

A bill for an act to provide an annual contingency fund, to be placed at the disposal of the governor.

Which the senate has amended as follows:

In line 4 of section 1 of the printed bill, strike out the words "two thousand" and insert in lieu thereof the words "five hundred."

And passed as amended.

Also,

House bill No. 87,

A bill for an act to amend section 3219 of the Revised Codes of 1895, relating to building and loan associations.

Which the senate has passed unchanged.

Also,

House bill No. 50,

A bill for an act to amend section 5230 of the Revised Codes of North Dakota relating to who may be made parties defendant in actions to quiet title to real property.

In line 10 of printed bill strike out all after the word "action" and ending with the word "heirs" in line 11 thereof.

In line 27 of printed bill insert after the word "summons" and before the word "provided," as follows, viz: "And a copy of said notice of lis pendens be printed and published with said summons," and following next thereafter in the columns of the newspaper wherein said summons is printed and published:

By adding section 2 as follows:

"Section 2. That when the heirs of a deceased person are proper parties defendant to any action relating to real property in this state, and when the names and residences of such heirs are unknown, such heirs may be proceeded against under the name and title of 'the unknown heirs' of the deceased. Upon presenting an affidavit to the court or judge, showing to his satisfaction that the heirs of such deceased person are proper parties to the action, and that their names and residences cannot, with use of reasonable diligence, be ascertained, such court or judge, may grant an order that service of the summons in such action be made on such 'unknown heirs' by publication thereof in the same manner as in actions against non-resident defendants. Any order, judgment or decree made or rendered in any such case shall be valid and binding upon such unknown heirs, whether they be of age or minors. Such heirs may, on application to the court, and on sufficient cause shown, be allowed to defend such action, at any time within one year after the rendition of judgment thereon: Provided, that if it shall appear that such heirs were minors at the time such judgment was rendered, they may be allowed to defend the action at any time within two years from the day of their becoming of age."

Sec. 3. Emergency. Whereas, an emergency exists in that there is no law in force covering the subject matter of the foregoing enactment, therefore this act shall take effect and be in force from and after its passage and approval.

And passed as amended.

Also,

House bill No. 189,

A bill for an act to amend section 2459 of the Revised Codes of North Dakota relating to water works and fire apparatus in cities, towns, and villages.

Which the senate has passed unchanged.

Very respectfully yours,

J. O. SMITH,

Secretary.

Mr. Sargent moved

That the house concur in the senate amendment to
Senate bill No. 31,

A bill for an act providing for an appropriation for the maintenance and improvement of the state normal school at Valley City, North Dakota.

Which motion prevailed, and
The house did concur.

Mr. Stevens moved

That the first thirty-one pages of
House bill No. 21,

A bill for an act relating to negotiable instruments and providing for their interpretation, utterance, collection and construction.

Be considered engrossed,

Which motion prevailed.

Senate bill No. 142,

A bill for an act to legalize irregularities in the formation of school districts and to make valid the acts of the officials thereof.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 54, nays none, absent and not voting 8.

Those voting in the affirmative were:

Messrs—

Aas,
Allen,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Deisem,
Dougherty,
Dwire,
Earl,
Engelter,
Ferris,
Gilbertson,
Glasgow,

Messrs—

Green,
Gulack,
Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish,
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Peek,

Messrs—

Peterson,
Restemayer,
Sanford,
Sargent,
Stevens,
Stewart,
Swenson,
Stevenson,
Thomas,
Thordarson,
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Watts,
Winslow,
Mr. Speaker.

Absent and not voting:

Messrs—

Allshouse,
Erickson,
Gronvold,

Messrs—

Hale,
Ovind,
Taylor,

Messrs—

Thomson,
Wolbert,

So the bill passed and the title was agreed to.

Senate bill No. 111,

A bill for an act to appropriate the sum of eight hundred dollars to pay C. A. Leck and H. P. Leck, composing the firm of Leck & Leck for work and labor done and material furnished for the North Dakota Agricultural college at Fargo, N. D.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 57, nays 1, absent and not voting 4.

Those voting in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Delsem,
Dougherty,
Dwire,
Earl,
Engelter,
Erickson,
Ferris,
Gilbertson,

Messrs—

Glasgow,
Green,
Gronvold,
Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish,
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Ovind,

Messrs—

Peek,
Peterson,
Restemayer,
Sanford,
Sargent,
Stevens,
Stewart,
Swenson,
Stevenson,
Thomson,
Thordarson,
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Watts,
Winslow,
Mr. Speaker,

Absent and not voting:

Messrs—

Gulack,
Hale,

Messrs—

Taylor,

Messrs—

Wolbert,

Mr. Thomas voting in the negative.

So the bill passed and the title was agreed to.

Mr. Earl moved

To adopt the following amendments to

Senate bill No. 121,

A bill for an act relating to titles to real property.

That after the word "notwithstanding" at the end of section 1, in the printed bill, add the words, "provided, that nothing in this act shall repeal section 84 of chapter 126 of the laws of 1897."

Which motion prevailed, and

Senate bill No. 121,

A bill for an act relating to titles to real property.

Was so amended.

Senate bill No. 121,

A bill for an act relating to titles to real property.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 58, nays 2, absent and not voting 2.

Those voting in the affirmative were:

Messrs—

Aas
Allen
Allshouse
Bacon
Berger
Boyd
Brakke
Brotnov
Cassell
Chacey
Clarke
Dougherty
Dwire
Earl
Engelter
Erickson
Ferris
Gilbertson
Glasgow
Green

Messrs—

Gronvold
Hale
Hare
Hauan
Herbrandson
Johnson, Richland
Johnston, Walsh
Kennedy
Laughlin
Lee
Lish
McHarg
McLean
Michels
Miner
Nelson
Ovind
Peek
Peterson

Messrs—

Restemayer
Sanford
Sargent
Stevens
Stewart
Swenson
Stevenson
Thomas
Thomson
Thordarson
Tousley
Towle
Tufte
Ugland
Wallace
Watts
Wolbert
Winslow
Mr. Speaker

Those voting in the negative were, Messrs. Lynch and Taylor.
Absent and not voting. Messrs. Deisem and Gulack.

So the bill as amended passed and the title was agreed to.

MESSAGE FROM THE SENATE.

The following message was receive from the senate:

SENATE CHAMBER,

March 2, 1899.

Mr. Speaker:

I have the honor to transmit herewith:

House bill No. 49,

A bill for an act to amend section 1943 of the Revised Codes of North Dakota, relating to balances to be kept by county treasurers in county depositories.

Which the senate has passed as amended by the house after reconsideration by the house.

Also,

House bill No. 194,

A bill for an act to amend section 2895, chapter 11 of the Revised Codes of North Dakota.

Also,

House bill No. 183, .

A bill for an act to amend section 1419 of chapter 19 of the Revised Codes of 1895, entitled Militia.

Also,

House bill No. 127,

A bill for an act to provide for the cutting or removing of weeds along the public highways, streets and alleys.

Also,

House bill No. 159,

A bill for an act to amend section 4788, of chapter 77, of the Revised Codes of 1895, relating to mechanics liens.

Which the senate has passed unchanged.

Also,

I have the honor to transmit herewith

House bill No. 146,

A bill for an act to amend sections 4823 and 4824 of the Revised Codes of the state of North Dakota of 1895 relating to threshing liens, providing who shall be entitled to such liens and the procedure necessary to obtain said liens.

Which has failed of passage by the senate.

Respectfully yours

J. O. SMITH,

Secretary.

The speaker called Mr. McHarg to the chair.

Senate bill No. 101

A bill for an act legalizing the acts of officers and stockholders of corporations as notaries public in cases where the corporation is interested.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 56, nays none, absent and not voting 6.

Those voting in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,
Berger,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Delsem,

Messrs—

Gronvold,
Hale,
Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,

Messrs—

Peterson,
Sanford,
Sargent,
Stevens,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,

| | | |
|---|---|--|
| Messrs— Dougherty, Dwire, Earl, Engelter, Erickson, Ferris, Gilbertson, Glasgow, Green, | Messrs— Lish, Lynch, McHarg, McLean, Michels, Miner, Nelson, Ovind, Peek, | Messrs— Thordarson, Tousley, Towle, Tufte, Ugland, Wallace, Watts, Winslow, |
|---|---|--|

Absent and not voting:

| | | |
|-----------------------------------|--|--|
| Messrs— Bacon, Boyd, | Messrs— Gulack, Restemayer, | Messrs— Wolbert, Mr. Speaker. |
|-----------------------------------|--|--|

So the bill passed and the title was agreed to.

Senate bill No. 153.

A bill for an act to amend section 1353 of the Revised Codes of the state of North Dakota, relating to adjustment of delinquent taxes due the state from counties and repealing section 1347 of said codes.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 55, nays 2, absent and not voting 5.

Those voting in the affirmative were:

| | | |
|--|---|---|
| Messrs— Aas, Allen, Allshouse, Berger, Boyd, Brakke, Brotnov, Cassell, Chacey, Clarke, Deisem, Dougherty, Dwire, Earl, Engelter, Ferris, Gilbertson, Glasgow, | Messrs— Green, Gronvold, Hale, Hare, Hauan, Herbrandson, Johnson, Richland Johnston, Walsh, Kennedy, Laughlin, Lee, Lish, McHarg, McLean, Michels, Miner, Nelson, Ovind, | Messrs— Peek, Peterson, Restemayer, Sanford, Sargent, Stewart, Stevens, Swenson, Stevenson, Thomas, Thomson, Thordarson, Tousley, Towle, Tufte, Wallace, Watts, Winslow, |
|--|---|---|

Absent and not voting:

| | | |
|---------------------------------------|---------------------------------------|--------------------------------|
| Messrs— Bacon, Erickson, | Messrs— Gulack, Wolbert, | Messrs— Mr. Speaker. |
|---------------------------------------|---------------------------------------|--------------------------------|

Messrs. Lynch and Taylor voting in the negative.

So the bill passed and the title was agreed to.

THE STEERING COMMITTEE.

To the Hon. Speaker and Members of the House.

Gentlemen: Owing to the fact that

Senate bill No. 103,

A bill for an act to provide necessary assistance in the department of the state examiner.

“As engrossed” by the senate and sent to us has been lost in the house, we present to you the original bill, and ask that the printed bill be reconsidered “engrossed” put upon its third reading and final passage at once.

There being no objections the request was granted.

Also,

We request that you next act upon

Senate bill No. 156,

A bill for an act to amend sections 607 and 621 of article 15, chapter 8 of the Revised Codes of 1895, relating to election.

As it was found to have been incorrectly engrossed in the senate.

We have amended this as it should read, and the bill will be for third reading and final passage as amended by us

Very respectfully yours,

J. D. WALLACE,
G. W. WOLBERT,
R. N. STEVENS.

The steering committee made the following report:

Mr. Speaker:

The steering committee to whom was referred

Senate bill No. 156,

A bill for an act to amend sections 607 and 621 of article 15, chapter 8 of the Revised Codes of 1895, relating to election.

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

By striking out in section 607, in the last line, the word “registry” and inserting in lieu thereof the word “register.”

Amend the title by striking out the word “election” and inserting in lieu thereof the word “elections.”

And when so amended recommend that the same do pass.

J. D. WALLACE,
Chairman.

Mr. Hale moved

That the report of the steering committee on

Senate bill No. 156,

A bill for an act to amend sections 607 and 621 of article 15, chapter 8 of the Revised Codes of 1895, relating to election,

Be adopted,

Which motion prevailed, and

The report was adopted.

Senate bill No. 71,

A bill for an act entitled "an act to amend section twenty-six of chapter one hundred twenty-six of the laws of 1897 relating to the assessment of bank stock and the method of determining the value thereof for purposes of assessment.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 14, nays 38, absent and not voting 10.

Those voting in the affirmative were:

| | | |
|------------|-----------|--------------|
| Messrs— | Messrs— | Messrs— |
| Allshouse, | Kennedy, | Peek, |
| Bacon, | Laughlin, | Stevens, |
| Dougherty, | McHarg, | Stewart, |
| Dwire, | McLean, | Mr. Speaker. |
| Green, | Miner, | |

Those voting in the negative were:

| | | |
|-------------|--------------------|-------------|
| Messrs— | Messrs— | Messrs— |
| Aas, | Hale, | Swenson, |
| Berger, | Hauan, | Stevenson, |
| Boyd, | Herbrandson, | Taylor, |
| Brakke, | Johnson, Richland, | Thomas, |
| Brotnov, | Johnston, Walsh, | Thomson, |
| Cassell, | Lee, | Thordarson, |
| Chacey, | Lish, | Tousley, |
| Engelter, | Michels, | Towle, |
| Erickson, | Nelson, | Tufte, |
| Ferris, | Ovind, | Ugland, |
| Gilbertson, | Peterson, | Watts, |
| Glasgow, | Sanford, | Winslow, |
| Gronvold, | Sargent, | |

Absent and not voting:

| | | |
|---------|---------|-------------|
| Messrs— | Messrs— | Messrs— |
| Allen, | Gulack, | Restemayer, |
| Clarke, | Hare, | Wallace, |
| Deisem, | Lynch, | Wolbert, |
| Earl, | | |

So the bill was lost.

REPORT OF STEERING COMMITTEE.

To the Hon. Speaker and Members of the House:

Gentlemen: According to a motion which was carried this afternoon, we herewith submit for first and second reading,

Senate bill No. 157,

A bill for an act to amend section 872 of the Revised Codes of North Dakota and permitting the state high school board to prescribe military instruction as a part of the curriculum of the high schools of the state of North Dakota.

Also,

Senate bill No. 175,

A bill for an act to amend section 704 of chapter 75 of the general laws of 1897, entitled an "act to amend sections 625, 628, 636, 641, 642, 646, 649, 651, 652, 667, 671, 676, 683, 689, 701 704, 707, 714, 717, 718, 727, 731, 732, 737, 738, 749, 741, 742, 743, 748, 749, 751, 757, 761, 775, 777, 780, 785, 786, 789, 790, 797, 816, 824, 832, 842, 865 of the Revised Codes of 1895 relating to education."

And request that they be read at once, and referred.

J. D. WALLACE,
G. W. WOLBERT,
R. N. STEVENS.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
March 2, 1899.

Mr. Speaker:

I have the honor to transmit herewith

Senate bill No. 181,

A bill for an act to license commission merchants and other factors.

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

Very respectfully yours,

J. O. SMITH,
Secretary.

Senate bill No. 103,

A bill for an act to provide necessary assistance in the department of the state examiner.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 54, nays 1, absent and not voting 7.

Those voting in the affirmative were:

Messrs—

Aas,
 Allen,
 Allshouse,
 Berger,
 Boyd,
 Brakke,
 Brotnov,
 Cassell,
 Chacey,
 Clarke,
 Deisem,
 Dougherty,
 Dwire,
 Engelter,
 Ferris,
 Gilbertson,
 Green,
 Gronvold,

Messrs—

Hale,
 Hare,
 Hauan,
 Herbrandson,
 Johnson, Richland,
 Johnston, Walsh,
 Kennedy,
 Laughlin,
 Lee,
 Lish,
 McHarg,
 McLean,
 Michels,
 Miner,
 Nelson,
 Ovind,
 Peek,
 Peterson,

Messrs—

Sanford,
 Sargent,
 Stevens,
 Stewart,
 Swenson,
 Stevenson,
 Taylor,
 Thomas,
 Thomson,
 Thordarson,
 Tousley,
 Towle,
 Tufte,
 Ugland,
 Wallace,
 Watts,
 Winslow,

Absent and not voting:

Messrs—

Bacon,
 Earl,

Messrs—

Erickson,
 Glasgow,

Messrs—

Gulack,
 Restemayer,
 Wolbert,

Mr. Lynch voted in the negative.

So the bill passed and the title was agreed to.

FIRST AND SECOND READING OF SENATE BILLS

Senate bill No. 181,

A bill for an act to license commission merchants and other factors.

Was read the first and second times, and

Referred to the steering committee.

THIRD READING OF SENATE BILLS.

Senate bill No. 156,

A bill for an act to amend sections 607 and 621 of article 15, chapter 8 of the Revised Codes of 1895, relating to election.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 51, nays none, absent and not voting 11.

Those voting in the affirmative were:

Messrs—

Aas,
 Allen,
 Allshouse,
 Berger,
 Boyd,
 Cassell,

Messrs—

Gronvold,
 Hale,
 Hare,
 Hauan,
 Johnson, Richland,
 Johnston, Walsh,

Messrs—

Peek,
 Peterson,
 Sanford,
 Stevens,
 Stewart,
 Stevenson,

Messrs—

Chasey,
Clarke,
Deisem,
Dougherty,
Dwire,
Earl,
Engelter,
Ferris,
Gilbertson,
Glasgow,
Green,

Messrs—

Kennedy,
Laughlin,
Lee,
Lish,
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Ovind,

Messrs—

Thomas,
Thomson,
Thordarson,
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Watts,
Winslow,
Mr. Speaker,

Absent and not voting:

Messrs—

Bacon,
Brakke,
Brotnov,
Erickson,

Messrs—

Gulack,
Herbrandson,
Restemayer,
Sargent,

Messrs—

Swenson,
Taylor,
Wolbert,

So the bill passed and the title was agreed to.

Mr. Thomas moved

To reconsider the vote by which

Senate bill No. 71,

A bill for an act entitled "an act to amend section twenty-six of chapter one hundred twenty-six of the laws of 1897 relating to the assessment of bank stock and the method of determining the value thereof for purposes of assessment.

Was lost,

Which motion prevailed.

Mr. Hare moved

That Senator Marshall be allowed to speak

Senate bill No. 71,

A bill for an act entitled "an act to amend section twenty-six of chapter one hundred twenty-six of the laws of 1897 relating to the assessment of bank stock and the method of determining the value thereof for purposes of assessment.

Which motion prevailed, and

Mr. Marshall addressed the house.

The speaker resumed the chair.

Mr. Hale offered

The following amendments to

Senate bill No. 71,

A bill for an act entitled "an act to amend section 26 of chapter 126 of the laws of 1897, relating to the assessment of bank stock and the method of determining the value thereof for purposes of assessment."

And moved its adoption:

Amend by inserting at the commencing of line 14 before the words.

“undivided profits” and after the word “surplus” in line 17 the words “undivided profits.”

Which motion prevailed, and
Senate bill No. 71,

A bill for an act entitled “an act to amend section 26, of chapter 126 of the laws of 1897, relating to the assessment of bank stock and the method of determining the value thereof for purposes of assessment.”

Was so amended.

Senate bill No. 71,

A bill for an act entitled “an act to amend section twenty-six of chapter one hundred twenty-six of the laws of 1897 relating to the assessment of bank stock and the method of determining the value thereof for purposes of assessment.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were, ayes 49; nays 1; absent and not voting 12.

Those voting in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Delsem,
Dougherty,
Dwire,
Earl,
Engelter,
Erickson,

Messrs—

Ferris,
Gilbertson,
Glasgow,
Green,
Hale,
Hare,
Huan,
Herbrandson,
Kennedy,
Laughlin,
Lee,
Lish,
McHarg,
McLean,
Miner,
Peek,
Peterson,

Messrs—

Sargent,
Stevens,
Stewart,
Stevenson,
Thomas,
Thordarson,
Tousley,
Towle,
Tuftte,
Ugland,
Wallace,
Watts,
Wolbert,
Winslow,
Mr. Speaker.

Absent and not voting:

Messrs—

Gronvold,
Gulack,
Johnson, Richland,
Lynch,

Messrs—

Michels,
Nelson,
Ovind,
Restemayer,

Messrs—

Sanford,
Swenson,
Taylor,
Thomson,

Mr. Johnston voted in the negative.

So the bill as amended passed and the title was agreed to.

Mr. Laughlin moved

That the house concur in the senate amendments to
House bill No. 117,

A bill for an act to amend chapters 67 and 68 of the penal code

of the revised codes of North Dakota, relating to adulterated dairy products, and selling adulterated and unwholesome food or medicine, and to create a deputy commissioner of agriculture with certain duties in connection therewith, and fixing his salary.

Which motion prevailed, and

The house did concur.

Mr. Tousley moved

That the house concur in the senate amendments to House bill No. 38,

A bill for an act to provide an annual contingency fund, to be placed at the disposal of the governor.

Which motion prevailed, and

The house did concur.

Mr. McHarg moved

That the vote by which all bills passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Deisem moved

That the house do now adjourn,

Which motion prevailed, and

The house adjourned until 9:30 o'clock a. m. March 3.

J. G. HAMILTON,

Chief Clerk.

SIXTIETH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 3, 1899.

The house assembled at 9:30 o'clock a. m., pursuant to adjournment.

The speaker presiding.

Prayer by Mr. Sanford.

Roll called.

All members present.

REPORTS OF STANDING AND SELECT COMMITTEES.

The steering committee made the following report:

To the Hon. Speaker and Members of the House:

Gentlemen: We hereby submit the order of business, and to be third reading and final passage of Senate bills:

Eighteenth—

Senate bill No. 138,

A bill for an act to authorize the purchase of tools and machinery for making roads, in certain cases, and to prescribe the manner of payment therefor, and the use and care of same.

Nineteenth—

Senate bill No. 150,

A bill for an act to amend section 243 of the Revised Codes of North Dakota relating to the powers and duties of the state board of health.

Twentieth—

Senate bill No. 165,

A bill for an act to amend sections 2533, 2534 and 2535 of the Revised Codes of the state of North Dakota, relating to the division of organized townships and prescribing the duties of the board of county commissioners in relation thereto.

Twenty-first—

Senate bill No. 176,

A bill for an act entitled an act authorizing the board of trustees and warden of the state penitentiary to purchase or otherwise acquire not to exceed thirty (30) acres of land for yard, garden and other purposes and appropriating nine hundred dollars (\$900.00), or so much thereof as may be needed therefor.

Twenty-second—

Senate bill No. 151,

A bill for an act to appropriate money for the reappraisalment, advertising and expenses attendant upon the sale of institution and common school lands.

Twenty-third—

Senate bill No. 152,

A concurrent resolution relating to school lands.

Twenty fourth—

Senate bill No. 162,

Memorial and concurrent resolution, relating to inspection of grain by the government of the United States.

And request that they be acted upon in the order as given.

Very respectfully yours,

J. D. WALLACE,
G. W. WOLBERT,
R. N. STEVENS.

Mr. Wolbert moved

That the report of the steering committee be adopted,

Which motion prevailed and

The report was adopted.

Mr. Kennedy offered

The following resolution,
And moved its adoption.

Resolved, That the speaker be directed to appoint two members of the house, together with the assistant chief clerk, to correct the Journal of the sixtieth day, and compare the Journal of the session with the written Journal, and that they be allowed \$5.00 per day for the time necessary to do the work. The speaker and the chief clerk are hereby authorized and directed to sign the necessary vouchers for the service.

Which motion prevailed, and
The resolution was adopted.

Mr. Wolbert offered a concurrent resolution relating to the assessment of railroad property,
Which was referred to the steering committee.

REPORT OF SPECIAL COMMITTEE.

The special committee to revise and correct the Journals of the fifty-ninth and sixtieth days submit the following report containing corrections to be made in the printed Journal of the fifty-ninth day:

- On line 1, page 8, after the words "absent and" insert the word "not."
- On page 22, line 38, correct the spelling of word "maintained."
- On page 28, line 16, strike out the word "or" and insert the word "of."
- On page 47, line 5, strike out the word "hat," and insert in lieu thereof the word "that."
- On page 57, line 28, correct the spelling of the word "upon."
- Strike out all of "pages 65 and 66," and insert the same between "pages 68 and 69," and then renumber the pages accordingly.
- On page 73 insert all of "line 22."
- On page 78, line 37, correct the spelling of the "don't."
- On page 81, line 28, correct the spelling of the name "Baldwin."
- On page 82, line 23, strike out the word "any" and insert in lieu thereof the word "and."
- On same page, line 24, correct the spelling of the word "prejudicial."
- On page 95, line 5, after the words "providing for the" insert "salary of the."
- In line 6, same page, correct the spelling of the word "treasurers."
- In line 9, same page, after the word "house" insert the word "bill."
- On page 98, line 41, correct the spelling of the word "revised."

JOHN KENNEDY, Chairman.
W. W. TOUSLEY,
H. E. LAVAYEA.

REPORT OF STEERING COMMITTEE.

The steering committee made the following report:
Mr. Speaker:

Your steering committee to whom was referred
Senate bill No. 10,

A bill for an act to amend sections 1 and 2, of chapter 37 of the

laws of 1897, providing a bounty on certain stock-destroying animals.

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

That the report of the "house state affairs" committee be adopted, except that we strike out in section 5, the words "providing this bounty shall only apply to the year 1899."

And when so amended recommend that the same do pass.

J. D. WALLACE,
Chairman.

Mr. Stevens moved

That the report of the steering committee on
Senate bill No. 10,

A bill for an act to amend sections 1 and 2, of chapter 37 of the laws of 1897, providing a bounty on certain stock-destroying animals.

Be adopted.

Which motion prevailed, and

The report was adopted.

Mr. Stevens moved

That the house do now take up the consideration of all senate bills reported by the steering committee.

Which motion prevailed.

The committee on ways and means made the following report:

Mr. Speaker:

Your committee on ways and means to whom was referred

Senate bill No. 136,

A bill for an act to amend section 2061 of the Revised Codes relating to compensation of clerks of the district courts.

Have had the same under consideration and recommend that the same be indefinitely postponed.

For the reason that the same subject is covered in

Substitute for House bills Nos. 89 and 98,

A bill for an act entitled "an act fixing the salary of clerks of the district court in the state of North Dakota, providing a fund to reimburse the counties of the state for the same and to repeal sections 2061 to 2067, both inclusive, of the Revised Codes of the state of North Dakota for the year 1895, the same being all of article 2. of chapter 27, of the Political Code therein."

Already passed both houses.

J. L. JOHNSON,
Chairman.

Mr. Johnson of Richland moved

That the report of the committee on ways and means be adopted,

Which motion prevailed, and

The report was adopted.

And the further consideration of

Senate bill No. 136,

A bill for an act to amend section 2061 of the Revised Codes relating to compensation of clerks of the district courts.

Was indefinitely postponed.

THIRD READING OF SENATE BILLS.

Mr. Tousley moved

That the following amendments to

Senate bill No. 10,

A bill for an act to amend sections 1 and 2, of chapter 37 of the laws of 1897, providing a bounty on certain stock-destroying animals.

Be adopted:

After the word "wolf" in line 6, page 1, of the printed bill, insert the words "or prairie wolves."

In line 6, page 1 of the printed bill, strike out the words "three" and insert in lieu thereof the word "two."

Section 3. There shall be paid a bounty of one dollar on all pup wolves as provided for in section 2 of this act, and provided that the body of a full grown female wolf be presented with every five wolf pups, the bounty of two dollars shall be paid on the pups and the old female wolf as provided for in sections 2 and 3 of this act.

Amend by striking out the words "section 3" of the printed bill, and insert in lieu thereof the words:

"Section 4. All acts and parts of acts in conflict with this act are hereby repealed."

Which motion prevailed, and

Senate bill No. 10,

A bill for an act to amend sections 1 and 2, of chapter 37 of the laws of 1897, providing a bounty on certain stock-destroying animals.

Was so amended.

Senate bill No. 10,

A bill for an act to amend sections 1 and 2, of chapter 37 of the laws of 1897, providing a bounty on certain stock-destroying animals.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were, ayes 49; nays 2; absent and not voting 11.

Those voting in the affirmative were:

| | | |
|----------------|------------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Aas, | Gronvold, | Stevens, |
| Allshouse, | Hale, | Stewart. |
| Berger, | Hare, | Swenson, |
| Boyd, | Hauan, | Stevenson, |
| Brakke. | Herbrandson, | Thomas. |
| Chacey, | Johnston, Walsh, | Thomson, |
| Clarke, | Kennedy, | Thordarson |
| Delsem, | Laughlin, | Tousley, |
| Dougherty. | Lee, | Towle. |
| Dwire, | Lish | Tufte, |
| Earl, | McHarg, | Ugland, |
| Engelter, | McLean, | Wallace, |
| Erickson, | Michels, | Watts. |
| Ferris, | Nelson, | Wolbert. |
| Gilbertson, | Peterson, | Winslow. |
| Glasgow, | Sauford, | Mr. Speaker. |
| Green, | Sargent, | |

Absent and not voting:

| | | |
|----------------|--------------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Allen. | Johnson, Richland, | Peek, |
| Bacon, | Miner, | Restemayer, |
| Cassell, | Ovind, | Taylor, |
| Gulack, | | |

Messrs. Brotnov and Lynch voting in the negative.

So the bill as amended passed and the title was agreed to.

Mr. Dougherty moved

That the further consideration of
Senate bill No. 70,

A bill for an act providing for a lien upon threshing engines or
separators for repairing the same.

Be indefinitely postponed,
Which motion prevailed, and
The further consideration of
Senate bill No. 70.

A bill for an act providing for a lien upon threshing engines or
separators for repairing the same.

Was indefinitely postponed.

Senate bill No. 159,

A bill for an act to amend sections 2148 and 2321 of the Revised
Codes of North Dakota relating to the incorporation and govern-
ment of cities, and especially relating to the issuing of bonds by
cities, as said sections have already been amended by the provisions
of chapter 102 of the laws of 1897, and also to amend section 2309
of said Revised Codes relating to the manner and form of issuing
bonds.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 43, nays 1, absent and not voting 18.

Those who voted in the affirmative were:

| | | |
|----------------|--------------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Aas, | Green, | Stevens, |
| Allen, | Hale, | Stewart, |
| Berger, | Hauan, | Stevenson, |
| Boyd, | Johnson, Richland, | Taylor, |
| Brakke, | Kennedy, | Thomas, |
| Cassell, | Lee, | Thomson, |
| Chacey, | Lish, | Tousley, |
| Clarke, | Lynch, | Towle, |
| Deisem, | McHarg, | Tufte, |
| Dougherty, | McLean, | Wallace, |
| Dwire, | Michels, | Watts, |
| Engelter, | Miner, | Wolbert, |
| Ferris, | Nelson, | Winslow, |
| Gilbertson, | Peterson, | Mr. Speaker, |
| Glasgow, | | |

Absent and not voting:

| | | |
|----------------|------------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Allhouse, | Gulack, | Peek, |
| Bacon, | Hare, | Sarford, |
| Brotnov, | Herbrandson, | Sargent, |
| Earl, | Johnston, Walsh, | Swenson, |
| Erickson, | Laughlin, | Thordarson |
| Gronvold, | Ovind, | Ugland, |

So the bill passed and the title was agreed to.

Senate bill No. 102,

A bill for an act providing that the provisions of the act entitled "an act to amend section 2755 of the Revised Codes of North Dakota relating to dissolution of marriage," shall not apply to any action in which the complaint shall have been filed in the office of the clerk of the district court prior to July 1st, 1899.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 34, nays 23, absent and not voting 5.

Those who voted in the affirmative were:

| | | |
|----------------|--------------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Bacon, | Hauan, | Stewart, |
| Boyd, | Herbrandson, | Stevenson, |
| Chacey, | Johnston, Walsh, | Taylor, |
| Clarke, | Johnson, Richland, | Thomas, |
| Deisem, | Lish, | Thomson, |
| Dougherty, | McHarg, | Tousley, |
| Engelter, | McLean, | Towle, |
| Ferris, | Michels, | Watts, |
| Gilbertson, | Miner, | Wolbert, |
| Green, | Peterson, | Winslow, |
| Gronvold, | Sargent, | Mr. Speaker, |
| Hale, | | |

Those voting in the negative were:

Messrs—

Aas,
Allen,
Allshouse,
Berger,
Brakke,
Brotnov,
Dwire,
Earl,

Messrs—

Erickson,
Glasgow,
Hare,
Kennedy,
Laughlin,
Lee,
Lynch,
Stevens,

Messrs—

Swenson,
Thordarson
Tufte,
Ugland,
Wallace,
Nelson,
Ovind,

Absent and not voting:

Messrs—

Cassell,
Gulack,

Messrs—

Peek,
Restemayer,

Messrs—

Sanford,

So the bill passed and the title was agreed to.

Mr. McHarg moved

That the vote by which Senate bill No. 102 passed be reconsidered, and the motion to reconsider be laid upon the table,
Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

The committee on enrolled bills made the following report:

Mr. Speaker:

Your committee on enrolled bills have examined
Substitute for House bill 45,

A bill for an act to amend sections 863 and 864 of the Revised Codes relating to education.

Also,

CONCURRENT RESOLUTION.

Be it Resolved by the House of Representatives of the Sixth Legislative Assembly of the State of North Dakota, the Senate concurring:

That the state treasurer, with the advice and consent of the governor and state auditor, be hereby authorized and instructed to negotiate and dispose of state funding warrants not to exceed \$100,000.00 in the aggregate, at such discount as will allow a reasonable rate of interest, such indebtedness to become due and payable on or before January 1, 1901. The existing conditions are such that the collection of taxes from the counties from now until January 1, 1901, may not be sufficient to meet expenses; therefore, this loan is necessary to protect the credit of the state and of the institutions.

Also,

House bill No. 53,

A bill for an act to amend section 1881 of the Revised Codes of the state of North Dakota of 1895, relating to the procedure for the removal of county seats.

Also,

House bill No. 87,

A bill for an act to amend section 3219 of the Revised Codes of 1895, relating to building and loan associations.

Also,

Substitute for House bill No. 106,

A bill for an act to amend section 2080 of the Revised Codes of the state of North Dakota, providing for the salary of the county treasurers.

Also,

House bill No. 94,

A bill for an act to provide for the granting of the right of way by municipal corporations for telephone lines, on and over public grounds, streets, alleys and highways, and making valid such grants heretofore made.

Also,

Substitute for House Bills No. 89 and 98,

A bill for an act entitled "an act fixing the salary of clerks of the district court in the state of North Dakota, providing a fund to reimburse the counties of the state for the same and to repeal sections 2061 to 2067, both inclusive, of the Revised Codes of the state of North Dakota for the year 1895, the same being all of article 2, of chapter 27, of the Political Code therein."

Also,

House bill No. 181,

A bill for an act to enable the substitution of lost papers or papers destroyed by fire in the county courts of this state and providing the manner of said substitution.

And find the same correctly enrolled.

M. B. CASSELL,

Chairman.

The chief clerk announced that the speaker was about to sign

Substitute for House bill 45,

A bill for an act to amend sections 863 and 864 of the Revised Codes relating to education.

Also,

House bill No. 53,

A bill for an act to amend section 1881 of the Revised Codes of the state of North Dakota of 1895, relating to the procedure for the removal of county seats.

Also,

House bill No. 87,

A bill for an act to amend section 3219 of the Revised Codes of 1895, relating to building and loan associations.

House bill No. 94,

A bill for an act to provide for the granting of the right of way by municipal corporations for telephone lines, on and over public

grounds, streets, alleys and highways, and making valid such grants heretofore made.

Also,

CONCURRENT RESOLUTION.

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

That the state treasurer, with the advice and consent of the governor and state auditor, be hereby authorized and instructed to negotiate and dispose of state funding warrants not to exceed \$100,000 in the aggregate, at such discount as will allow a reasonable rate of interest, such indebtedness to become due and payable on or before January 1, 1901. The existing conditions are such that the collection of taxes from the counties from now until January 1, 1900, may not be sufficient to meet expenses; therefore, this loan is necessary to protect the credit of the state and of the state institutions.

Also,

House bill No. 181,

A bill for an act to enable the substitution of lost papers or papers destroyed by fire in the county courts of this state and providing the manner of said substitution.

Also,

Substitute for House bills Nos. 89 and 98,

A bill for an act entitled "an act fixing the salary of clerks of the district court in the state of North Dakota, providing a fund to reimburse the counties of the state for the same and to repeal sections 2061 to 2067, both inclusive, of the Revised Codes of the state of North Dakota for the year 1895, the same being all of article 2, of chapter 27, of the Political Code therein."

Also,

Substitute for House bill No. 106,

A bill for an act to amend section 2080 of the Revised Codes of the state of North Dakota, providing for the salary of the county treasurers.

The speaker announced an informal recess of ten minutes.

The house reassembled.

The speaker called Mr. McHarg to the chair.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
March 3, 1899.

Mr. Speaker:

I have the honor to transmit herewith

House bill No. 154,

A bill for an act to amend section 2655 of the Revised Codes, 1895, relating to pounds and poundmasters.

Also,

House bill No. 175,

A bill for an act to settle disputes as to county boundaries and to confirm the acts of officials in counties that have exercised jurisdiction over territory not clearly within county boundaries.

Which the senate has passed unchanged.

Also,

Substitute for House bill No. 91,

A bill for an act to amend section 2068 of the Revised Code of the state of North Dakota, providing for the salary of county judges.

Which the senate has amended as follows:

By striking out all of section 1 of said bill after the word "dollars" followed by a semicolon in line 4 of the printed bill and inserting in lieu thereof as follows: "Over five hundred thousand and under one million five hundred thousand dollars, four hundred dollars; over one million five hundred thousand and under two million dollars, five hundred dollars; over two million dollars and under two million five hundred thousand dollars, seven hundred dollars; over two million five hundred thousand dollars and under four million five hundred thousand dollars, one thousand dollars; over four million five hundred thousand dollars and under seven million dollars, fourteen hundred dollars; over seven million dollars and under eight million dollars, fifteen hundred dollars, and in all counties having a valuation over eight million dollars, eighteen hundred dollars, and no more for his personal services; provided, that the salary of county judge in counties having increased jurisdiction shall not be affected by the provisions of this act."

Also, by adding after title, the words, "be it enacted by the legislative assembly of the state of North Dakota."

And passed as amended.

Also,

House bill No. 148,

A bill for an act to amend section 2669 of the Revised Codes of North Dakota, 1895, relating to township road tax and road work.

Also,

House bill No. 190,

A bill for an act to amend section 1807 of the Revised Codes of 1895, relating to printing.

Which the senate has passed unchanged.

Very respectfully,

J. O. SMITH,

Secretary.

THIRD READING OF SENATE BILLS.

Senate bill No. 140,

A bill for an act to prescribe certain powers, duties and compensation of the state fish commissioner of North Dakota, and to appoint deputy fish wardens, and to prescribe their powers,

duties and compensation, and to amend section 7682 of the Revised Codes of 1895, relating to seines and nets to be destroyed.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 52, nays 4, absent and not voting 6.

Those who voted in the affirmative were:

| | | |
|-------------|--------------------|--------------|
| Messrs— | Messrs— | Messrs— |
| Aas, | Hale, | Sanford, |
| Allen, | Hare, | Sargent, |
| Allshouse, | Hauan, | Stevens, |
| Berger, | Herbrandson, | Stewart, |
| Boyd, | Johnson, Richland, | Stevenson, |
| Brakke, | Johnston, Walsh, | Taylor, |
| Brotnov, | Laughlin, | Thomas, |
| Chacey, | Lee, | Thomson, |
| Clarke, | Lish, | Thordarson |
| Deisem, | Lynch, | Tousley, |
| Dougherty, | McHarg, | Towle, |
| Engelter, | McLean, | Ugland, |
| Erickson, | Michels, | Wallace, |
| Ferris, | Miner, | Watts, |
| Gilbertson, | Ovind, | Wolbert, |
| Glasgow, | Peterson, | Winslow, |
| Green, | Restemayer, | Mr. Speaker, |
| Gronvold, | | |

Those voting in the negative were:

| | | |
|----------|----------|---------|
| Messrs— | Messrs— | Messrs— |
| Kennedy, | Swenson, | Tufte, |
| Nelson, | | |

Absent and not voting:

| | | |
|----------|---------|---------|
| Messrs— | Messrs— | Messrs— |
| Bacon, | Dwire, | Gulack, |
| Cassell, | Earl, | Peek, |

So the bill passed and the title was agreed to.

Senate bill No. 174,

A bill for an act authorizing, empowering and directing the governor and secretary of state to grant and convey unto the university of the state of North Dakota a certain tract of land, and authorizing the trustees of the university to negotiate the exchange of a portion thereof.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 56, nays none, absent and not voting 6.

Those voting in the affirmative were:

| | | |
|---------|-----------|----------|
| Messrs— | Messrs— | Messrs— |
| Aas, | Gronvold, | Sanford, |
| Allen, | Hale, | Sargent, |
| Berger, | Hare, | Stevens, |

Messrs—

Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Deisem,
Dougherty,
Dwire,
Earl,
Engelter,
Erickson,
Ferris,
Gilbertson,
Glasgow,
Green,

Messrs—

Hauan,
Herbrandson,
Johnson, Richland,
Kennedy,
Laughlin,
Lee,
Lish,
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Ovind,
Peterson,
Restemayer,

Messrs—

Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson,
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Watts,
Winslow,
Mr. Speaker.

Absent and not voting:

Messrs—

Allshouse,
Bacon,

Messrs—

Gulack,
Johnston, Walsh,

Messrs—

Peek,
Wolbert,

So the bill passed and the title was agreed to.

Senate bill No. 126,

A bill for an act relating to physical education as a regular branch of instruction in the public schools of the state and educational institutions receiving aid from the state.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 44, nays 7, absent and not voting 11.

Those voting in the affirmative were:

Messrs—

Allen,
Allshouse,
Berger,
Boyd,
Brakke,
Cassell,
Chacey,
Clarke,
Deisem,
Dwire,
Erickson,
Ferris,
Gilbertson,
Glasgow,
Green,

Messrs—

Gronvold,
Hale,
Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Kennedy,
Lee,
Lish,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Ovind,

Messrs—

Peterson,
Sanford,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Tousley,
Towle,
Tufte,
Wallace,
Watts,
Winslow,
Mr. Speaker,

Those voting in the negative were:

Messrs—

Dougherty,
Johnston, Walsh,
Laughlin,

Messrs—

Lynch,
Restemayer,

Messrs—

Stevens,
Stewart,

Absent and not voting:

Messrs—

Aas,
Bacon,
Brotnov,
Earl,

Messrs—

Engelter,
Gulack,
Peek,
Sargent,

Messrs—

Thordarson
Ugland,
Wolbert.

So the bill passed and the title was agreed to.

Senate bill No. 180,

CONCURRENT RESOLUTION.

Providing a Contingent Fund for the First North Dakota Volunteers.

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

That the governor be and he is hereby empowered and directed to draw the sum of \$2,500 from the military appropriation of the state of North Dakota and transmit the same to the first North Dakota volunteers at Manila in the Philippine islands, to be used as a contingent fund for the comfort and welfare of said volunteers under the direction of a board consisting of the field officers and company commanders in command of troops.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 53, nays none, absent and not voting 9.

Those voting in the affirmative were:

Messrs—

Aas,
Allen,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Deisem,
Dougherty,
Dwire,
Earl,
Engelter,
Erickson,
Ferris,
Gilbertson,
Glasgow,
Green,

Messrs—

Gronvold,
Hale,
Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish,
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Peterson,

Messrs—

Restemayer.
Sanford,
Stevens,
Stewart,
Swenson,
Stevenson,
Thomas,
Thomson,
Thordarson
Tousley,
Tufte,
Ugland,
Wallace,
Watts,
Wolbert,
Winslow,
Mr. Speaker,

Absent and not voting:

Messrs—

Allshouse,
Bacon,
Berger,

Messrs—

Gulack,
Ovind,
Peek,

Messrs—

Sargent,
Taylor,
Towle,

So the bill passed and the title was agreed to.

The speaker resumed the chair.

REPORTS OF STANDING COMMITTEES.

The committee on enrolled bills made the following report:

Mr. Speaker:

Your committee on enrolled bills have examined

House bill No. 49,

A bill for an act to amend section 1943 of the Revised Codes of North Dakota relating to balances to be kept by county treasurers in county depositories.

Also,

House bill No. 183,

A bill for an act to amend section 1419 of chapter 19 of the Revised Codes of 1895, entitled Militia.

Also,

House bill No. 194,

A bill for an act to amend section 2859, chapter 11, of the Revised Codes of North Dakota.

Also,

House bill No. 159,

A bill for an act to amend section 4788, of chapter 77, of the Revised Codes of 1895, relating to mechanics liens.

Also,

House bill No. 127,

A bill for an act to provide for the cutting or removing of weeds along the public highways, streets and alleys.

Also,

House bill No. 189,

A bill for an act to amend section 2459 of the Revised Codes of North Dakota relating to water works and fire apparatus in cities, towns, and villages.

Also,

House bill No. 136,

A bill for an act requiring the owners or occupants of lands within the state to fill or cover securely or otherwise securely protect any and all coal mines or wells situated thereon.

And find the same correctly enrolled.

M. B. CASSELL,

Chairman.

The chief clerk announced that the speaker was about to sign

House bill No. 159,

A bill for an act to amend section 4788, of chapter 77, of the Revised Codes of 1895, relating to mechanics' liens.

Also.

House bill No. 127,

A bill for an act to provide for the cutting or removing of weeds along the public highways, streets and alleys.

Also,

House bill No. 194,

A bill for an act to amend section 2895, chapter 11 of the Revised Codes of North Dakota.

Also,

House bill No. 183,

A bill for an act to amend section 1419 of chapter 19 of the Revised Codes of 1895, entitled Militia.

Also,

House bill No. 189,

A bill for an act to amend section 2459 of the Revised Codes of North Dakota relating to water works and fire apparatus in cities, towns, and villages.

Also,

House bill No. 136,

A bill for an act requiring to owners or occupants of any lands within the state to fill or cover securely, or otherwise securely protect any and all coal mines or wells situated thereon.

Also,

House bill No. 49,

A bill for an act to amend section 1943 of the Revised Codes of North Dakota relating to balances to be kept by county treasurers in county depositories.

The speaker called Mr. McHarg to the chair.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
March 3, 1899.

Mr. Speaker:

I have the honor to transmit herewith

House bill No. 96,

A bill for an act for the purpose of authorizing the commissioner of university and school lands to lease cultivated land to clear the same of noxious weeds.

Also,

House bill No. 7,

A bill for an act to amend section 2737 of the Revised Codes.

Also,

House bill No. 205,

A bill for an act amending section 46 of chapter 126 of the law of 1897 relating to revenue and taxation.

Also,

House bill No. 214,

A bill for an act to provide for the appointment of a conservator for drunkards and spendthrifts and their powers and duties.

Also,

House bill No. 143,

A bill for an act to amend section 696 of article 6 of chapter 9 entitled "education" of the Revised Codes of North Dakota, of 1895.

Also,

House bill No. 140,

A bill for an act entitled "an act to prevent the adulteration of, and deception in the manufacture and sale of, flaxseed or linseed oil."

Also,

House bill No. 57,

A bill for an act to amend section 7 of chapter 37 of the laws of 1897 providing for special tax for payment of wolf bounties.

Also,

House bill No. 24,

A bill for an act to amend section 2464 of the Revised Codes.

Which the senate has passed unchanged.

J. O. SMITH,
Secretary.

REPORT OF STEERING COMMITTEE.

To the Hon. Speaker and Members of the House:

Gentlemen: We submit the following Senate bills to you, for third reading and final passage. in the order named:

Ninth—

Senate bill No. 164,

A bill for an act amending sections 5, 6, 7, 8, 9, 10, 11, 13, 14, and 21 of chapter 112 of the laws of 1897 relating to opening and vacating highways, prescribing the duties of supervisors and county commissioners in relation thereto and regulating appeals from the awards thereof, and for the repeal of sections 1050 to 1075 both inclusive, of the Revised Codes of North Dakota.

Tenth—

Senate bill No. 171,

A bill for an act to provide for the execution of tax deeds for lands sold for delinquent taxes under the provisions of chapter 126, of the laws of 1897, and to prescribe the form and to define the effect of all such deeds and the title thereby conveyed.

Eleventh—

Senate bill No. 139,

A bill for an act to amend section 6615 of the Revised Codes of 1895 providing for the compensation of judges of county courts having increased jurisdiction.

Twelfth—

Senate bill No. 96,

A concurrent resolution to amend section 176 of the constitution of the state of North Dakota.

Thirteenth—

Senate bill No. 80,

A bill for an act fixing the salary of states attorney and assistant states attorney in the different counties and mode of determining the same.

Fourteenth—

Senate bill No. 104,

A bill for an act regulating the holding of caucuses and providing for a penalty for violation thereof.

Fifteenth—

Senate bill No. 147,

A bill for an act to regulate the payment to the state treasurer of state funds collected by or in the hands of county treasurers.

Sixteenth—

Senate bill No. 161,

A bill for an act to appropriate sufficient funds out of the general fund not otherwise appropriated to be used by the board of university, school and public lands for examining and clearing titles of lands which are now mortgaged to the state of North Dakota.

Seventeenth—

Senate bill No. 120,

A bill for an act providing for the assessment and taxation of grain in elevators, warehouses and grain houses, and providing for penalties for the violation of the provisions of the act.

As amended.

J. D. WALLACE,
G. W. WOLBERT,
R. N. STEVENS.

THIRD READING OF SENATE BILLS.

Senate bill No. 164,

A bill for an act amending sections 5, 6, 7, 8, 9, 10, 11, 13, 14, and 21 of chapter 112 of the laws of 1897 relating to opening and vacating highways, prescribing the duties of supervisors and county commissioners in relation thereto and regulating appeals from the awards thereof, and for the repeal of sections 1050 to 1075 both inclusive, of the Revised Codes of North Dakota.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 47, nays 1, absent and not voting 14.

Those voting in the affirmative were:

Messrs—

Aas
Allen
Berger
Brakke
Brotnov
Chacey
Deisem,
Dougherty
Dwire
Earl
Gilbertson
Glasgow
Green
Gronvold
Hale
Hare

Messrs—

Hauan
Herbrandson
Johnston, Walsh
Kennedy
Laughlin
Lee
Lynch,
McHarg
McLean
Michels
Miner
Nelson
Ovind
Peterson
Restemayer
Sanford

Messrs—

Sargent
Stevens
Swenson
Taylor
Thomas
Thomson
Thordarson
Tousley
Towle
Tuft
Wallace
Watts
Wolbert
Winslow
Mr. Speaker

Absent and not voting:

Messrs—

Allshouse
Bacon
Boyd
Cassell
Clarke

Messrs—

Engelter
Erickson
Ferris
Gulack,
Johnson, Richland

Messrs—

Lish
Peek
Stevenson
Ugland

Mr. Stewart voting in the negative.

So the bill passed and the title was agreed to.

Senate bill No. 171,

A bill for an act to provide for the execution of tax deeds for lands sold for delinquent taxes under the provisions of chapter 126, of the laws of 1897, and to prescribe the form and to define the effect of all such deeds and the title thereby conveyed.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 47, nays none, absent and not voting 15.

Those voting in the affirmative were:

| | | |
|-------------|--------------|--------------|
| Messrs— | Messrs— | Messrs— |
| Aas, | Hale, | Sargent, |
| Allen, | Hare, | Stevens, |
| Berger, | Hauan, | Stewart, |
| Brakke, | Herbrandson, | Swenson, |
| Brotnov, | Kennedy, | Stevenson, |
| Chacey, | Lee, | Taylor, |
| Clarke, | Lish, | Thomas, |
| Deisem, | Lynch, | Tousley, |
| Dougherty, | McHarg, | Towle, |
| Dwire, | McLean, | Tufte, |
| Engelter, | Michels, | Ugland, |
| Ferris, | Nelson, | Watts, |
| Gilbertson, | Ovind, | Wolbert, |
| Glasgow, | Peterson, | Winslow, |
| Green, | Restemayer, | Mr. Speaker, |
| Gronvold, | Sanford, | |

Absent and not voting:

| | | |
|------------|--------------------|-------------|
| Messrs— | Messrs— | Messrs— |
| Allshouse, | Erickson, | Miner, |
| Bacon, | Gulack, | Peek, |
| Boyd, | Johnson, Richland, | Thomson, |
| Cassell, | Johnston, Walsh, | Thordarson, |
| Earl, | Laughlin, | Wallace, |

So the bill passed and the title was agreed to.

The speaker resumed the chair.

Mr. Stevens moved

That the house do not concur in the senate amendments to House bill No. 90,

A bill for an act to repeal section 30 of the Revised Codes of 1895 of the state of North Dakota, relative to assistant legislative clerks and employes.

And that a committee of conference be appointed,

Which motion prevailed, and

The speaker appointed as a conference committee, Messrs. Tufte, Wolbert and Swenson.

Mr. Sargent moved

That the house concur in the senate amendment to the title of House bill No. 145,

A bill for an act to provide for the compensation of the state oil inspector and his deputies and to define the duties thereof.

Which motion prevailed and

The house did concur.

Senate bill No. 139,

A bill for an act to amend section 6615 of the Revised Codes of 1895 providing for the compensation of judges of county courts having increased jurisdiction.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 39, nays 12, absent and not voting 11.

Those voting in the affirmative were:

| | | |
|----------------|------------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Aas, | Glasgow, | Nelson, |
| Allen, | Green, | Ovind, |
| Berger, | Gronvold, | Peterson, |
| Brakke, | Hare, | Sanford, |
| Chacey, | Johnston, Walsh, | Sargent, |
| Clarke, | Kennedy, | Stevens, |
| Delsem, | Laughlin, | Stevenson, |
| Dougherty, | Lee, | Tousley, |
| Dwire, | Lish, | Towle, |
| Earl, | McHarg, | Wallace, |
| Engelter, | McLean, | Wolbert, |
| Ferris, | Michels, | Winslow, |
| Gilbertson, | Miner, | Mr. Speaker. |

Those voting in the negative were:

| | | |
|----------------|-------------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Allshouse, | Johnson, Richland | Thomas, |
| Brotnov, | Lynch, | Thomson, |
| Hauan, | Stewart, | Thordarson, |
| Herbrandson, | Taylor, | Watts, |

Absent and not voting:

| | | |
|----------------|----------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Bacon, | Gulack, | Tufte, |
| Boyd, | Hale, | Ugland, |
| Cassell, | Peek, | Swenson, |
| Erickson, | Restemayer, | |

So the bill passed and the title was agreed to.

REPORT OF SPECIAL COMMITTEE.

We, the sub-committee to whom was referred

Senate bill No. 96,

A concurrent resolution to amend section 176 of the constitution of the state of North Dakota.

Report as follows:

That all after the word "rate," in the fourth line from the end of said resolution, be stricken out.

HENRY HALE,
ORMSBY W. MCHARG.

Also,

J. D. WALLACE,
G. W. WOLBERT,
R. N. STEVENS,
Steering Committee.

Mr. Hale moved

To adopt the amendments to
Senate bill No. 96,

A concurrent resolution to amend section 176 of the constitution
of the state or North Dakota.

As made by the senate judiciary committee and as approved by
the house steering committee,
Which motion prevailed and
Senate bill No. 96,

A concurrent resolution to amend section 176 of the constitution
of the state or North Dakota.

Was so amended.

The speaker called Mr. McHarg to the chair.

Senate bill No. 96,

A concurrent resolution to amend section 176 of the constitution
of the state or North Dakota.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 44, nays 9, absent
and not voting 9.

Those voting in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,
Boyd,
Brotnov,
Clarke,
Deisem,
Dougherty,
Dwire,
Earl,
Engelter,
Erickson,
Gilbertson,
Glasgow,
Green,

Messrs—

Hare,
Johnson, Richland,
Kennedy,
Laughlin,
Lee,
Lish,
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Peterson,
Sanford,
Sargent,

Messrs—

Stevens,
Swenson,
Stevenson,
Thomas,
Thomson,
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Watts,
Wolbert,
Winslow,
Mr. Speaker,

Those voting in the negative were:

Messrs—

Berger,
Brakke,
Chacey,

Messrs—

Ferris,
Johnston, Walsh,
Ovind,

Messrs—

Stewart,
Taylor,
Thordarson

Absent and not voting:

Messrs—

Bacon,
Cassell,
Gronvold,

Messrs—

Gulack,
Hale,
Hauan,

Messrs—

Herbrandson,
Peek,
Restemayer,

So the bill as amended passed and the title was agreed to.

The speaker resumed the chair.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
March 3, 1899.

I have the honor to transmit herewith

House bill No. 90,

A bill for an act to repeal section 30 of the Revised Codes of 1895 of the state of North Dakota, relative to assistant legislative clerks and employes.

Which the senate has amended as follows:

By striking out the word "four" in line 30 of page 1 of engrossed bill and substituting therefor the word "five."

By striking out the word "two" on line 77 of page 2 of engrossed bill and substituting therefor the word "three."

And passed as amended.

Also,

House bill No. 145,

A bill for an act to provide for the compensation of the state oil inspector and his deputies and to define the duties thereof.

Which the senate has amended:

By adding to the title "by prescribing penalties for the violation thereof."

And passed as amended.

Also,

House bill No. 133,

A bill for an act to amend section 32 of chapter 126, session laws of 1897 relating to payment of district assessors.

Which the senate has passed unchanged.

J. O. SMITH,
Secretary.

The chief clerk announced that the speaker was about to sign

Senate bill No. 49,

A bill for an act to amend section 2869 of the civil code, providing for the secretary of state making record of, and certifying to the state examiner, when charter is granted to certain corporations.

Also,

Senate bill No. 145,

A bill for an act to amend section 1391, chapter 19, of the Revised Codes, of the state of North Dakota, relating to the annual encampment of the National Guard of the state of North Dakota.

Also,

Senate bill No. 78,

A bill for an act to amend sections 625, 707, 751 and 757 of the Revised Codes, as amended by chapter 75 of the laws of 1897, and sections 703, 704, 755, 868, 869, 870, 871, 872 and 873 of the Revised Codes, relating to education.

Also,

Senate bill No. 72,

A bill for an act to define and limit the officers before whom the proof or acknowledgment of certain instruments may be made, and the relationship which may exist between the parties to instruments, and officers taking the proof or acknowledgment of the same.

Also,

Senate bill No. 121,

A bill for an act relating to titles to real property.

Also,

Senate bill No. 153.

A bill for an act to amend section 1353 of the Revised Codes of the state of North Dakota, relating to adjustment of delinquent taxes due the state from counties and repealing section 1347 of said codes.

Also,

Senate bill No. 122,

A bill for an act to amend section 1538 of the Revised Codes of the state of North Dakota, relating to marks and brands.

Also,

Senate bill No. 142,

A bill for an act to legalize irregularities in the formation of school districts and to make valid the acts of the officials thereof.

Also,

Senate bill No. 91,

A bill for an act to amend section 6156 of the Revised Codes relating to custody of trespassing animals until damages are paid.

Also,

Senate bill No. 112,

A bill for an act to appropriate money to pay S. E. Olson Co. for furniture furnished for the capitol building during the year 1894.

Also,

Senate bill No. 101

A bill for an act legalizing the acts of officers and stockholders of corporations as notaries public in cases where the corporation is interested.

Also,

Senate bill No. 109,

A bill for an act to appropriate money to pay traveling expenses of the board of railroad commissioners and its secretary.

Also,

Senate bill No. 110,

A bill for an act to reimburse the county of Burleigh for expenses incurred in prosecuting W. H. Leonard for obtaining wolf bounty from the state treasury under false pretenses.

Also,

Senate bill No. 173,

A bill for an act entitled an act to amend section 404 of the Revised Codes of the state of North Dakota, approved February 24th, 1899, relating to the boundaries of the Second judicial district and fixing the terms of the court therein.

Also,

Senate bill No. 111,

A bill for an act to appropriate the sum of eight hundred dollars to pay C. A. Leck and H. P. Leck, composing the firm of Leck & Leck, for work and labor done and material furnished for the North Dakota Agricultural College at Fargo, North Dakota.

Also,

Senate bill No. 149,

A concurrent resolution relating to the hospital for the insane.

Also,

Senate bill No. 53,

A bill for an act to provide for the paying of the expenses incurred in the railroad rate case, and to refund money advanced by certain persons for the prosecution of said suit.

Also,

Senate bill No. 105,

A bill for an act relating to clerk hire in office of the commissioner of agriculture and labor.

Also,

Senate bill No. 123,

A bill for an act to amend section 1 of chapter 108 of the session laws of 1897 relating to labor of convicts.

Also,

Senate bill No. 179,

A joint resolution regulating the compensation of the doorkeepers, assistant sergeant-at-arms, janitors and watchmen of the Senate and House of Representatives.

THIRD READING OF SENATE BILLS.

Senate bill No. 80,

A bill for an act fixing the salary of states attorney and assistant states attorney in the different counties and mode of determining the same.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 44, nays 9, absent and not voting, 9.

Those voting in the affirmative were:

| | | |
|-------------|------------------|--------------|
| Messrs— | Messrs— | Messrs— |
| Aas, | Green, | Sargent, |
| Allen, | Gronvold, | Stevens, |
| Allshouse, | Hale, | Stewart, |
| Boyd, | Hare, | Stevenson, |
| Brakke, | Johnston, Walsh, | Taylor, |
| Chacey, | Kennedy, | Thomson, |
| Clarke, | Laughlin, | Thordarson, |
| Deisem, | Lee, | Tousley, |
| Dougherty, | Lish, | Ugland, |
| Dwire, | McHarg, | Wallace, |
| Earl, | McLean, | Watts, |
| Engelter, | Michels, | Wolbert, |
| Ferris, | Miner, | Winslow, |
| Gilbertson, | Restemayer, | Mr. Speaker, |
| Glasgow, | Sanford, | |

Those voting in the negative were:

| | | |
|--------------|--------------------|----------|
| Messrs— | Messrs— | Messrs— |
| Cassell, | Johnson, Richland, | Swenson, |
| Hauan, | Lynch, | Thomas, |
| Herbrandson, | Peterson, | Towle, |

Absent and not voting:

| | | |
|----------|-----------|---------|
| Messrs— | Messrs— | Messrs— |
| Bacon, | Erickson, | Ovind, |
| Berger, | Gulack, | Peek, |
| Brotnov, | Nelson, | Tufte, |

So the bill passed and the title was agreed to.

Mr. McHarg moved

That the vote by which all bills passed this morning be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

The house took an informal recess until 2 o'clock.

The house reassembled.

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

Whereas, This body has reason to highly appreciate the able and courteous manner in which its chief clerk, Mr. J. G. Hamilton; assistant clerks, Messrs. H. E. Lavayea, L. W. Schruth and E. E. Drake; chief en-

rolling and engrossing clerk, Mr. Wellington Irysh; bill clerk, Mr. C. I. Hutchinson; stenographer, Mrs. Mary H. Stevens; Journal clerk, Mr. Samuel C. Heist; and sergeant-at-arms, Mr. D. B. Wellman, have performed the duties of their respective positions; therefore,

Resolved, That we hereby express our sincere thanks to these persons for their courteous and efficient services, and that we present to each his chair as a token of our esteem and high appreciation; and

Further Resolved, That this body also extends thanks to the assistant enrolling and engrossing clerks, doorkeepers, janitors, postmaster, watchman and all other clerks and employes for the excellent and faithful service rendered by them.

Which motion prevailed, and

The resolution was adopted.

Mr. Sanford requested that the privileges of the floor be extended to Anton Fried.

Mr. Restemayer requested that the privileges of the floor be extended to Fred J. Farrow.

Mr. McHarg requested that the privileges of the floor be extended to Charles E. Conroy of Jamestown.

Mr. Lish requested that the privileges of the floor be extended to James Haskins and Mr. Vanderlass of Dickinson.

Mr. Wallace requested that the privileges of the floor be extended to F. Farrow.

There being no objections, the privileges of the floor were so extended.

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

Whereas, The hall of the house of representatives lacks proper acoustic arrangements;

Resolved, That the board of capitol control is hereby requested, so far as practicable under its appropriation, to include in the repairs upon the capitol building such changes as will result in the improvement of the acoustic properties of this hall.

Which motion prevailed, and

The resolution was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER.

March 3, 1899.

Mr. Speaker:

I have the honor to transmit herewith

House bill No. 217,

A bill for an act to prevent the befouling of wells and providing a penalty therefor.

Which failed of passage on third reading.

Also,

House bill No. 162,

A bill for an act to amend section 1168 of the Revised Codes of North Dakota, relating to ferries.

Also,

House bill No. 74,

A bill for an act to amend section sixty of the Revised Codes of 1895, relating to printing of session laws.

Which the senate has passed unchanged.

Very respectfully yours,

J. O. SMITH,

Secretary.

Mr. Johnson called for the adoption of the resolution offered by Mr. Wolbert.

The chair ruled the motion to be out of order.

REPORT FROM THE STEERING COMMITTEE.

To the Hon. Speaker and Members of the House. Gentlemen:

We request that all house bills that are amended in the senate, shall be acted upon as soon as messaged to the house, the amendments concurred in, and final vote taken on the bills as amended at once, or a conference committee appointed.

Very respectfully

J. D. WALLACE,

G. W. WOLBERT,

R. N. STEVENS.

Mr. Allen moved

The adoption of the report made by the steering committee,

Which motion prevailed, and

The report was adopted.

REPORTS OF STANDING COMMITTEES.

The committee on enrolled bills made the following report:

Mr. Speaker:

Your committee on enrolled bills have examined

House bill No. 148,

A bill for an act to amend section 2669 of the Revised Codes of North Dakota, 1895, relating to township road tax and road work.

Also,

House bill No. 175,

A bill for an act to settle disputes as to county boundaries and to confirm the acts of officials in counties that have exercised jurisdiction over territory not clearly within county boundaries.

Also,

House bill No. 154,

A bill for an act to amend section 2655 of the Revised Codes, 1895, relating to pounds and poundmasters.

And find the same correctly enrolled.

M. B. CASSELL,

Chairman.

The chief clerk announced that the speaker was about to sign Senate bill No. 117,

A bill for an act relating to the protection of game and fish; the appointment of a state game warden; the issuing of permits to hunt; the disposition of money received from the sale of permits and enacting other provisions relating thereto and providing penalties for violations thereof.

Also,

Senate bill No. 10,

A bill for an act to amend sections 1 and 2, of chapter 57 of the laws of 1897, providing a bounty on certain stock-destroying animals.

Also,

Senate bill No. 103,

A bill for an act to provide necessary assistance in the department of the state examiner.

Also,

Senate bill No. 102,

A bill for an act providing that the provisions of the act entitled "an act to amend section 2755 of the Revised Codes of North Dakota relating to dissolution of marriage," shall not apply to any action in which the complaint shall have been filed in the office of the clerk of the district court prior to July 1st, 1899.

Also,

Senate bill No. 156,

A bill for an act to amend sections 607 and 621 of article 15, chapter 8 of the Revised Codes of 1895, relating to elections.

Also,

Senate bill No. 126,

A bill for an act relating to physical culture as a regular branch of instruction in the public schools of the state and educational institutions receiving aid from the state.

Also,

Senate bill No. 174,

A bill for an act authorizing, empowering and directing the governor and secretary of state to grant and convey unto the

university of the state of North Dakota a certain tract of land, and authorizing the trustees of the university to negotiate the exchange of a portion thereof.

Also,

Senate bill No. 180,

Concurrent resolution providing a contingent fund for the first North Dakota volunteers.

Also,

House bill No. 148,

A bill for an act to amend section 2669 of the Revised Codes of North Dakota, 1895, relating to township road tax and road work.

Also,

House bill No. 154,

A bill for an act to amend section 2655 of the Revised Codes, 1895, relating to pounds and poundmasters.

Also,

House bill No. 175,

A bill for an act to settle disputes as to county boundaries and to confirm the acts of officials in counties that have exercised jurisdiction over territory not clearly within county boundaries.

The committee on enrolled bills made the following report:

Mr. Speaker:

Your committee on enrolled bills have examined

House bill No. 205,

A bill for an act amending section 46 of chapter 126 of the law of 1897 relating to revenue and taxation.

Also,

House bill No. 214,

A bill for an act to provide for the appointment of a conservator for drunkards and spendthrifts and defining their powers and duties.

Also,

House bill No. 96,

A bill for an act for the purpose of authorizing the commissioner of university and school lands to lease cultivated land to clear the same of noxious weeds.

Also,

House bill No. 190,

A bill for an act to amend section 1807 of the Revised Codes of 1895, relating to printing.

Also,

House bill No. 57,

A bill for an act to amend section 7 of chapter 37 of the laws of 1897 providing for special tax for payment of wolf bounties.

And find the same correctly enrolled.

M. B. CASSELL,
Chairman.

The chief clerk announced that the speaker was about to sign House bill No. 57,

A bill for an act to amend section 7 of chapter 37 of the laws of 1897 providing for special tax for payment of wolf bounties

Also,

House bill No. 96,

A bill for an act for the purpose of authorizing the commissioner of university and school lands to lease cultivated land to clear the same of noxious weeds.

Also,

House bill No. 205,

A bill for an act amending section 46 of chapter 126 of the law of 1897 relating to revenue and taxation.

Also,

House bill No. 190,

A bill for an act to amend section 1807 of the Revised Codes of 1895, relating to printing.

Also,

House bill No. 214,

A bill for an act to provide for the appointment of a conservator for drunkards and spendthrifts and defining their powers and duties.

Mr. Hale moved

That the house concur in the following senate amendments to House bill No. 8,

A bill for an act to repeal chapter 53 of session laws of 1897, and sections 4816, 4817, 4818 and 4819 of the Revised Codes of North Dakota relating to liens for sires.

In lines 3 and 4, section 2, of the printed bill, strike out the words "and a copy issued by him shall be filed," and insert in lieu thereof the words "who shall file a copy of such certificate."

In line 5, section 2, strike out the word "such" and insert in lieu thereof the word "and."

Also, after the word "copies," in line 5, insert the words, "of such certificate."

Which motion prevailed, and

House bill No. 8.

A bill for an act to repeal chapter 53 of session laws of 1897, and sections 4816, 4817, 4818 and 4819 of the Revised Codes of North Dakota relating to liens for sires.

Was so amended.

House bill No. 8,

A bill for an act to repeal chapter 53 of session laws of 1897, and sections 4816, 4817, 4818 and 4819 of the Revised Codes of North Dakota relating to liens for sires.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 56, nays 1, absent and not voting 5.

Those voting in the affirmative were:

Messrs—

Allen,
Allshouse,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Delsem,
Dougherty,
Dwire,
Earl,
Engelter,
Erickson,
Ferris,
Gilbertson,
Glasgow,

Messrs—

Green,
Gronvold,
Hale,
Hare,
Hauan,
Herbrandson,
Johnston, Walsh,
Laughlin,
Lee,
Lish,
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Ovind,
Peterson,
Restemayer,

Messrs—

Sanford,
Sargent,
Stevens,
Stewart,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson,
Tousley,
Towle,
Tufta,
Ugland,
Wallace,
Watts,
Wolbert,
Winslow,
Mr. Speaker.

Absent and not voting:

Messrs—

Aas,
Gulack,

Messrs—

Kennedy,
Peek,

Messrs—

Swenson,

Mr. Johnson of Richland voting in the negative.

So the bill as amended passed and the title was agreed to.

Mr. Laughlin moved

That the house concur in the following senate amendment to House bill No. 132,

A bill for an act amending section 2540 of chapter 31 of the Revised Codes of North Dakota, relating to annual township meetings.

“That the emergency clause be stricken out.”

Which motion prevailed, and

The house concurred in the amendment.

House bill No. 132,

A bill for an act amending section 2540 of chapter 31 of the Revised Codes of North Dakota, relating to annual township meetings.

Was read the third time.

The question being upon the final passage of the bill as amended

The roll was called and there were ayes 59, nays 1, absent and not voting 2.

Those voting in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Delsem,
Dougherty,
Dwire,
Earl,
Engelter,
Erickson,
Ferris,
Gilbertson,
Glasgow,

Messrs—

Green,
Gronvold,
Hale,
Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish
McHarg,
McLean,
Michels,
Miner,
Nelson,
Ovind,
Peterson,
Restemayer.

Messrs—

Sanford,
Sargent,
Stevens,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Watts,
Wolbert,
Winslow,
Mr. Speaker.

Mr. Lynch voted in the negative.

Absent and not voting, Messrs. Gulack and Peek.

So the bill as amended passed and the title was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,

March 3, 1899.

Mr. Speaker:

I have the honor to inform you that in messaging to the house
House bill No. 38,

A bill for an act to provide an annual contingency fund, to be placed at the disposal of the governor.

The senate omitted to inform the house that the senate had adopted the following amendment:

Section 1, line 11, strike out the words "two thousand" and insert in lieu thereof the words "five hundred."

And the senate now requests the house to concur in the same.

J. O. SMITH,
Secretary.

Mr. Earl moved

That the house concur in following senate amendments to House bill No. 38,

A bill for an act to provide an annual contingency fund, to be placed at the disposal of the governor.

Section 1, line 11, strike out the words "two thousand" and insert in lieu thereof the words "five hundred."

In line 4, of section 1, of the printed bill, strike out the words "two thousand" and insert in lieu thereof the words "five hundred."

Which motion prevailed, and
The house so concurred.

House bill No. 38,

A bill for an act to provide an annual contingency fund, to be placed at the disposal of the governor.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 59, nays none, absent and not voting 3.

Those voting in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Deisem,
Dougherty,
Dwire,
Earl,
Engelter,
Erickson,
Ferris,
Gilbertson,
Glasgow,

Messrs—

Green,
Gronvold,
Hale,
Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish,
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Ovind,
Peterson,

Messrs—

Restemayer,
Sanford,
Sargent,
Stevens,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Watts,
Wolbert,
Winslow,
Mr. Speaker,

Absent and not voting:

Messrs—

Gulack,

Messrs—

Peek,

Messrs—

Thordarson

So the bill as amended passed and the title was agreed to.

Mr. Sargent moved

That the house concur in the following senate amendment to House bill No. 31,

A bill for an act to promote immigration.

In line 1, of section 1, of the printed bill, strike out the words "one thousand" and insert in lieu thereof the words "five hundred."

Which motion prevailed, and

The house so concurred.

House bill No. 31,

A bill for an act to promote immigration.

Was read the third time.

The question being upon the final passage of the bill as amended

The roll was called and there were ayes 60, nays none; absent and not voting 2.

These voting in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Deisem,
Dougherty,
Dwire,
Earl,
Engelter,
Erickson,
Ferris,
Gilbertson,
Glasgow,

Messrs—

Green,
Gronvold,
Hale,
Hare,
Hauan,
Herbrandson,
Johnston, Walsh,
Johnson, Richland,
Kennedy,
Laughlin,
Lee,
Lish,
Lynch,
McHarg,
McLean,
Michels,
Peterson,
Ovind,
Nelson,
Miner;

Messrs—

Restemayer,
Sanford,
Sargent,
Stevens,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson,
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Watts,
Wolbert,
Winslow,
Mr. Speaker.

Absent and not voting, Messrs. Gulack and Peek.

So the bill as amended passed and the title was agreed to.

House bill No. 117,

A bill for an act to amend chapters 67 and 68 of the penal code of the revised codes of North Dakota, relating to adulterated dairy products, and selling adulterated and unwholesome food or medicine, and to create a deputy commissioner of agriculture with certain duties in connection therewith, and fixing his salary.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 58, nays none, absent and not voting 4.

Those voting in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Deisem,
Dougherty,
Dwire,
Earl,
Engelter,
Ferris,
Gilbertson,
Glasgow,
Green,

Messrs—

Gronvold,
Hale,
Hare,
Hauan,
Herbrandson,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish,
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Ovind,
Peterson,
Restemayer,

Messrs—

Sanford,
Sargent,
Stevens,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson,
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Watts,
Wolbert,
Winslow,
Mr. Speaker,

Absent and not voting:

Messrs—

Erickson,
Gulack,

Messrs—

Johnson, Richland,

Messrs—

Peek,

So the bill as amended passed and the title was agreed to.

Mr. Wallace moved

That the house concur in the following senate amendment to
Substitute for House bill No. 91,

A bill for an act to amend section 2068 of the Revised Codes of the state of North Dakota, providing for the salary of county judges.

By striking out all of section 1 of said bill after the word "dollars," followed by a semicolon in line 4 of the printed bill and inserting in lieu thereof as follows: "Over five hundred thousand and under one million five hundred thousand dollars, four hundred dollars; over one million five hundred thousand and under two million dollars, five hundred dollars; over two million dollars and under two million five hundred thousand dollars, seven hundred dollars; over two million five hundred thousand dollars and under four million five hundred thousand dollars, one thousand dollars; over four million five hundred thousand dollars and under seven million dollars, fourteen hundred dollars; over seven million dollars and under eight million dollars, fifteen hundred dollars, and in all counties having a valuation over eight million dollars, eighteen hundred dollars, and no more for his personal services; provided, that the salary of county judge in counties having increased jurisdiction shall not be affected by the provisions of this act."

Which motion prevailed, and

The house so concurred.

Substitute for House bill No. 91,

A bill for an act to amend section 2068 of the Revised Codes of the state of North Dakota, providing for the salary of county judges.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 51, nays none, absent and not voting 11.

Those voting in the affirmative were:

Messrs—

Aas,
Allshouse,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,
Chacey,
Clarke,
Deisem,
Dougherty,
Dwire,
Earl,
Engelter,
Erickson,
Ferris,
Gilbertson,

Messrs—

Green,
Gronvold,
Hale,
Hare,
Hauan,
Herbrandson,
Johnston, Walsh,
Kennedy,
Lee,
Lish,
Lynch,
McLean,
Michels,
Miner,
Ovind,
Peterson,
Restemayer,

Messrs—

Sargent,
Stevens,
Stewart,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson,
Tousley,
Towle,
Tufta,
Ugland,
Wallace,
Watts,
Wolbert,
Winslow,
Mr. Speaker.

Absent and not voting:

Messrs—

Allen,
Cassell,
Glasgow,
Gulack,

Messrs—

Johnson, Richland,
Laughlin,
McHarg,
Nelson,

Messrs—

Peek,
Sanford,
Swenson,

So the bill as amended passed and the title was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
March 3, 1899.

Mr. Speaker

I am requested to ask the house for the return of
Substitute for House bill No. 90,

A bill for an act to amend sections 28 and 29 and to repeal
section 30 of the Revised Codes of 1895. relating to legislative
officers and employes.

To the senate.

Very respectfully yours,

J. O. SMITH,
Secretary.

Mr. Wallace moved

That the request of the senate for the return of

Substitute for House bill No. 90,

A bill for an act to amend sections 28 and 29 and to repeal section 30 of the Revised Codes of 1895, relating to legislative officers and employes.

Be granted,
Which motion prevailed.

Mr. McHarg moved

That the house concur in the following senate amendment to House bill No. 145,

A bill for an act to provide for the compensation of the state oil inspector and his deputies and to define the duties thereof.

Amend by adding to the title "by prescribing penalty for the violation thereof."

Which motion prevailed and
And the house so concurred.

House bill No. 145,

A bill for an act to provide for the compensation of the state oil inspector and his deputies and to define the duties thereof, by prescribing penalty for the violation thereof.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 57, nays none, absent and not voting 5.

Those voting in the affirmative were:

Messrs—

Aas,
Allen,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,
Chacey,
Deisem,
Dougherty,
Dwire,
Earl,
Engelter,
Erickson,
Ferris,
Gilbertson,
Glasgow,
Green,
Gronvold,

Messrs—

Hale,
Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish,
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Ovind,
Peterson,
Restemayer,

Messrs—

Sanford,
Sargent,
Stevens,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson,
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Watts,
Wolbert,
Winslow,
Mr. Speaker.

Absent and not voting:

Messrs—

Allhouse,
Cassell,

Messrs—

Clarke,
Gulack,

Messrs—

Peek,

So the bill as amended passed and the title was agreed to.

Mr. McHarg moved

That the house concur in the following senate amendments to Substitute for House bill No. 88.

A bill for an act to amend section 2075 of the Revised Codes of the state of North Dakota, providing for the salary of register of deeds.

Amend title by adding thereto the words "and to repeal section 2077 of said Revised Codes."

After the words "Section 1," insert: "That section 2075 of the Revised Codes of the state of North Dakota be and the same is hereby amended to read as follows:

"Section 2075." In line 1, of section 2, strike out "sections 2075 and" and insert in lieu thereof the word "section."

Also, by striking out all of section 3.

Which motion prevailed, and

The house so concurred.

Substitute for House bill No. 88.

A bill for an act to amend section 2075 of the Revised Codes of the state of North Dakota, providing for the salary of register of deeds, and to repeal section 2077 of said Revised Codes.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 55, nays none, absent and not voting 7.

Those voting in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,
Chacey,
Clarke,
Delsam,
Dougherty,
Dwire,
Earl,
Engelter,
Erickson,
Gilbertson,
Glasgow,
Green,

Messrs—

Gronvold,
Hauan,
Herbrandson,
Johnson, Richland
Johnston, Walsh,
Kennedy,
Lee,
Lish
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Ovind,
Peterson,
Restemayer,
Sanford,
Sargent,

Messrs—

Stevens,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Watus,
Wolbert,
Winslow,
Mr. Speaker,

Absent and not voting:

Messrs—

Cassell,
Ferris,
Gulack.

Messrs—

Hale,
Hare,

Messrs—

Laughlin,
Peek,

01110

So the bill as amended passed and the title was agreed to.

Mr. Deisem moved

That the house concur in the following senate amendments to House bill No. 50,

A bill for an act to amend section 5230 of the Revised Codes of North Dakota relating to who may be made parties defendant in actions to quiet title to real property.

In line 10, of the printed bill, strike out all after the word "action" and ending with the word "heirs" in line 11 thereof.

In line 27, of the printed bill, insert after the word "summons" and before the word "provided," as follows, viz: "And a copy of said notice of lis pendens be printed and published with said summons," and following next thereafter in the columns of the newspaper wherein said summons is printed and published:

By adding section 2 as follows:

"Sec. 2. That when the heirs of a deceased person are proper parties defendant to any action relating to real property in this state, and when the names and residences of such heirs are unknown, such heirs may be proceeded against under the name and title of 'the unknown heirs' of the deceased. Upon presenting an affidavit to the court or judge, showing to his satisfaction that the heirs of such deceased person are proper parties to the action, and that their names and residences cannot, with use of reasonable diligence, be ascertained, such court or judge, may grant an order that service of the summons in such action be made on such 'unknown heirs' by publication thereof in the same manner as in actions against non-resident defendants. Any order, judgment or decree made or rendered in any such case, shall be valid and binding on such unknown heirs, whether they be of age or minors. Such heirs may, on application to the court, and on sufficient cause shown, be allowed to defend such action, at any time within one year after the rendition of judgment thereon; provided, that if it shall appear that such heirs were minors at the time such judgment was rendered, they may be allowed to defend the action at any time within two years from the day of their becoming of age.

Sec. 3. Emergency.) Whereas, an emergency exists in that there is no law in force covering the subject matter of the foregoing enactment, therefore, this act shall take effect and be in force from and after its passage and approval.

Which motion prevailed, and

The house so concurred.

House bill No. 50,

A bill for an act to amend section 5230 of the Revised Codes of North Dakota relating to who may be made parties defendant in actions to quiet title to real property.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 53, nays none, absent and not voting 9.

Those who voted in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,

Messrs—

Green,
Gronvold,
Hale,

Messrs—

Sanford,
Stevens,
Stewart,

Messrs—

Bacon,
Berger,
Boyd,
Brakke,
Chacey,
Clarke,
Deisem,
Dougherty,
Dwire,
Earl,
Engelter,
Erickson,
Ferris,
Gilbertson,
Glasgow,

Messrs—

Hare,
Hauan,
Herbrandson,
Kennedy,
Laughlin,
Lish
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Ovind,
Peterson,
Restemayer,

Messrs—

Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Watts,
Winslow,
Mr. Speaker.

Absent and not voting:

Messrs—

Brotnov,
Cassell,
Gulack,

Messrs—

Johnson, Richland,
Johnston. Walsh,
Lee,

Messrs—

Peek,
Sargent,
Wolbert,

So the bill as amended passed and the title was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
March 3, 1899.

Mr. Speaker:

I have the honor to transmit herewith

Substitute for House bill No. 90,

A bill for an act to amend sections 28 and 29 and to repeal section 30 of the Revised Codes of 1895, relating to legislative officers and employes.

Which the senate has reconsidered and amended as follows:

By striking out the word "four" in line 22, of page 3, of engrossed bill, and insert in lieu thereof the word "five."

Also, by striking out the word "two" in line 31, of page 3, of engrossed bill, and insert in lieu thereof the word "three."

And passed as amended.

Also,

I have the honor to return herewith

House bill No. 42,

A bill for an act fixing the liability of railroad companies and corporations owning and operating a railroad for injuries sustained by its employes from the negligent acts of co-employes.

Which the senate has amended as follows:

Section 1, line 2, of the printed bill, after the word "thereof" insert the following: "While engaged in switching, or in the operation of trains."

Also, add to line 6, the following: "In actions brought under the provisions of this act, if the jury find for the plaintiff they shall specify in their verdict the name or names of the employe or employes guilty of the negligent act complained of."

And passed as amended.

Very respectfully yours,

J. O. SMITH,

Secretary.

Mr. Tufte moved

That the house concur in the following senate amendments to Substitute for House bill No. 90,

A bill for an act to amend sections 28 and 29 and to repeal section 30 of the Revised Codes of 1895, relating to legislative officers and employes.

By striking out the word "four" in line 22, of page 3, of engrossed bill, and insert in lieu thereof the word "five."

Also, by striking out the word "two" in line 31, of page 3, of engrossed bill, and insert in lieu thereof the word "three."

Which motion prevailed, and

The house so concurred.

Mr. Stevens moved

That the house proceed with the regular order, and the special order for 3 o'clock p. m. be deferred until later.

Which motion prevailed,

Substitute for House bill No. 90,

A bill for an act to repeal Sec. 30 of the Revised Codes of 1895, of the state of North Dakota, relative to assistant legislative clerks and employes.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 55; nays none, absent and not voting 7.

Those voting in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,
Chacey,
Clarke,
Delsam,
Dougherty,
Dwire,
Earl,

Messrs—

Gronvold,
Hale,
Hare,
Hanan,
Herbrandson,
Johnston, Walsh,
Kennedy,
Lee,
Lish,
Lynch,
McHarg,
McLean,
Michels,
Nelson,

Messrs—

Sargent,
Stevens,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson,
Tousley,
Towle,
Tufte,
Ugland,
Wallace,

Messrs—
Engelter,
Erickson,
Gilbertson,
Glasgow,
Green,

Messrs—
Ovind,
Peterson,
Restemayer,
Sanford,

Messrs—
Watts,
Wolbert,
Winslow,
Mr. Speaker,

Absent and not voting:

Messrs—
Cassell,
Ferris,
Gulack,

Messrs—
Johnson, Richland,
Laughlin,

Messrs—
Miner,
Peek,

So the bill as amended passed and the title was agreed to.

Mr. Allen moved

That the house concur in the following senate amendment to House bill No. 42,

A bill for an act fixing the liability of railroad companies and corporations owning and operating a railroad for injuries sustained by its employes from the negligent acts of co-employes.

Section 1, line 2, of the printed bill, after the word "thereof" insert the following: "While engaged in switching or in the operation of trains."

Also, add to line 6 the following: "In actions brought under the provisions of this act, if the jury find for the plaintiff they shall specify in their verdict the name or names of the employe or employes guilty of the negligent act complained of."

Which motion prevailed and

The house so concurred.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
March 3, 1899.

Mr. Speaker:

I have the honor to transmit herewith House bill No. 177,

A bill for an act to amend section 3067 of the Revised Codes of 1895, providing for the constructing and maintaining of a Y and other tracks to connect railroad lines, defining the duties of railroad commissioners in relation thereto and prescribing the manner of enforcing the orders of such commissioners by proper courts.

Which the senate has amended as follows:

By adding to section 1, line 4, printed bill, after the word "state" insert the words "on the same grade."

And passed as amended.

J. O. SMITH,
Secretary.

Mr. Towle moved

That the house concur in the following senate amendment to House bill No. 177,

A bill for an act to amend section 3067 of the Revised Codes of 1895; providing for the constructing and maintaining of a Y and other tracks to connect railroad lines, defining the duties of railroad commissioners in relation thereto and prescribing the manner of enforcing the orders of such commissioners by proper courts.

Section 1, line 4, printed bill, after the word "state" insert the words "on the same grade."

Which motion prevailed, and

The house so concurred.

House bill No. 42,

A bill for an act fixing the liability of railroad companies and corporations owning and operating a railroad for injuries sustained by its employes from the negligent acts of co-employes.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 53, nays 2, absent and not voting 7.

Those who voted in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,
Chacey,
Clarke,
Deisem,
Dwire,
Earl,
Engelter,
Ferris,
Gilbertson,
Glasgow,
Green,

Messrs—

Gronvold,
Hale,
Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish,
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Ovind,

Messrs—

Restemayer,
Sanford,
Sargent,
Stevens,
Stewart,
Swenson,
Stevenson,
Thomson,
Thordarson,
Tousley,
Towle,
Tufte,
Wallace,
Watts,
Wolbert,
Winslow,
Mr. Speaker,

Absent and not voting:

Messrs—

Cassell,
Dougherty,
Erickson,

Messrs—

Gulack,
Peek,

Messrs—

Peterson,
Ugland,

Messrs. Taylor and Thomas voting in the negative.

So the bill as amended passed and the title was agreed to.

Mr. McHarg moved

That the vote by which all bills passed today be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The speaker called Mr. McHarg to the chair.

House bill No. 177,

A bill for an act to amend section 3067 of the Revised Codes of 1895, providing for the constructing and maintaining of a Y and other tracks to connect railroad lines, defining the duties of railroad commissioners in relation thereto and prescribing the manner of enforcing the orders of such commissioners by proper courts.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 51, nays none, absent and not voting 11.

Those voting in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,
Chacey,
Clarke,
Deisem,
Dougherty,
Dwire,
Earl,
Engelter,
Erickson,
Ferris,

Messrs—

Gilbertson,
Glasgow,
Green,
Gronvold,
Hale,
Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Lee,
Lynch,
McHarg,
McLean,
Michels,
Nelson,

Messrs—

Ovind,
Restemayer,
Sanford,
Stevens,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson
Tousley,
Towle,
Tuftle,
Wallace,
Watts,
Mr. Speaker,

Absent and not voting:

Messrs—

Cassell,
Gulack,
Laughlin,
Lish

Messrs—

Miner,
Peek,
Peterson,
Sargent,

Messrs—

Ugland,
Wolbert,
Winslow,

So the bill as amended passed and the title was agreed to.

Mr. Stevens called for the special order which was previously set for 3 o'clock.

SPECIAL ORDER.

Mr. Earl moved

The adoption of the report of the investigating committee in the Glaspell matter,

Which motion prevailed and

The report was adopted.

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

Whereas, this house did on the 9th day of February, 1899, last, in open session, receive a petition from Judge S. L. Glaspell of the Fifth Judicial district, requesting this body to investigate as to the truthfulness or falsity of certain newspaper charges, referring to him; and

Whereas, this body did on the 9th day of February, 1899, grant the prayer of said petitioner and has on this 3d day of March, 1899, considered the report of said committee; and

Whereas, said report comprises all the testimony taken by said committee, and after full and careful consideration of the subject matter, this house concludes—

First. That the special committee under the authority given it has properly performed its duty.

Second. That this body does not consider impeachment proceedings on the evidence adduced either wise or justifiable. It does not believe that impeachment proceedings should be based upon mere newspaper criticism of official acts, and in the absence of regularly filed charges, as contemplated by the constitution in impeachment proceedings, this house hereby dismisses this matter and expresses regret that the persistence of the petitioner should have resulted in any action whatever on the part of this body.

Which motion prevailed, and

The resolution was adopted.

The speaker announced an informal recess of ten minutes.

House reassembled.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,

March 3, 1899.

Mr. Speaker:

I have the honor to return herewith

House bill No. 156,

A bill for an act requiring butchers killing branded cattle to keep a certain record pertaining thereto, make report thereof to the secretary of state and prescribing penalties for the violation thereof.

Which the senate has passed unchanged.

Very respectfully yours,

J. O. SMITH,

Secretary.

Mr. Winslow moved

That the further consideration of

Senate bill No. 104,

A bill for an act regulating the holding of caucuses and providing for a penalty for violation thereof.

Be indefinitely postponed.

Roll call demanded.

The roll was called and there were ayes 21, nays 33, absent and not voting 8.

Those who voted in the affirmative were:

Messrs—

Aas,
Brotnov,
Cassell,
Clarke,
Engelter,
Erickson,
Ferris,

Messrs—

Hauan,
Johnson, Richland,
Johnston, Walsh,
Michels,
Nelson,
Ovind,
Restemayer,

Messrs—

Swenson,
Thomson,
Thordarson
Towle,
Tufta,
Wallace,
Winslow,

Those voting in the negative were:

Messrs—

Allen,
Allshouse,
Bacon,
Chacey,
Deisem,
Dougherty,
Dwire,
Earl,
Gilbertson,
Glasgow,
Green,

Messrs—

Hale,
Hare,
Herbrandson,
Kennedy,
Laughlin,
Lish,
Lynch,
McHarg,
McLean,
Miner,
Peterson,

Messrs—

Sanford,
Sargent,
Stevens,
Stewart,
Stevenson,
Taylor,
Thomas,
Tousley,
Ugland,
Watts,
Mr. Speaker,

Absent and not voting:

Messrs—

Berger,
Boyd,
Brakke,

Messrs—

Gronvold,
Gulack,
Lee,

Messrs—

Peek,
Wolbert,

So the motion was lost.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

Mr. Speaker:

The senate requests the return of
House bill No. 156,

A bill for an act requiring butchers killing branded cattle to keep a certain record pertaining thereto, make report thereof to the secretary of state and prescribing penalties for the violation thereof.

Also, desires to inform the house that it has passed, unchanged.

Also,

House bill No. 107,

A bill for an act entitled an act to amend section 6847 of chapter 4 of the penal code of the state of North Dakota, relating to the punishment of Sabbath breaking.

Very respectfully yours,

J. O. SMITH,

Secretary.

Mr. Stevens moved

That the request of the senate for the return of
House bill No. 156,

A bill for an act requiring butchers killing branded cattle to keep a certain record pertaining thereto, make report thereof to the secretary of state and prescribing penalties for the violation thereof.

Be not granted.

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the senate.

SENATE CHAMBER,

March 3, 1899.

Mr. Speaker:

I have been requested by the senate to inquire of the house the reasons for noncompliance of the request of the senate for the return of

House bill No. 156,

A bill for an act requiring butchers killing branded cattle to keep a certain record pertaining thereto, make report thereof to the secretary of state and prescribing penalties for the violation thereof.

Also,

If the house has suspended joint rule No. 14.

Very respectfully yours,

J. O. SMITH,

Secretary.

Senate bill No. 104,

A bill for an act regulating the holding of caucuses and providing for a penalty for violation thereof.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 35, nays 23, absent and not voting 4.

Those voting in the affirmative were:

Messrs—

Allen,
Allshouse,
Bacon,
Boyd,
Brakke,
Cassell,
Chacey,
Clarke,
Deisem,

Messrs—

Glasgow,
Green,
Hale,
Hare,
Kennedy,
Laughlin,
Lish,
Lynch,
McHarg,

Messrs—

Sanford,
Sargent,
Stevens,
Stewart,
Stevenson,
Taylor,
Thomas,
Thomson,
Tousley,

Messrs—

Dwire,
Earl,
Engelter,

Messrs—

McLean,
Miner,
Peterson,

Messrs—

Ugland,
Mr. Speaker.

Those voting in the negative were:

Messrs—

Aas,
Berger,
Brotnov,
Erickson,
Ferris,
Gilbertson,
Gronvold,
Hauan,

Messrs—

Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Lee,
Michels,
Nelson,
Ovind,
Restemayer,

Messrs—

Swenson,
Thordarson
Towle,
Tufte,
Wallace,
Watts,
Winslow,

Absent and not voting:

Messrs—

Dougherty,
Gulack,

Messrs—

Peek.

Messrs—

Wolbert,

So the bill passed and the title was agreed to.

REPORTS OF STANDING COMMITTEES.

The committee on enrolled bills made the following report:

Mr. Speaker:Your committee on enrolled bills have examined
House bill No. 21,A bill for an act relating to negotiable instruments and provid-
ing for their interpretation, utterance, collection and construction.

Also,

Substitute for house bill No. 119,

A bill for an act to amend sections 1906 and 1925 of the Revised
Codes of North Dakota relating to the powers of the board of
county commissioners in the furnishing of blanks, books, and other
stationery for the use of county officers.

Also,

House bill No. 143,

A bill for an act to amend section 696 of article 6 of chapter
9 entitled, "education" of the Revised Codes of North Dakota, of
1895.

Also,

House bill No. 140,

A bill for an act entitled "an act to prevent the adulteration
of, and deception in the manufacture and sale of, flaxseed or
linseed oil."

Also,

House bill No. 24,

A bill for an act to amend section 2464 of the Revised Codes
relating to volunteer firemen associations.

Also,

House bill No. 7,

A bill for an act to amend sections 2737 and 2743 of the Revised Codes, relating to the cause for divorce and duration thereof.

Also,

House bill No. 74,

A bill for an act to amend section sixty of the Revised Codes of 1895, relating to printing of session laws.

Also,

House bill No. 133,

A bill for an act to amend section 32 of chapter 126, session laws of 1897, relating to revenue and taxation.

And find the same correctly enrolled.

M. B. CASSELL,

Chairman.

The chief clerk announced that the speaker was about to sign

Senate bill No. 80,

A bill for an act fixing the salary of states attorney and assistant states attorney in the different counties and mode of determining the same.

Also,

Senate bill No. 96,

A concurrent resolution to amend section 176 of the constitution of the state of North Dakota.

Also,

Senate bill No. 139,

A bill for an act to amend section 6615 of the Revised Codes of 1895 providing for the compensation of judges of county courts having increased jurisdiction.

Also,

Senate bill No. 140,

A bill for an act to prescribe certain powers, duties and compensation of the state fish commissioner of North Dakota, and to appoint deputy fish wardens, and to prescribe their powers, duties and compensation, and to amend section 7682 of the Revised Codes of 1895, relating to seines and nets to be destroyed.

Also,

Senate bill No. 159,

A bill for an act to amend sections 2148 and 2321 of the Revised Codes of North Dakota relating to the incorporation and government of cities, and especially relating to the issuing of bonds by cities, as said sections have already been amended by the provisions

of chapter 102 of the laws of 1897, and also to amend section 2309 of said Revised Codes relating to the manner and form of issuing bonds.

Also,

House bill No. 21,

A bill for an act relating to negotiable instruments and providing for their interpretation, utterance, collection and construction.

Also,

House bill No. 24,

A bill for an act to amend section 2464 of the Revised Codes.

Also,

Substitute for house bill No. 119,

A bill for an act to amend sections 1906 and 1925 of the Revised Codes of North Dakota relating to the powers of the board of county commissioners in the furnishing of blanks, books, and other stationery for the use of county officers.

Also,

House bill No. 143,

A bill for an act to amend section 696 of article 6 of chapter 9 entitled, "education" of the Revised Codes of North Dakota, of 1895.

Also,

House bill No. 140,

A bill for an act entitled "an act to prevent the adulteration of, and deception in the manufacture and sale of, flaxseed or linseed oil."

THIRD READING OF SENATE BILLS.

Senate bill No. 147,

A bill for an act to regulate the payment to the state treasurer of state funds collected by or in the hands of county treasurers.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 49, nays 4, absent and not voting 9.

Those who voted in the affirmative were:

Messrs—

Allshouse,
Bacon,
Berger,
Boyd,
Brakke,
Cbacey,
Clarke,
Deisen,

Messrs—

Hare,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish

Messrs—

Sargent,
Stevens,
Stewart,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson

Messrs—
 Dougherty,
 Dwire,
 Earl,
 Engelter,
 Erickson,
 Glasgow,
 Green,
 Gronvold,
 Hale,

Messrs—
 McHarg,
 McLean,
 Michels,
 Miner,
 Nelson,
 Ovind,
 Restemayer,
 Sanford,

Messrs—
 Tousley,
 Towle,
 Tufte,
 Ugland,
 Wallace,
 Watts,
 Winslow,
 Mr. Speaker,

Those voting in the negative were:

Messrs—
 Aas,
 Gilbertson,

Messrs—
 Hauan,

Messrs—
 Lynch,

Absent and not voting:

Messrs—
 Allen,
 Brotnov,
 Cassell,

Messrs—
 Ferris,
 Gulack,
 Peterson,

Messrs—
 Peek,
 Swenson,
 Wolbert.

So the bill passed and the title was agreed to.

REPORT OF SPECIAL COMMITTEE.

The steering committee made the following report:

Mr. Speaker:

Your steering committee to whom was referred

Senate bill No. 161,

A bill for an act to appropriate sufficient funds out of the general fund not otherwise appropriated to be used by the board of university, school and public lands for examining and clearing titles of lands which are now mortgaged to the state of North Dakota.

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

After the word "act" in line 3, section 2, page 2, of the engrossed bill, add the words "said appropriation not to exceed the sum of seven hundred and fifty dollars."

Change the title of said act to read: "A bill for an act to appropriate seven hundred and fifty dollars out of the general fund not otherwise appropriated to be used by the board of university, school and public lands for examining and clearing titles of lands which are now mortgaged to the state of North Dakota."

And when so amended recommend that the same do pass.

J. D. WALLACE,

Chairman.

Mr. Earl moved

That the amendments to

Senate bill No. 161,

A bill for an act to appropriate sufficient funds out of the gen-

eral fund not otherwise appropriated to be used by the board of university, school and public lands for examining and clearing titles of lands which are now mortgaged to the state of North Dakota.

Offered by the steering committee be adopted,
Which motion prevailed, and
Senate bill No. 161,

A bill for an act to appropriate sufficient funds out of the general fund not otherwise appropriated to be used by the board of university, school and public lands for examining and clearing titles of lands which are now mortgaged to the state of North Dakota.

Was so amended.

Senate bill No. 161,

A bill for an act to appropriate seven hundred and fifty dollars out of the general fund not otherwise appropriated to be used by the board of university, school and public lands for examining and clearing titles of lands which are now mortgaged to the state of North Dakota.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 21, nays 35, absent and not voting 6.

Those who voted in the affirmative were:

| | | |
|----------------|----------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Aas, | Hale, | Stevens, |
| Allshouse, | Hare, | Stevenson, |
| Bacon, | Hauan, | Taylor, |
| Boyd, | Laughlin, | Tousley, |
| Chacey, | Lish, | Ugland, |
| Dwire, | Peterson, | Wallace, |
| Glasgow, | Sargent, | Mr. Speaker, |

Those voting in the negative were:

| | | |
|----------------|--------------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Allen, | Gronvold, | Ovind, |
| Berger, | Herbrandson, | Restemayer, |
| Brakke, | Johnson, Richland, | Stewart, |
| Brotnov, | Johnston, Walsh, | Swenson, |
| Deisem, | Kennedy, | Thomas, |
| Dougherty, | Lee, | Thomson, |
| Earl, | Lynch, | Thordarson, |
| Engelter, | McHarg, | Towle, |
| Erickson, | McLean, | Tufte, |
| Ferris, | Michels, | Watts, |
| Gilbertson, | Miner, | Winslow, |
| Green, | Nelson, | |

Absent and not voting:

Messrs—**Cassell,
Clarke,****Messrs—****Gulack,
Peek,****Messrs—****Sanford,
Wolbert,**

So the bill was lost.

The chief clerk announced that the speaker was about to sign House bill No. 7.

A bill for an act to amend sections 2737 and 2743 of the Revised Codes.

Also,

House bill No. 74,

A bill for an act to amend section sixty of the Revised Codes of 1895, relating to printing of session laws.

Also,

House bill No. 133,

A bill for an act to amend section 32 of chapter 126, session laws of 1897, relating to revenue and taxation.

REPORTS OF STANDING COMMITTEES.

The committee on enrolled bills made the following report:

Mr. Speaker:

Your committee on enrolled bills have examined

House bill No. 42,

A bill for an act fixing the liability of railroad companies and corporations owning and operating a railroad for injuries sustained by its employes from the negligent acts of co-employes.

Also,

House bill No. 162,

A bill for an act to amend section 1168 of the Revised Codes of North Dakota, relating to ferries.

And find the same correctly enrolled.

M. B. CASSELL,

Chairman.

REPORT OF SPECIAL COMMITTEE.

The steering committee made the following report:

Mr. Speaker:

Your steering committee to whom was referred

Senate bill No. 120,

A bill for an act providing for the assessment and taxation of grain in elevators, warehouses and grain houses, and providing for penalties for the violation of the provisions of the act.

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

After the word "the" and before the word "person," line 13, section 1 of the engrossed bill, insert the words "owner or the."

After the word "date" in line 24, section 2 of the engrossed bill, insert the words "and the owner thereof."

Strike out section 3 of the engrossed bill, and insert in lieu thereof the following: "Section 3. That if the grain so assessed is not owned by the person, firm, company or corporation, then the person, firm, company or corporation operating such elevator, shall state to the assessor under oath the name of the person, firm, company or corporation owning such grain, and the number of bushels belonging to such person, firm, company or corporation. Immediately after such assessment is made, the assessor shall forward to the county auditor a copy of the statement furnished him, said statement to be signed by the assessor. The assessor, in assessing grain held in elevators or storehouses, shall, when assessing the property of those owning grain of which he has a list, place the grain so assessed with the assessment of other property, and the tax on such grain shall be collected in the same manner as the tax on other property is collected."

Strike out the word "section" in section 4, line 24, and insert the word "sections."

After the word "two," section 4, line 24, insert the words "and three."

Strike out section 6, the emergency clause.

And when so amended recommend that the same do pass.

J. D. WALLACE,

Chairman.

The chief clerk announced that the speaker was about to sign

Senate bill No. 171,

A bill for an act to provide for the execution of tax deeds for lands sold for delinquent taxes under the provisions of chapter 126, of the laws of 1897, and to prescribe the form and to define the effect of all such deeds and the title thereby conveyed.

Also,

Senate bill No. 164,

A bill for an act amending sections 5, 6, 7, 8, 9, 10, 11, 13, 14, and 21 of chapter 112 of the laws of 1897 relating to opening and vacating highways, prescribing the duties of supervisors and county commissioners in relation thereto and regulating appeals from the awards thereof, and for the repeal of sections 1050 to 1075 both inclusive, of the Revised Codes of North Dakota.

Also,

Senate bill No. 71,

A bill for an act entitled "an act to amend section twenty-six of chapter one hundred twenty-six of the laws of 1897 relating to the assessment of bank stock and the method of determining the value thereof for purposes of assessment.

Also,

House bill No. 42,

A bill for an act fixing the liability of railroad companies and

corporations owning and operating a railroad for injuries sustained by its employes from the negligent acts of co-employes.

Also,

House bill No. 162,

A bill for an act to amend section 1168 of the Revised Codes of North Dakota, relating to ferries.

The speaker called Mr. Hale to the chair.

The speaker resumed the chair.

Mr. Thomas moved

That the vote by which the amendments to Senate bill No. 120,

A bill for an act providing for the assessment and taxation of grain in elevators, warehouses and grain houses, and providing for penalties for the violation of the provisions of the act.

Were adopted be reconsidered.

Mr. Towle moved

A call of the house,

Which motion prevailed.

Mr. Towle moved

That further proceedings under the call of the house be dispensed with, and that the house proceed with the roll call on the previous question,

Which motion prevailed.

The question being upon the motion to reconsider the vote by which the amendments to Senate bill No. 120 were adopted.

The roll was called and there were ayes 44, nays 13, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—

Aas,
Allen,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Deisem,
Earl,
Engelter,
Ferris,
Gilbertson,
Glasgow,

Messrs—

Green,
Gronvold,
Hale,
Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Lee,
Lish
Lynch,
McLean,
Michels,
Nelson,
Ovind,

Messrs—

Peterson,
Restemayer,
Sarford,
Swenson,
Taylor,
Thomas,
Thomson,
Towle,
Tufta,
Ugland,
Watts,
Wolbert,
Winslow,
Mr. Speaker,

Those voting in the negative were:

Messrs—
Allhouse,
Bacon,
Dougherty,
Erickson,
Hare,

Messrs—
Laughlin,
McHarg,
Miner,
Sargent,

Messrs—
Stevens,
Stewart,
Stevenson,
Wallace,

Absent and not voting:

Messrs—
Dwire,
Gulack,

Messrs—
Peek,
Thordarson

Messrs—
Tousley,

So the vote by which the amendments to Senate bill No. 120 were adopted was reconsidered.

Mr. McHarg moved
That the amendments to
Senate bill No. 120,

A bill for an act providing for the assessment and taxation of grain in elevators, warehouses and grain houses, and providing for penalties for the violation of the provisions of the act.

As offered by the steering committee be laid on the table,
Which motion was lost.

Mr. Towle moved
That the house do not adopt the amendments to
Senate bill No. 120,

A bill for an act providing for the assessment and taxation of grain in elevators, warehouses and grain houses, and providing for penalties for the violation of the provisions of the act.

As offered by the steering committee,
Which motion prevailed.

Senate bill No. 120,

A bill for an act providing for the assessment and taxation of grain in elevators, warehouses and grain houses, and providing for penalties for the violation of the provisions of the act.

The question being upon the final passage of the bill.

The roll was called and there were ayes 46, nays 8, absent and not voting 8.

Those voting in the affirmative were:

Messrs—
Aas,
Allen,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Delsem,
Dwire,
Earl,

Messrs—
Gronvold,
Hale,
Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish,
Lynch,

Messrs—
Restemayer,
Sanford,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Towle,
Tufte,
Ugland,
Watts,

Messrs—

Engelter,
Ferris,
Gilbertson,
Glasgow,
Green,

Messrs—

McLean,
Michels,
Nelson,
Ovind,
Peterson,

Messrs—

Wolbert,
Winslow,
Mr. Speaker.

Those voting in the negative were:

Messrs—

Bacon,
Dougherty,
McHarg,

Messrs—

Miner,
Sargent,
Stevens,

Messrs—

Stewart,
Wallace,

Absent and not voting:

Messrs—

Allshouse,
Erickson,
Gulack,

Messrs—

Hare,
Peek,
Thordarson

Messrs—

Tousley,
Clarke,

So the bill passed and the title was agreed to.

Senate bill No. 138,

A bill for an act to authorize the purchase of tools and machinery for making roads, in certain cases, and to prescribe the manner of payment therefor, and the use and care of same.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 28, nays 25, absent and not voting 9.

Those who voted in the affirmative were:

Messrs—

Aas,
Allen,
Bacon,
Boyd,
Chacey,
Dougherty,
Dwire,
Earl,
Engelter,
Green,

Messrs—

Gronvold,
Hare,
Johnston, Walsh,
Laughlin,
Lish
McHarg,
Michels,
Miner,
Sanford,

Messrs—

Sargent,
Stevens,
Stewart,
Stevenson,
Thomson,
Tousley,
Ugland,
Wallace,
Mr. Speaker,

Those voting in the negative were:

Messrs—

Berger,
Brakke,
Brotnov,
Cassell,
Clarke,
Deisem,
Ferris,
Gilbertson,
Glasgow,

Messrs—

Hauan,
Herbrandson,
Lee,
Lynch,
McLean,
Nelson,
Ovind,
Peterson,

Messrs—

Restemayer,
Taylor,
Thomas,
Thordarson
Towle,
Tuftte,
Watts,
Winslow,

Absent and not voting:

Messrs—

Allshouse,
Erickson,
Gulack,

Messrs—

Hale,
Johnson, Richland,
Kennedy,

Messrs—

Peek,
Swenson,
Wolbert,

So the bill was lost.

REPORTS OF STANDING COMMITTEES.

The committee on enrolled bills made the following report:

Mr. Speaker:

Your committee on enrolled bills have examined
House bill No. 145,

A bill for an act to provide for the compensation of the state oil inspector and his deputies and to define the duties thereof, by prescribing penalty for the violation thereof.

Also,

House bill No. 107,

A bill for an act entitled an act to amend section 6847 of chapter 4 of the penal code of the state of North Dakota, relating to the punishment of Sabbath breaking.

And find the same correctly enrolled.

M. B. CASSELL,
Chairman.

The chief clerk announced that the speaker was about to sign

House bill No. 145,

A bill for an act to provide for the compensation of the state oil inspector and his deputies and to define the duties thereof, by prescribing penalty for the violation thereof.

Also,

House bill No. 107,

A bill for an act entitled an act to amend section 6847 of chapter 4 of the penal code of the state of North Dakota, relating to the punishment of Sabbath breaking.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
March 3, 1899.

Mr. Speaker:

I have the honor to transmit herewith

House bill No. 130,

A bill for an act requiring the burial of animals that die from disease.

Which the senate has passed unchanged.

Also,

House bill No. 118,

A bill for an act to amend section 1794 of the revised codes of North Dakota relating to storage of grain.

Which failed of passage on third reading.

Also,

House bill No. 199,

A bill for an act to amend section 8369 of the Revised Codes of North Dakota.

Which the senate has passed unchanged.

Also,

House bill No. 150,

A bill for an act to amend section 3062 of the Revised Codes of 1895 relating to the building of platforms by railroad companies for the transfer of live stock, grain and other commodities from wagons or otherwise to cars, prescribing the duties of the railroad commissioners in regard thereto and the notice of the necessity of such platforms to be served upon railroad companies together with the manner of making service of notices or orders of said commissioners.

Which the senate has amended:

By striking out in line 5 of printed bill the words "one or more platforms," and insert in lieu thereof "one platform."

And passed as amended.

J. O. SMITH,

Secretary.

The speaker announced an informal recess for ten minutes.

The house reassembled.

REPORT OF SPECIAL COMMITTEE.

The steering committee made the following report:

Mr. Speaker:

Your steering committee to whom was referred

Senate bill No. 165,

A bill for an act to amend sections 2533, 2534 and 2535 of the Revised Codes of the state of North Dakota relating to the division of organized townships and prescribing the duties of the board of county commissioners in relation thereto.

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

On line 15, page 1, of the engrossed bill, after the word "thereof" insert the words, "bordering on a lake."

On page 2, line 2, of the engrossed bill, after the word "township," insert the words, "bordering on a lake."

On page 2, line 27, of the engrossed bill, after the word "township," insert the words "bordering on a lake."

And when so amended recommend that the same do pass.

J. D. WALLACE,

Chairman.

Mr. Hale moved

That the report of the steering committee on
Senate bill No. 165,

A bill for an act to amend sections 2533, 2534 and 2535 of the Revised Codes of the state of North Dakota relating to the division of organized townships and prescribing the duties of the board of county commissioners in relation thereto.

Be adopted.

Which motion prevailed, and

Senate bill No. 165,

A bill for an act to amend sections 2533, 2534 and 2535 of the Revised Codes of the state of North Dakota relating to the division of organized townships and prescribing the duties of the board of county commissioners in relation thereto.

Was so amended.

The speaker announced as a special committee to revise and correct the Journal, Messrs. Kennedy, Tousley, and the assistant chief clerk, H. E. Lavayea.

THIRD READING OF SENATE BILLS.

Senate bill No. 165,

A bill for an act to amend sections 2533, 2534 and 2535 of the Revised Codes of the state of North Dakota relating to the division of organized townships and prescribing the duties of the board of county commissioners in relation thereto.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 51, nays none, absent and not voting 11.

Those voting in the affirmative were:

Messrs—

Allen,
Allshouse,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,
Chacey,
Clarke,
Dougherty,
Dwire,
Earl,
Engelter,
Ferris,
Gilbertson,
Green,
Gronvold,

Messrs—

Hale,
Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Kennedy,
Laughlin,
Lish
McHarg,
McLean,
Michels,
Nelson,
Ovind,
Peterson,
Restemayer,
Sanford,
Sargent,

Messrs—

Stevens,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Watts,
Wolbert,
Winslow,
Mr. Speaker,

Absent and not voting:

Messrs—

Aas,
Cassell,
Deisem,
Erickson,

Messrs—

Glasgow,
Gulack,
Johnston, Walsh,
Lee,

Messrs—

Lynch,
Miner,
Peek,

So the bill passed and the title was agreed to.

The speaker announced a recess until 7 o'clock p. m.

The house reassembled.

REPORTS OF STANDING COMMITTEES.

The committee on enrolled bills made the following report:

Mr. Speaker:

Your committee on enrolled bills have examined

Substitute for House bill No. 88,

A bill for an act to amend section 2075 of the Revised Codes of the state of North Dakota, providing for the salary of register of deeds.

Also,

Substitute for House bill No. 90,

A bill for an act to amend sections 28 and 29 and to repeal section 30 of the Revised Codes of 1895, relating to legislative officers and employes.

Also,

House bill No. 31,

A bill for an act to promote immigration.

Also,

House bill No. 38,

A bill for an act to provide an annual contingency fund, to be placed at the disposal of the governor.

Also,

House bill No. 177,

A bill for an act to amend section 3067 of the Revised Codes of 1895, providing for the constructing and maintaining of a Y and other tracks to connect railroad lines, defining the duties of railroad commissioners in relation thereto and prescribing the manner of enforcing the orders of such commissioners by proper courts.

Also,

House bill No. 50,

A bill for an act to amend section 5230 of the Revised Codes of North Dakota relating to who may be made parties defendant in actions to quiet title to real property.

Also,

House bill No. 156,

A bill for an act requiring butchers killing branded cattle to keep a certain record pertaining thereto, make report thereof to the secretary of state and prescribing penalties for the violation thereof.

Also,

House bill No. 132,

A bill for an act amending section 2540 of chapter 31 of the Revised Codes of North Dakota, relating to annual township meetings.

Also,

House bill No. 8,

A bill for an act to repeal chapter 53 of session laws of 1897, and sections 4816, 4817, 4818 and 4819 of the Revised Codes of North Dakota relating to liens for sires.

And find the same correctly enrolled.

M. B. CASSELL,

Chairman.

The chief clerk announced that the speaker was about to sign Senate bill No. 147,

A bill for an act to regulate the payment to the state treasurer of state funds collected by or in the hands of county treasurers

Also,

House bill No. 31,

A bill for an act to promote immigration.

Also,

House bill No. 156,

A bill for an act requiring butchers killing branded cattle to keep a certain record pertaining thereto, make report thereof to the secretary of state and prescribing penalties for the violation thereof.

Also,

House bill No. 132,

A bill for an act amending section 2540 of chapter 31 of the Revised Codes of North Dakota, relating to annual township meetings.

Also,

House bill No. 90,

A bill for an act to amend sections 28 and 29 and to repeal section 30 of the Revised Codes of 1895, relating to legislative officers and employes.

Also,

House bill No. 88,

A bill for an act to amend section 2075 of the Revised Codes of the state of North Dakota, providing for the salary of register of deeds.

Also,

House bill No. 177,

A bill for an act to amend section 3067 of the Revised Codes of 1895, providing for the constructing and maintaining of a Y and other tracks to connect railroad lines, defining the duties of railroad commissioners in relation thereto and prescribing the manner of enforcing the orders of such commissioners by proper courts.

Also,

House bill No. 50,

A bill for an act to amend section 5230 of the Revised Codes of North Dakota relating to who may be made parties defendant in actions to quiet title to real property.

Also,

House bill No. 8,

A bill for an act to repeal chapter 53 of session laws of 1897, and sections 4816, 4817, 4818 and 4819 of the Revised Codes of North Dakota relating to liens for sires.

Also,

House bill No. 38,

A bill for an act to provide an annual contingency fund, to be placed at the disposal of the governor.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,

March 3, 1899.

Mr. Speaker:

I have the honor to inform the house that the senate has passed a resolution to adjourn at nine o'clock p. m. sine die.

Also,

I have the honor to return herewith

House bill No. 105,

A bill for an act to amend Sec. 2069 of the Revised Codes of the state of North Dakota, providing for clerk hire in the office of county judge.

Also,

House bill No. 209,

A bill for an act to amend section 7960 of the Revised Codes of North Dakota, relating to examination of witnesses in criminal actions.

Which the senate has passed, unchanged.

J. O. SMITH,
Secretary.

Mr. Winslow moved

That the house concur in the senate amendment to
House bill No. 150,

A bill for an act to amend section 3062 of the Revised Codes of 1895 relating to the building of platforms by railroad companies for the transfer of live stock, grain and other commodities from wagons or otherwise to cars, prescribing the duties of the railroad commissioners in regard thereto and the notice of the necessity of such platforms to be served upon railroad companies together with the manner of making service of notices or orders of said commissioners.

Which motion prevailed, and

The house concurred in the senate amendment to
House bill No. 150,

A bill for an act to amend section 3062 of the Revised Codes of 1895 relating to the building of platforms by railroad companies for the transfer of live stock, grain and other commodities from wagons or otherwise to cars, prescribing the duties of the railroad commissioners in regard thereto and the notice of the necessity of such platforms to be served upon railroad companies together with the manner of making service of notices or orders of said commissioners.

Mr. Stevens moved

That after the present bills were voted upon, that the house suspend further reading of bills and consume the time in enrolling the same,

Which motion prevailed.

Mr. Stevens moved

That the vote by which this resolution passed, be reconsidered and the motion to reconsider be laid on the table,

Which motion prevailed.

THIRD READING OF HOUSE BILLS.

House bill No. 150,

A bill for an act to amend section 3062 of the Revised Codes of 1895 relating to the building of platforms by railroad companies

for the transfer of live stock, grain and other commodities from wagons or otherwise to cars, prescribing the duties of the railroad commissioners in regard thereto and the notice of the necessity of such platforms to be served upon railroad companies together with the manner of making service of notices or orders of said commissioners.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 51, nays none, absent and not voting 11.

Those voting in the affirmative were:

Messrs—

Aas,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Delsm,
Dougherty,
Dwire,
Earl,
Engelter,
Erickson,
Ferris,
Gilbertson,
Green,

Messrs—

Gronvold,
Hale,
Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish,
Lynch,
Michels,
Ovind,
Peterson,
Restemayer,
Sargent,

Messrs—

Stevens,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson
Tousley,
Towle,
Tuft,
Ugland,
Wallace,
Watts,
Wolbert,
Winslow,
Mr. Speaker,

Absent and not voting:

Messrs—

Allen,
Allshouse,
Bacon,
Glasgow,

Messrs—

Gulack,
McHarg,
McLean,
Miner,

Messrs—

Nelson,
Peek,
Sanford,

So the bill as amended passed and the title was agreed to.

THIRD READING OF SENATE BILLS.

Senate bill No. 150,

A bill for an act to amend section 243 of the Revised Codes of North Dakota relating to the powers and duties of the state board of health.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 49, nays none, absent and not voting 13.

Those voting in the affirmative were:

Messrs—

Aas,
Boyd,
Brakke,
Brotnov,
Chacey,
Clarke,
Deisem,
Dougherty,
Dwire,
Earl,
Engelter,
Erickson,
Ferris,
Gilbertson,
Green,
Gronvold,
Hare,

Messrs—

Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish,
Lynch,
Michels,
Nelson,
Ovind,
Peterson,
Restemayer,
Sargent,
Stevens,

Messrs—

Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson,
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Watts,
Wolbert,
Winslow,
Mr. Speaker,

Absent and not voting:

Messrs—

Allen,
Allshouse,
Bacon,
Berger,
Cassell,

Messrs—

Glasgow,
Gulack,
Hale,
McHarg,

Messrs—

McLean,
Miner,
Peek,
Sanford,

So the bill passed and the title was agreed to.

Senate bill No. 176,

A bill for an act entitled an act authorizing the board of trustees and warden of the state penitentiary to purchase or otherwise acquire not to exceed thirty (30) acres of land for yard, garden and other purposes and appropriating nine hundred dollars (\$900.00), or so much thereof as may be needed therefor.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 44, nays 2, absent and not voting 16.

Those voting in the affirmative were:

Messrs—

Aas,
Allshouse,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Deisem,
Dwire,
Earl,
Engelter,
Erickson,
Gilbertson,

Messrs—

Glasgow,
Gronvold,
Hale,
Hare,
Hauan,
Herbrandson,
Johnston, Walsh,
Johnson, Richland,
Kennedy,
Laughlin,
Lee,
Lish,
Michels,
Miner,
Ovind,

Messrs—

Peterson,
Sargent,
Stevens,
Stewart,
Swenson,
Stevenson,
Taylor,
Thordarson,
Tousley,
Towle,
Tufte,
Wallace,
Watts,
Mr. Speaker.

Absent and not voting:

| | | |
|----------------|----------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Allen, | McHarg, | Sanford, |
| Bacon, | McLean, | Thomson, |
| Dougherty, | Nelson, | Ugland, |
| Ferris, | Peek, | Wolbert, |
| Green, | Restemayer, | Winslow, |
| Gulack, | | |

Messrs. Lynch and Thomas voting in the negative.

So the bill passed and the title was agreed to.

Senate bill No. 151,

A bill for an act to appropriate money for the reappraisalment, advertising and expenses attendant upon the sale of institution and common school lands.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 37, nays 5, absent and not voting 20.

Those who voted in the affirmative were:

| | | |
|--------------------|----------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Allen, | Kennedy, | Stevens, |
| Allshouse, | Laughlin, | Stevenson, |
| Boyd, | Lee, | Taylor, |
| Brakke, | Lish, | Thomas, |
| Brotnov, | Lynch, | Thomson, |
| Chacey, | McHarg, | Thordarson, |
| Deisem, | Michels, | Tousley, |
| Gilbertson, | Miner, | Towle, |
| Glasgow, | Nelson, | Tufte, |
| Havan, | Ovind, | Wolbert, |
| Herbrandson, | Peterson, | Winslow, |
| Johnson, Richland, | Restemayer, | Mr. Speaker, |
| Johnston, Walsh, | | |

Those voting in the negative were:

| | | |
|----------------|----------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Aas, | McLean, | Swenson, |
| Erickson, | Stewart, | |

Absent and not voting:

| | | |
|----------------|----------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Bacon, | Engelter, | Peek, |
| Berger, | Ferris, | Sanford, |
| Cassell, | Green, | Sargent, |
| Clarke, | Gronvold, | Ugland, |
| Dougherty, | Gulack, | Wallace, |
| Dwive, | Hale, | Watts, |
| Earl, | Hare, | |

So the bill passed and the title was agreed to.

Mr. Brotnov moved

To reconsider the vote by which

Senate bill No. 138,

A bill for an act to authorize the purchase of tools and machinery for making roads, in certain cases, and to prescribe the manner of payment therefor, and the use and care of same.

Was lost,

Which motion prevailed.

Mr. Sargent offered the following amendment to Senate bill No. 138, as follows:

In line 3, section 2, page 2, of printed bill, strike out the words "tax-payers and voters," and insert in lieu thereof the word "freeholders."

Also, after the word "town" in line 3, same page and section, strike out the remainder of the line, all of line 4 and down to the word "contract" in line 5.

Which motion prevailed and

Senate bill No. 138,

A bill for an act to authorize the purchase of tools and machinery for making roads, in certain cases, and to prescribe the manner of payment therefor, and the use and care of same.

Was so amended.

Senate bill No. 138,

A bill for an act to authorize the purchase of tools and machinery for making roads, in certain cases, and to prescribe the manner of payment therefor, and the use and care of same.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 42, nays 9, absent and not voting 11.

Those voting in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,
Chacey,
Clarke,
Deisem,
Dougherty,
Dwire,
Earl.

Messrs—

Engelter,
Erickson,
Gilbertson,
Glasgow,
Green,
Hare,
Johnson, Richland,
Johnston, Walsh,
Laughlin,
Lish,
McHarg,
Nelson,
Ovind,
Sargent,

Messrs—

Stevens,
Stewart,
Stevenson,
Thomas,
Thomson,
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Watts,
Wolbert,
Mr. Speaker.

Those voting in the negative were:

Messrs—

Herbrandson,
Lynch,
McLean,

Messrs—

Michels,
Miner,
Peterson,

Messrs—

Restemayer,
Taylor,
Thordarson,

Absent and not voting:

Messrs—

Cassell,
Ferris,
Gronvold,
Gulack,

Messrs—

Hale,
Huan,
Kennedy,
Lee,

Messrs—

Peek,
Sanford,
Swenson,
Winslow,

So the bill as amended passed and the title was agreed to.

Mr. McHarg moved

That the vote by which Senate bill No. 138 passed, be reconsidered and the motion to reconsider be laid upon the table, which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the senate.

SENATE CHAMBER,
March 3, 1899.

Mr. Speaker:

I have the honor to transmit herewith:

House bill No. 73,

A bill for an act, entitled an act to amend chapter sixty-three of the session laws of 1897 of the state of North Dakota, relating to the boundaries of the Fourth judicial district and fixing the times of holding of terms of court in the different counties thereof.

Also,

House bill No. 2,

A bill for an act to amend section 2767 of the Revised Codes of North Dakota relating to rights and capacity of husband and wife.

Also,

House bill No. 180,

A bill for an act to amend section 7665 of the Revised Codes of North Dakota, relating to concealing estrays, lost goods, and altering or defacing brands.

Which the senate has passed unchanged.

Also,

House bill No. 179,

A bill for an act to repeal chapter twenty-nine (29) of the session laws of 1897.

Which was amended as follows:

Amend title by adding thereto "relating to assessment of damages under the law of eminent domain."

And passed as amended.

Also,

House bill No. 44,

A bill for an act to amend section 640 of the revised codes of 1895, relating to education.

Which failed of passage on third reading.

Also,

House bill No. 211,

A bill for an act to provide for persons holding lands, the right to water right of way for conducting the same by dams, dykes, ditches, flumes or canals and other purposes.

Also,

House bill No. 17,

A bill for an act providing for the collection of vital statistics.

Which the senate has passed unchanged.

Also,

House bill No. 191,

A bill for an act to provide that the state auditor shall consecutively number all vouchers filed for bills, claims or accounts against any of the funds in the treasury of the state of North Dakota, and to issue consecutively all warrants, orders, or certificates for or upon such vouchers in the same order that such vouchers shall have been received and filed by him.

Which the senate has amended as follows:

Amend title by adding after the word "him" on line 9, of the engrossed bill the words "except where appropriations shall have been exhausted, also, for state officers salary and clerk hire."

Also, on page 1, of the engrossed bill, strike out all after the word "same," on line 26, and insert in lieu thereof the words, "except where the appropriations made to any fund shall have been exhausted, also, for state officers salary and clerk hire."

And passed as amended.

Very respectfully,

J. O. SMITH,
Secretary.

Senate bill No. 152,

A concurrent resolution relating to school lands.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 51, nays none, absent and not voting 11.

Those voting in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,
Bacon,
Berger,
Boyd,
Brakke,
Chacey,

Messrs—

Gronvold,
Hale,
Hare,
Huan,
Herbrandson,
Johnson, Richland
Johnston, Walsh,
Kennedy,

Messrs—

Sargent,
Stevens,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,

| | | |
|-------------|-------------|--------------|
| Messrs— | Messrs— | Messrs— |
| Clarke, | Laughlin, | Thordarson, |
| Deisem, | Lee, | Tousley, |
| Dougherty, | Lynch, | Towle, |
| Dwire, | McLean, | Ugland, |
| Earl, | Michels, | Wallace, |
| Engelter, | Nelson, | Watts, |
| Gilbertson, | Ovind, | Wolbert, |
| Glasgow, | Peterson, | Winslow, |
| Green, | Restemayer, | Mr. Speaker. |

Absent and not voting:

| | | |
|-----------|---------|----------|
| Messrs— | Messrs— | Messrs— |
| Brotnov, | Gulack, | Peek, |
| Cassell, | Lish, | Sanford, |
| Erickson, | McHarg, | Tufte, |
| Ferris, | Miner, | |

So the bill passed and the title was agreed to.

Senate bill No. 162,

Memorial and concurrent resolution, relating to inspection of grain by the government of the United States.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 54, nays none, absent and not voting 8.

Those voting in the affirmative were:

| | | |
|-------------|--------------------|--------------|
| Messrs— | Messrs— | Messrs— |
| Aas, | Gronvold, | Sargent, |
| Allen, | Hare, | Stevens, |
| Allshouse, | Hauan, | Stewart, |
| Bacon, | Herbrandson, | Swenson, |
| Berger, | Johnson, Richland, | Stevenson, |
| Boyd, | Johnston, Walsh, | Taylor, |
| Brakke, | Kennedy, | Thomas, |
| Chacey, | Laughlin, | Thomson, |
| Clarke, | Lee, | Thordarson, |
| Deisem, | Lish, | Tousley, |
| Dougherty, | Lynch, | Towle, |
| Dwire, | McHarg, | Tufte, |
| Earl, | McLean, | Ugland, |
| Engelter, | Michels, | Wallace, |
| Erickson, | Miner, | Watts, |
| Gilbertson, | Nelson, | Wolbert, |
| Glasgow, | Ovind, | Winslow, |
| Green, | Peterson, | Mr. Speaker, |

Absent and not voting:

| | | |
|----------|---------|-------------|
| Messrs— | Messrs— | Messrs— |
| Brotnov, | Gulack, | Restemayer, |
| Cassell, | Hale, | Sanford, |
| Ferris, | Peek, | |

So the bill passed and the title was agreed to.

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

Resolved, That when the time arrives to adjourn sine die, the speaker request the Hon. D. W. Green, our senior member, to make said motion to adjourn sine die, and to recognize no other member of the house in offering a similar motion.

Which motion prevailed, and
The resolution was adopted.

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

Resolved, That this house appreciates the fairness and correctness shown by Alfred E. Wood of Fargo in reporting the proceedings of this body during this session for the Minneapolis Tribune, and tender this resolution as a mark of its respect and esteem for him.

Which motion prevailed, and
The resolution was adopted.

Mr. Brotnov moved

That the house concur in the senate amendment to
House bill No. 179,

A bill for an act to repeal chapter twenty-nine (29) of the session laws of 1897.

Which motion prevailed, and

And the house concurred in the senate amendment.

House bill No. 179,

A bill for an act to repeal chapter twenty-nine (29) of the session laws of 1897.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 56, nays none, absent and not voting 6.

Those voting in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,
Chacey,
Clarke,
Delsem,
Dougherty,
Dwire,
Earl,
Engelter,
Erickson,
Gillbertson,
Glasgow,
Green,

Messrs—

Gronvold,
Hale,
Hare,
Hauan,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish,
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Ovind,
Peterson,
Restemayer,

Messrs—

Sargent,
Stevens,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson,
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Watts,
Wolbert,
Winslow,
Mr. Speaker.

Absent and not voting:

Messrs—

Cassell,
Ferris,

Messrs—

Gulack,
Herbrandson,

Messrs—

Peek,
Sanford,

So the bill as amended passed and the title was agreed to.

Mr. Wolbert moved

That the house concur in the senate amendment to
House bill No. 191,

A bill for an act to provide that the state auditor shall consecutively number all vouchers filed for bills, claims or accounts against any of the funds in the treasury of the state of North Dakota, and to issue consecutively all warrants, orders, or certificates for or upon such vouchers in the same order that such vouchers shall have been received and filed by him.

Which motion prevailed and

The house so concurred.

House bill No. 191,

A bill for an act to provide that the state auditor shall consecutively number all vouchers filed for bills, claims or accounts against any of the funds in the treasury of the state of North Dakota, and to issue consecutively all warrants, orders, or certificates for or upon such vouchers in the same order that such vouchers shall have been received and filed by him, except where appropriations shall have been exhausted, also, for state officers salary and clerk hire."

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 56, nays none, absent and not voting, 6.

Those voting in the affirmative were:

Messrs—

Aas,
Allen,
Allshouse,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Deisem,
Dougherty,
Dwire,
Earl,
Engelter,
Erickson,
Gilbertson,
Glasgow,

Messrs—

Green,
Gronvold,
Hale,
Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish,
Lynch,
McHarg,
McLean,
Michels,
Miner,
Nelson,
Ovind,

Messrs—

Peterson,
Restemayer,
Sargent,
Stevens,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomas,
Thomson,
Thordarson,
Tousley,
Tufte,
Wallace,
Watts,
Wolbert,
Winslow,
Mr. Speaker.

Absent and not voting:

Messrs—

Ferris,
Gulack,

Messrs—

Peek,
Sanford,

Messrs—

Towle,
Ugland,

So the bill as amended passed and the title was agreed to.

Mr. Stevens moved

That the vote by which all bills passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

The committee on enrolled bills made the following report:

Mr. Speaker:

Your committee on enrolled bills have examined

Substitute for House bill No. 91,

A bill for an act to amend section 2068 of the Revised Codes of the state of North Dakota, providing for the salary of county judges.

Also,

House bill No. 199,

A bill for an act to amend section 8369 of the code of criminal procedure, relating to witnesses attending out of county.

Also,

House bill No. 130,

A bill for an act requiring the burial of animals that die from disease.

Also,

House bill No. 150,

A bill for an act to amend section 3062 of the Revised Codes of 1895, relating to the building of platforms by railroad companies for the transfer of live stock, grain and other commodities from wagons or otherwise to cars; prescribing the duties of the railroad commissioners in regard thereto, and the notice of the necessity of such platforms to be served upon railroad companies, together with the manner of making service of notices or orders of said commissioners.

And find the same correctly enrolled.

M. B. CASSELL,

Chairman.

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

Be it Resolved, By the Members of the House of the Sixth Legislative Assembly of the State of North Dakota:

That the members of the press, who have been with us during the

present session, have in all respects shown such courtesy as to command our esteem.

Which motion prevailed, and
The resolution was adopted

Mr. Sargent moved
That Mr. Laughlin be appointed a committee of one to introduce resolutions.

Mr. Laughlin offered
The following resolution,
And moved its adoption.

That the secretary of state be requested to forward copies of the last day's Journals to the members and officers of the legislature, together with a correct list of all bills that shall have become laws.

Which motion prevailed, and
The resolution was adopted.

Mr. Sargent offered
The following resolution,
And moved its adoption.

Whereas, The city of Bismarck did furnish the members of the sixth legislative assembly with free transportation from the city to the capitol; and,

Whereas, Mr. John White, the owner of the 'bus line, has shown the utmost courtesy,

Therefore, Be it resolved that we extend to the city of Bismarck and to Mr. White our appreciation of the kindness extended.

Which motion prevailed, and
The resolution was adopted.

REPORTS OF STANDING COMMITTEES.

The committee on enrolled bills made the following report:

Mr. Speaker:

Your committee on enrolled bills to whom was referred
House bill No. 209,

A bill for an act to amend section 7960 of the Revised Codes of North Dakota, relating to examination of witnesses in criminal actions.

Also,

House bill No. 117,

A bill for an act to amend chapters 67 and 68 of the penal code of the revised codes of North Dakota, relating to adulterated dairy products, and selling adulterated and unwholesome food or medicine, and to create a deputy commissioner of agriculture with certain duties in connection therewith, and fixing his salary.

Also,

House bill No. 179,

A bill for an act to repeal chapter twenty-nine (29) of the session laws of 1897.

Also,

House bill No. 105,

A bill for an act to amend Sec. 2069 of the Revised Codes of the state of North Dakota, providing for clerk hire in the office of county judge.

Also,

House bill No. 180,

A bill for an act to amend section 7665 of the Revised Codes of North Dakota, relating to concealing estrays, lost goods, and altering or defacing brands.

Also,

House bill No. 2,

A bill for an act to amend section 2767 of the Revised Codes, relating to the rights and capacity of husband and wife.

And find the same correctly enrolled.

M. B. CASSELL,

Chairman.

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

Whereas, The legislative manual contains a large amount of useful information,

Therefore, Be it Resolved, that the secretary of state be instructed to forward six copies to each member of the house for distribution.

Which motion prevailed, and

The resolution was adopted.

The chief clerk announced that the speaker was about to sign

Senate bill No. 176,

A bill for an act entitled an act authorizing the board of trustees and warden of the state penitentiary to purchase or otherwise acquire not to exceed thirty (30) acres of land for yard, garden and other purposes and appropriating nine hundred dollars (\$900.00), or so much thereof as may be needed therefor.

Also,

Substitute for House bill No. 91,

A bill for an act to amend section 2068 of the Revised Codes of the state of North Dakota, providing for the salary of county judges.

Also,

House bill No. 117,

A bill for an act to amend chapters 67 and 68 of the penal code of the revised codes of North Dakota, relating to adulterated dairy products, and selling adulterated and unwholesome food or medicine, and to create a deputy commissioner of agriculture with certain duties in connection therewith, and fixing his salary.

Also,

Senate bill No. 151,

A bill for an act to appropriate money for the reappraisalment, advertising and expenses attendant upon the sale of institution and common school lands.

Also,

House bill No. 130,

A bill for an act requiring the burial of animals that die from disease.

Also,

House bill No. 150,

A bill for an act to amend section 3062 of the Revised Codes of 1895, relating to the building of platforms by railroad companies for the transfer of live stock, grain and other commodities from wagons or otherwise to cars, prescribing the duties of the railroad commissioners in regard thereto, and the notice of the necessity of such platforms to be served upon railroad companies, together with the manner of making service of notices or orders of said commissioners.

Also,

House bill No. 199,

A bill for an act to amend section 8369 of the Revised Codes of North Dakota.

Also,

House bill No. 209,

A bill for an act to amend section 7960 of the Revised Codes of North Dakota, relating to examination of witnesses in criminal actions.

Also,

House bill No. 105,

A bill for an act to amend Sec. 2069 of the Revised Codes of the state of North Dakota, providing for clerk hire in the office of county judge.

Also,

House bill No. 179,

A bill for an act to repeal chapter twenty-nine (29) of the session laws of 1897.

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

Resolved, That the speaker be now requested to appoint a committee of three to notify the senate that we are about to adjourn.

Which motion prevailed, and
The resolution was adopted.

Mr. Kennedy moved

That the Journal of the fifty-ninth and sixtieth days be approved,

Which motion prevailed, and

And the Journal of the fifty-ninth and sixtieth days were approved.

REPORTS OF STANDING COMMITTEES.

The committee on enrolled bills made the following report:

Mr. Speaker:

Your committee on enrolled bills have examined

House **bill No. 2,**

A bill for an act to amend section 2767 of the Revised Codes of North Dakota relating to rights and capacity of husband and wife.

Also,

House bill No. 17,

A bill for an act providing for the collection of vital statistics.

Also,

House bill No. 211,

A bill for an act to provide for persons holding lands, the right to water right of way for conducting the same by dams, dykes, ditches, flumes or canals and other purposes.

Also,

House bill No. 73,

A bill for an act, entitled an act to amend chapter sixty-three of the session laws of 1897 of the state of North Dakota, relating to the boundaries of the Fourth judicial district and fixing the times of holding of terms of court in the different counties thereof.

Also,

House bill No. 191.

A bill for an act to provide that the state auditor shall consecutively number all vouchers filed for bills, claims or accounts against any of the funds in the treasury of the state of North Dakota, and to issue consecutively all warrants, orders, or certificates for or upon such vouchers in the same order that such vouchers shall have been received and filed by him, except where

appropriations shall have been exhausted, also, for state officers salary and clerk hire.”

And find the same correctly enrolled.

M. B. CASSELL,

Chairman.

The chief clerk announced that the speaker was about to sign House bill No. 2,

A bill for an act to amend section 2767 of the Revised Codes of North Dakota relating to rights and capacity of husband and wife.

Also,

House bill No. 17,

A bill for an act providing for the collection of vital statistics.

Also,

House bill No. 191,

A bill for an act to provide that the state auditor shall consecutively number all vouchers filed for bills, claims or accounts against any of the funds in the treasury of the state of North Dakota, and to issue consecutively all warrants, orders, or certificates for or upon such vouchers in the same order that such vouchers shall have been received and filed by him, except where appropriations shall have been exhausted, also, for state officers salary and clerk hire.

Also,

House bill No. 180.

A bill for an act to amend section 7665 of the Revised Codes of North Dakota, relating to concealing estrays, lost goods, and altering or defacing brands.

Also,

House bill No. 73,

A bill for an act, entitled an act to amend chapter sixty-three of the session laws of 1897 of the state of North Dakota, relating to the boundaries of the Fourth judicial district and fixing the times of holding of terms of court in the different counties thereof.

Also,

Senate bill No. 150,

A bill for an act to amend section 243 of the Revised Codes of North Dakota relating to the powers and duties of the state board of health.

Also,

House bill No. 211,

A bill for an act to provide for persons holding lands, the right to water right of way for conducting the same by dams, dykes, ditches, flumes or canals and other purposes.

Also,

Senate bill No. 162,

Memorial and concurrent resolution, relating to inspection of grain by the government of the United States.

Also,

Senate bill No. 138,

A bill for an act to authorize the purchase of tools and machinery for making roads, in certain cases, and to prescribe the manner of payment therefor, and the use and care of same.

Also,

Senate bill No. 73,

A joint memorial of the senate and house of representatives of the state of North Dakota to the senate and house of representatives of the United States, praying for an act to encourage the shipment of grain to China and Japan by granting subsidies to steamship companies.

Also,

Senate bill No. 152,

A concurrent resolution relating to school lands.

Also,

Senate bill No. 165,

A bill for an act to amend sections 2533, 2534 and 2535 of the Revised Codes of the state of North Dakota, relating to the division of organized townships and prescribing the duties of the board of county commissioners in relation thereto.

Mr. Green moved

That the house do now adjourn sine die,

Which motion prevailed, and

The House of representatives of the sixth legislative assembly adjourned sine die.

J. G. HAMILTON,

Chief Clerk.

REPORT OF SPECIAL COMMITTEE.

The special committee to correct the Journals of the fifty-ninth and sixtieth days submit the following report containing corrections to be made in the printed journal of the sixtieth day. (Loose edition.)

On page 7, after line 27, insert the words: "Mr. Restemayer voting in the negative."

On page 16, line 20, after the word "requiring" strike out the word "to."

On page 61, line 17, after the word "Journal," insert the words, "and to compare the Journal of the session with the written Journal."

On page 73, line 2, change the name "Hon. D. W. Green" so as to read "Hon. D. N. Green."

On page 77, line 22, correct the spelling of the word "following."

On page 79, after line 6, insert the words: "The speaker appointed as such committee Messrs. Tousley, Aas and Sargent."

On page 79, after the word "approved," ending on line 9, insert the words "subject to the corrections to be made by the special committee appointed for that purpose."

JOHN KENNEDY,
W. W. TOUSLEY,
H. E. LAVAYEA.

REPORT OF SPECIAL COMMITTEE.

The special committee to revise and correct the printed Journals of the fifth-ninth and sixtieth days, and to compare the printed and written Journals for the session submit the following report containing corrections to be made in the printed Journal:

In the printed Journal of the forty-ninth day, (Feb. 20, 1899), page 517, line 31, change the words "and find the same not engrossed" to read "and find the same correctly engrossed."

In the printed Journal of the fiftieth day, page 528, in line 29, change the words "ayes" and figure "6" to read "nays 6."

In the printed Journal of the fiftieth day, page 554, strike out lines 1 to 16, both inclusive, the corrections being provided for in report of revision committee submitted Feb. 24, on page 597.

In the printed Journal of the fiftieth day, page 550, after line 27, insert the words "was read the third time."

In the printed Journal of the fifty-fourth day, page 659, line 7, change the words "senate" to read "house."

And with the exception of the errors hereinbefore noted, we find the printed Journal of the session to be correct.

Respectfully,

JOHN KENNEDY, Chairman,
W. W. TOUSLEY,
H. E. LAVAYEA.

REPORT OF SPECIAL COMMITTEE.

The special committee to revise and correct the printed journals of the fifty-ninth and the sixtieth days and to compare the printed and written journals for the session, submit the following report of corrections to be made in the written journal:

The following, as it appears on page 7, of the printed journal, is omitted from page 5, of the written journal, viz:

"Mr. McHarg nominated Morris Anderson, of Burleigh, for janitor.

The roll being called there were 62 votes cast, of which Mr. Anderson received 62 votes, and was declared duly elected janitor.

Those who voted for Mr. Anderson were:

Messrs. Aas, Allen, Allshouse, Bacon, Berger, Boyd, Brakke, Brotnov, Cassell, Chacey, Clarke, Deisem, Dougherty, Dwire, Earl, Engelter, Erickson, Ferris, Gilbertson, Glasgow, Green, Gronvold, Gulack, Hale, Hare, Hauan, Herbrandson, Johnson of Richland, Johnson of Walsh, Kennedy, Laughlin, Lee, Lish, Lynch, McHarg, McLean, Michels, Miner, Nelson

Ovind, Peek, Peterson, Restemayer, Sanford, Sargent, Stevens, Stewart, Swenson, Stevenson, Taylor, Thomas, Thomson, Thordarson, Tousley, Towle, Tufte, Uglund, Wallace, Watts, Wolbert, Winslow, Mr. Speaker."

Line 28 on page 115 of the printed journal,

"The roll being called there were 60 votes cast, of which"

Is omitted from page 109 of the written journal.

On the sixteenth day, lines 32 and 33 as they appear in the printed journal, page 117, are omitted from page 111 of the written journal.

On page 134, of the written journal the words on page 7, line 8, strike out the word "to" and insert in lieu thereof the word "shall" as they appear in lines 13 and 14, of page 142, of printed journal, are omitted.

On page 143, of the written journal, the following should appear to correspond to lines 10 to 32, both inclusive, of page 152, of printed journal:

"The following communication was received from the secretary of state:

Office of Secretary of State, Bismarck, N. D., Jan. 28, 1899.

Mr. Speaker:

If the chairman of the several committees who wish their committee rooms supplied with codes and session laws will give the clerks or janitors of their respective committee rooms orders upon the state department for the books, they will be supplied at once.

Very truly yours,

FRED FALLEY.

Secretary of State.

REPORTS OF STANDING COMMITTEES.

The committee on state affairs made the following report:

Mr. Speaker:

Your committee on state affairs to whom was referred

House bill No. 57,

A bill for an act to amend section 7, of chapter 37, of the laws of 1897, providing for special tax for payment of wolf bounties.

Have had the same under consideration and recommend that the same be indefinitely postponed.

JOHN KENNEDY,

Chairman.

On page 203, of the written journal, the following should appear to correspond to lines 12 to 22, inclusive, of page 218, of the printed journal:

"A bill for an act to provide for the construction and maintenance of dams across running streams for use in operating mills and for irrigation purposes.

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

DONALD STEVENSON,

Chairman.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred."

On page 232 of the written journal the following should appear to correspond to lines 5 to 20 inclusive, page 250, of printed journal.

"Was indefinitely postponed.

The committee on banks and banking made the following report:

Mr. Speaker:

Your committee on banks and banking to whom was referred

House bill No. 69,

A bill for an act to amend section 3203 of the Revised Codes relating to building and loan associations.

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

J. D. WALLACE,
Chairman.

Mr. Stevens moved

That the report of the committee on

House bill No. 69,

A bill for an act to amend section 3203 of the Revised Codes relating to building and loan associations."

On page 287 of the written journal the following should appear to correspond to lines 21 to 36 inclusive, page 308, of the printed journal:

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

In line 4, after the word 'state' insert 'for the period of two years.'

(Signed,)

O. C. HAUAN,
A. H. LAUGHLIN,
G. O. GULACK,
D. STEVENSON,
E. B. THOMSON,
D. N. GREEN.

Mr. Hauan moved

That the report of the minority of the committee on agriculture on

House bill No. 96,

A bill for an act for the purpose of authorizing the commissioner of university and school lands to lease cultivated land to clear the same of noxious weeds."

On page 313 of the written journal the following should appear to correspond to lines 5 to 9 inclusive, of printed journal, page 335.

Also,

Your committee on revision and correction of the journal respectfully report that they have carefully examined the journal of the thirty-ninth day and find the same correct and recommend that the same be approved."

On page 348 of the written journal the following should appear to correspond to the last six lines of page 376, and lines 1 to 8 inclusive, page 377, printed journal:

Executive Chamber, Carson City, Nev., Feb. 11, 1899.

To the Honorable, the Senate and House of Representatives of the State of North Dakota:

In acknowledging receipt of joint resolution from North Dakota, relative to the election of United States senators by direct vote of the people of the several states, I have the honor to inform you that the enclosed resolution (similar to North Dakota) was adopted by the legislature of the state of Nevada, February 7, 1899, and that copies have been forwarded to our senators and representatives in congress.

Very respectfully yours,

REINHOLD SADLER,
Governor."

On page 361 of the written journal the following words: "Mr. Hare introduced the following concurrent resolution and moved its adoption," should appear before the heading "concurrent resolution," to correspond with lines 24 and 25, printed journal, page 389.

On page 382 of the written journal the following should appear to correspond with lines 37 to 41 inclusive, page 414 of printed journal: "In line 1, section 3, the words 'or filed for.'

"In line 2, section 3, the words 'record, or recorded in this state, or other person authorized.'

"In line 3, section 3, the words 'or file for record or record.'

"In line 5, section 3, the words 'read to and received by.'"

On page 418 of the written journal the following words: "Be considered engrossed and placed upon its third reading and final passage," should appear to correspond with lines 27 and 28 in printed journal, page 455.

On page 435 of the written journal, the following should appear, to correspond with lines 37 to 41 inclusive, page 503 of printed journal:

"And moved its adoption.

"After the word 'or' in line 5 of section 2, of printed bill, insert the words 'high graded and fenced.'

"Also, the same amendment in line 4, where the word 'highway' occurs.

"Which motion prevailed, and

"The amendments were adopted.

"House bill No. 123,

"A bill for an act regulating the operation of traction engines in this state,"

On page 531 of the written journal, after line 18, insert the words,

"And when so amended recommend that the same do pass." to correspond with line 6, page 608, of printed journal.

On page 534 of written journal, the following should appear, to correspond with lines 5 to 43, both inclusive, of printed journal, page 620:

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

"Mr. Hale moved

"That the vote by which Senate bill No. 30 passed be reconsidered, and the motion to reconsider be laid upon the table,

"Which motion prevailed.

"Senate bill No. 31,

"A bill for an act providing for an appropriation for the maintenance and improvement of the state normal school at Valley City, North Dakota.

"Was read the third time.

"The question being upon the final passage of the bill.

"The roll was called and there were ayes 55, nays 1, absent and not voting 4.

"Those who voted in the affirmative were:

"Messrs—

Messrs—

Messrs—

Aas,
Allen,
Allshouse,
Bacon,
Berger,
Boyd,
Brakke,
Brotnov,
Cassell,
Chacey,
Clarke,
Deisem,
Dougherty,
Dwire,
Earl,
Engelter,
Erickson,
Ferris,
Gilbertson,

Glasgow,
Green,
Gronvold,
Hale,
Hare,
Hauan,
Herbrandson,
Johnson, Richland,
Johnston, Walsh,
Kennedy,
Laughlin,
Lee,
Lish,
Lynch,
McHarg,
McLean,
Miner,
Nelson,
Ovind,

Peek,
Peterson,
Restemayer,
Sanford,
Sargent,
Stevens,
Stewart,
Swenson,
Stevenson,
Taylor,
Thomson,
Thordarson,
Tousley,
Towle,
Tufte,
Ugland,
Wallace,
Winslow,
Mr. Speaker.

“Absent and not voting,”

“Messrs—
Gulack,
Michels,
Messrs—
Watts,
Messrs—
Wolbert.”

Messrs. Gulack and Watts being excused.”

On page 571, of written journal, the following should appear to correspond with lines 19 to 23, both inclusive, page 654, of printed journal:

“Substitute for House bill No. 84,

“A bill for an act to amend section 736 of the Revised Codes, and sections 740, 741, 742 and 743 of the Revised Codes, as amended by chapter 75 of the laws of 1897, relating to education.

Was read the first and second time.”

On page 641, of written journal, the following should appear to correspond with 5 to 8, both inclusive, page 731, printed journal:

“A bill for an act amending section 46, of chapter 126, of the laws of 1897, relating to revenues and taxation.

Also,

Senate bill No. 153.”

The committee further states that at the time of the revision and correction of the written journal by the committee the written journal was not complete, it lacking part of the proceedings of the fifty-eighth day, viz: All after the first half of page 30, in the printed journal of the day, and also all of the proceedings of the fifty-ninth and sixtieth days. But so far as written with the exception of the corrections heretofore noted in our report, we find the written journal correct.

Respectfully submitted,

JOHN KENNEDY, Chairman,
W. W. TOUSLEY,
H. E. LAVAYEA.

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| 509 | 637 | | | 756 | 763 | 756 | 762 | 899 | | 899 | | | |
| 509 | 639 | 639 760 | | 763 761 | 761 | | | 959 | 959 | 962 | | | |
| 552 | 603 | | | | | 603 | | | | | | | |
| 552 | 718 | | | | | 718 | | | | | | | |
| 553 | 602 | | | 622 | 622 | | | 881 | | 881 | | | |
| 570 | 605 | | | 612 | 612 | | | 742 | | | | | |
| 570 | 638 | | | 688 | 688 | | | 798 | | | | | |
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| 587 | 717 | | | | | | 717 | | | | | | |
| 653 | 731 | | | 755 | 755 | | | 905 | | 905 | | | |
| 653 | 719 | | | 767 | 767 | | | | | | | | |
| 653 | | | | | | | | | | | | | |
| 653 | | | | | | | | | | | | | |
| 653 | 694 | | | 750 | 750 | | | 953 | | 953 | | | |
| 653 | 703 | 703 | | 753 | | 753 | | | | | | | |
| 653 | 729 | | | 753 | 753 | | | 959 | | 959 | | | |
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| 654 | 703 | 749 | | 749 | 749 | | | | | | | | |
| 696 | 718 | | | 765 | 765 | | | 905 | | 905 | | | |
| 696 | | | | | | | | | | | | | |
| 696 | 728 | | | | | 728 | | | | | | | |
| 704 | 719 | 719 | 719 | 754 | 754 | | | | | | | | |
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| 1 | Dissolution of marriage.... | 61 | 62 | 62 | 199 | 234 | .. | .. | 200 | .. | .. |
| 2 | Salary Supreme Court Rep. | 224 | 232 | 232 | 600 | .. | .. | 614 | 614 | .. | .. |
| 4 | Investment school fund | 656 | 662 | 662 | 669 | .. | .. | .. | .. | 670 | .. |
| 5 | Revenue and taxation | 125 | 148 | 160 | 164 | .. | 187 | 237 | 237 | .. | .. |
| 8 | Appropriation insane hospital | 592 | 595 | 595 | 610 | .. | .. | .. | 618 | .. | .. |
| 9 | Investments school funds .. | 181 | 232 | 232 | 381 | .. | .. | 534 | 534 | .. | .. |
| 10 | Wolf bounty | 253 | 279 | 279 | 427 | 339 | 893 | .. | .. | 893 | .. |
| | | 402 | 404 | 404 | 891 | 348 | .. | .. | .. | .. | .. |
| 11 | Marriage licenses | 691 | 775 | 780 | .. | .. | .. | .. | .. | .. | .. |
| 12 | Alimony in divorce cases .. | 125 | 159 | 159 | 284 | .. | .. | 531 | 531 | .. | .. |
| 13 | Making deceased parties def. | 197 | 232 | 232 | 461 | .. | .. | .. | .. | 461 | .. |
| 14 | Navigation Red river | .. | .. | .. | 381 | .. | .. | .. | .. | .. | .. |
| 15 | Reward for Spicer murderers | 238 | 278 | 278 | 304 | .. | .. | 305 | 305 | .. | .. |
| 18 | Appro. state penitentiary .. | 393 | 595 | 595 | 610 | .. | .. | 621 | 621 | .. | .. |
| 19 | Authorizing cities to pave.. | 656 | 639 | 639 | 671 | .. | 671 | 692 | 692 | .. | .. |
| 21 | Pub. insurance statements .. | 224 | 233 | 233 | 285 | 554 | .. | 532 | 532 | .. | .. |
| 23 | Dissolution of corporation..s | 220 | 233 | 233 | 266 | .. | .. | 526 | 526 | .. | .. |
| 24 | Duties com. of agriculture.. | 238 | 278 | 278 | 299 | 551 | 414 | 525 | 525 | .. | 549 |
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| 26 | Trans-Mississippi exposition. | 435 | 445 | 445 | 543 | .. | 543 | 549 | 630 | 550 | .. |
| | | | | | 497 | .. | 630 | .. | .. | .. | .. |
| 29 | Quarterly statements | 161 | 232 | 232 | 285 | .. | .. | 533 | .. | 533 | .. |
| 30 | Deaf and dumb asylum | 393 | 595 | 595 | 610 | .. | .. | 619 | 619 | .. | .. |
| 31 | Valley City normal school.. | 393 | 595 | 595 | 610 | .. | .. | 620 | 620 | .. | .. |
| 34 | Insurance companies | 691 | 775 | 782 | .. | .. | .. | .. | .. | .. | .. |
| 36 | Compensation of chaplain .. | 181 | 233 | 233 | 249 | .. | .. | 260 | 260 | .. | .. |
| 38 | Mayville normal school | 393 | 595 | 595 | 609 | .. | .. | 616 | 616 | .. | .. |
| 39 | Revenue and taxation | 126 | 159 | 159 | 205 | 650 | 257 | 325 | 525 | .. | .. |
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| 41 | Revenue and taxation | 253 | 279 | 279 | 380 | 521 | 418 | 520 | 520 | .. | .. |
| | | | | | 521 | | 380 | 737 | 737 | .. | .. |
| | | | | | 521 | | 726 | .. | .. | .. | .. |
| 42 | Agricultural college | 393 | 595 | 595 | 610 | .. | .. | .. | .. | .. | .. |
| 43 | Australian ballot | 451 | 661 | 661 | 709 | .. | .. | .. | .. | .. | .. |
| 47 | Note of issue & order of trial | 161 | 232 | 232 | 266 | .. | .. | .. | .. | 710 | .. |
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| 48 | Recording certain instruments | 161 | 231 | 231 | 266 | .. | .. | 527 | 527 | .. | .. |
| | | | | | 299 | | | | | | |
| 49 | Examination of charters.... | 161 | 231 | 231 | 430 | .. | 797 | 797 | 797 | .. | .. |
| 52 | Soldiers' Home | 393 | 594 | 594 | 609 | .. | .. | 616 | 616 | .. | .. |
| 53 | Railroad rate case | 434 | 447 | 447 | 566 | .. | .. | 865 | 865 | .. | .. |
| 54 | Mortgage sales | 253 | 279 | 279 | 314 | .. | 414 | 524 | 524 | .. | .. |
| | | | | | 414 | | | | | | |
| 55 | Executive mansion | 224 | 233 | 233 | 542 | .. | .. | 621 | 621 | .. | .. |
| | | | | | 611 | | | | | | |
| 56 | State university | 592 | 594 | 594 | 609 | .. | .. | 617 | 617 | .. | .. |
| 61 | Costs in appealed cases | 197 | 232 | 232 | 266 | .. | .. | 528 | 528 | .. | .. |
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| 62 | County board of health | 224 | 233 | 233 | 283 | .. | .. | 529 | 529 | .. | .. |
| 65 | Guardian ad litem | 220 | 233 | 233 | 265 | .. | .. | 531 | 531 | .. | .. |
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| 66 | Sale of personal property .. | 220 | 233 | 233 | 361 | 362 | .. | .. | .. | 362 | .. |
| 68 | Revenue and taxation | 254 | 278 | 278 | 379 | .. | .. | .. | .. | 579 | .. |
| 69 | State depositories | 238 | 279 | 279 | 361 | 270 | 416 | 532 | 532 | .. | 384 |
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| 70 | Lien for repairing separators | 353 | 447 | 447 | 639 | .. | .. | .. | .. | .. | .. |
| | | | | | 304 | | | | | | |
| 71 | Determining value bank stock | 496 | 661 | 661 | 668 | .. | 887 | 888 | 888 | 884 | .. |
| | | | | | 668 | | | | | | |
| 72 | Acknowledgments | 434 | 447 | 447 | 605 | .. | 795 | 795 | 795 | .. | .. |
| 73 | Steamship subsidies | 253 | 278 | 278 | 379 | 278 | 417 | 522 | 522 | .. | .. |
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| 74 | Encumbrances | 302 | 349 | 349 | 426 | .. | .. | 448 | 448 | .. | .. |
| 75 | Education | .. | 348 | 348 | 269 | .. | 794 | 794 | 794 | .. | .. |
| 79 | Drains and irrigation | 338 | 349 | 349 | 562 | .. | .. | .. | .. | .. | .. |
| 80 | Salary state's attorneys | 723 | 774 | 781 | 427 | .. | .. | .. | .. | .. | .. |
| 83 | Duties certain state officers.. | 411 | 447 | 447 | .. | .. | .. | 914 | 914 | .. | .. |
| 84 | Fees of land commissioner.. | 353 | 404 | 404 | .. | .. | .. | 535 | 535 | .. | .. |
| 86 | Revocation of att'y's license. | 254 | 278 | 278 | 306 | .. | .. | .. | 329 | .. | .. |
| 88 | Mechanics liens | 402 | 404 | 404 | 601 | .. | .. | .. | .. | .. | .. |
| 90 | Changing judges on account of prejudice | 656 | 661 | 661 | 715 | .. | .. | 716 | 716 | .. | .. |
| 91 | Trespassing animals | 796 338 | 349 | 349 | 541 | .. | .. | 806 | 806 | .. | .. |
| 92 | Discharge certain instruments | 302 | 348 | 348 | 387 | .. | .. | 538 | 538 | .. | .. |
| 94 | Appropriation twine plant .. | 302 | .. | .. | 426 | .. | .. | 538 | 538 | .. | .. |
| 96 | Amending constitution | 411 | 447 | 447 | 310 | 592 | 909 | 357 | 357 | .. | .. |
| | | 657 | 663 | 663 | 594 | .. | .. | 910 | 910 | .. | .. |
| 97 | Prairie fires | 353 | 404 | 404 | 431 | .. | .. | 539 | 539 | .. | .. |
| 99 | Peddlers | 434 | 446 | 446 | 457 | .. | .. | 537 | 537 | .. | .. |
| 100 | Return of fugitives from justice | 584 | 660 | 660 | 703 | .. | .. | .. | .. | .. | .. |
| 101 | Legalizing acts of certain notaries | 339 | 349 | 349 | 604 | .. | .. | .. | .. | .. | .. |
| 102 | Application divorce law | 591 | 660 | 660 | .. | .. | .. | 881 | 881 | .. | .. |
| 103 | State examiner | 584 | 660 | 660 | 703 | 883 | .. | 885 | 885 | .. | .. |
| 104 | Primary elections | 657 | 663 | 663 | 709 | 745 | .. | 931 | 931 | .. | .. |
| 105 | Clerk hire Com. Agriculture | 398 | 595 | 595 | 609 | .. | .. | 866 | 866 | .. | .. |
| 107 | Terms district court | 435 | 447 | 447 | 457 | .. | 536 | 536 | 536 | .. | .. |
| 109 | Commissioners of railroads... | 451 | 661 | 661 | 720 | .. | 720 | 869 | 869 | .. | .. |
| 110 | Reimbursing Burleigh Co... | 434 | 446 | 446 | 640 | .. | .. | 868 | 868 | .. | .. |
| 111 | Agricultural college | 584 | 660 | 660 | 720 | .. | 720 | 879 | 879 | .. | .. |
| 112 | Furniture capitol building.. | 434 | 445 | 445 | 611 | .. | .. | 868 | 868 | .. | .. |
| 116 | Cigarettes | 712 | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| 117 | Protection game and fish .. | 411 | 447 | 447 | 694 | .. | 694 | 803 | 803 | .. | 809 |
| | | | | | | | 801 | | | | |
| 118 | Appropriation for drains through school lands.... | 434 | 446 | 446 | 457 | .. | .. | 519 | 519 | .. | .. |
| 120 | Assessment and taxation grain elevators | 537 | 779 | 779 | 942 | 944 | .. | 945 | 945 | .. | .. |
| 121 | Titles to real property | 411 | 447 | 447 | 456 | .. | 591 | 879 | 880 | .. | .. |
| 122 | Marks and brands | 496 | 659 | 659 | 730 | .. | 730 | 805 | 805 | .. | .. |
| 123 | Labor of convicts | 496 | 661 | 661 | 720 | .. | .. | 875 | 875 | .. | .. |
| 124 | Defective acknowledgments | 434 | 446 | 446 | 456 | .. | .. | 540 | 540 | .. | .. |
| 126 | Physical education | 434 | 446 | 446 | 580 | .. | .. | 901 | 901 | .. | .. |
| 129 | A memorial to congress to raise water in Devils lake | 434 | 446 | 446 | .. | .. | .. | .. | 446 | .. | .. |
| 130 | Appro. state university.... | 592 | 594 | 594 | 609 | .. | .. | 611 | 611 | .. | .. |
| 131 | Geological survey of N. D. | 434 | 446 | 446 | 547 | .. | .. | 565 | 565 | .. | .. |
| | | | | | 564 | .. | .. | .. | .. | .. | .. |
| 133 | Industrial school Ellendale | 502 | 594 | 594 | 610 | .. | .. | 615 | 615 | .. | .. |
| 134 | Societies to secure homes for orphans | 495 | 659 | 659 | .. | .. | .. | .. | .. | .. | .. |
| 136 | Compensation of clerks of district court..... | 584 | 659 | 659 | 892 | .. | .. | .. | .. | 892 | .. |
| 137 | Compensation county judges | 712 | 773 | 780 | .. | .. | .. | .. | .. | .. | .. |
| 138 | Purchase of tools and road machinery | 537 | 662 | 662 | .. | .. | 957 | 957 | 957 | 946 | .. |
| | | | | | | | 946 | | | | |
| 139 | Compensation county judges having inc. jurisdiction | 691 | 775 | 782 | .. | .. | .. | 909 | 909 | .. | .. |
| 140 | State fish warden | 495 | 662 | 662 | 671 | .. | .. | 899 | 899 | .. | .. |

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| 142 | Formation school districts .. | 626 | 661 | 661 | 720 | .. | .. | 878 | 879 | .. | .. |
| 144 | Special terms supreme court | 625 | 660 | 660 | 710 | 711 | .. | 714 | 714 | .. | .. |
| 145 | Encampment Nat. guards.. | 625 | 660 | 660 | 670 | .. | .. | 875 | 875 | .. | .. |
| 147 | State funds to county treas. | 712 | 782 | 782 | .. | .. | .. | 939 | 939 | .. | .. |
| 149 | University & school lands | 656 | 662 | 662 | 735 | .. | .. | 809 | 809 | .. | .. |
| 150 | Board of health | 691 | 775 | 780 | .. | .. | .. | 945 | 945 | .. | .. |
| 151 | Sale of school lands | 712 | 775 | 780 | .. | .. | .. | 956 | 956 | .. | .. |
| 152 | Public lands | 712 | 775 | 780 | .. | .. | .. | 959 | 959 | .. | .. |
| 153 | Delinquent taxes | 656 | 662 | 662 | 731 | .. | .. | 882 | 882 | .. | .. |
| 154 | Corporate limits of cities .. | 657 | 662 | 662 | 670 | .. | .. | .. | .. | 670 | .. |
| 156 | Elections | 691 | 775 | 780 | 883 | .. | 883 | 886 | 886 | .. | .. |
| 157 | Military instruction | 804 | 866 | 866 | .. | .. | .. | .. | .. | .. | .. |
| 158 | Evidence of debt—exceptions | 712 | 775 | 781 | .. | .. | .. | .. | .. | .. | .. |
| 159 | Government of cities | 656 | 661 | 661 | 674 | .. | .. | 894 | 894 | .. | .. |
| 161 | School and public lands | 712 | 776 | 779 | 940 | .. | 940 | 941 | .. | 941 | .. |
| 162 | Inspection of grain | 691 | 775 | 781 | .. | .. | .. | 960 | 960 | .. | .. |
| 164 | Opening of highways | 712 | 776 | 782 | .. | .. | .. | 907 | 907 | .. | .. |
| 165 | Div. of organized townships | 741 | 774 | 780 | .. | .. | 948 | 949 | 949 | .. | .. |
| 168 | Name for deaf school | 723 | 776 | 782 | .. | .. | .. | .. | .. | .. | .. |
| 169 | Enumeration deaf children | 741 | 775 | 781 | .. | .. | .. | .. | .. | .. | .. |
| 171 | Execution of tax deeds | 741 | 774 | 781 | .. | .. | .. | 907 | 909 | .. | .. |
| 173 | Boundaries 2nd judicial dist. | 691 | .. | .. | .. | .. | 807 | 808 | 808 | .. | .. |
| 174 | Disposition state fair ground | 740 | 774 | 781 | .. | .. | .. | 900 | 900 | .. | .. |
| 175 | Education | 805 | 867 | 867 | .. | .. | .. | .. | .. | .. | .. |
| 176 | Purchase land for penit'ary | 722 | 776 | 781 | .. | .. | .. | 955 | 955 | .. | .. |
| 179 | Wages legislative employes | 723 | 776 | 780 | .. | .. | .. | 800 | 800 | .. | .. |
| 180 | Contingent fund N. D. bond | .. | .. | .. | .. | .. | .. | 902 | 902 | .. | .. |
| 181 | Licensing commission merch. | 885 | 886 | 886 | .. | .. | .. | .. | .. | .. | .. |

COMMITTEE REPORTS, ETC.

ORGANIZATION—1-15.

speaker elected—2.
 chief clerk, election of—3.
 assistant chief clerk, election of—3.
 sergeant-at-arms, election of—4.
 assistant sergeant-at-arms—4.
 journal clerk, election of—4.
 chief enrolling and engrossing clerk, election of—5.
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