

STATE OF NORTH DAKOTA

JOURNAL OF THE SENATE

OF THE

TENTH SESSION

OF THE

LEGISLATIVE ASSEMBLY

*Begun and held at the Capitol at Bismarck
January 8 to March 8, 1907,
Inclusive*

BISMARCK, N. D.
TRIBUNE, STATE PRINTERS AND BINDERS
1907

OFFICERS AND MEMBERS
 OF THE
SENATE OF NORTH DAKOTA
 FOR THE
TENTH LEGISLATIVE ASSEMBLY

1907

OFFICERS

PRESIDENT.....	LIEUTENANT GOVERNOR R. S. LEWIS
PRESIDENT pro tem.....	J. AUSTIN REGAN
SECRETARY.....	J. W. FOLEY
FIRST ASSISTANT SECRETARY.....	F. W. KEMPF
SECOND ASSISTANT SECRETARY.....	GEORGE WEATHERHEAD
STENOGRAPHER.....	ARA E. WAGGONER
CHIEF ENGROSSING AND ENROLLING CLERK.....	W. P. THURSTON
BILL CLERK.....	L. K. ESTABROOK
SERGEANT AT ARMS.....	W. H. BROWN
ASSISTANT.....	EVER WAGNESS
DOORKEEPER.....	J. O. RINDAHL
MESSENGER.....	A. GLORVICK
POSTMASTER.....	JOHN McKECHNIE
ASSISTANT.....	E. R. STEINBRUECK
WATCHMAN.....	M. SKARISON
JOURNAL CLERK.....	KATHERINE COLEMAN
ASSISTANT.....	JOHN SWENSON
CHAPLAIN.....	REV. O. F. JONES, D. D.
CLERK JUDICIARY COMMITTEE.....	HERBERT HALLENBERG
CLERK APPROPRIATION COMMITTEE.....	N. R. BURLEY
BILL ROOM CLERK.....	E. CHAPMAN
ASSISTANT.....	S. PETERSON
DOORKEEPER OF GALLERY.....	JOHN YOUNG
JANITOR.....	O. P. Fossum
CLOAK ROOM ATTENDANT.....	CHAS. PALMER
STENOGRAPHERS TO SENATORS.....	ESTHER NEWBURY, CORA SIMPSON, GENEVE WARNER, KARRIE KING MAYFIELD, NOR- MAN HALL, ANNA O. FANGSRUD, CARRIE MORRISH
PAGES.....	HOWARD HOGUE, ROY DURHAM, STANLEY JOHNSON, WELLS HUTCHINSON, FLOYD HASTINGS, KICHARD RIAL, EARL HAGY, EUGENE MORRIS, GEORGE MOVIOUS.

MEMBERS

Dist.	Name	Postoffice Address	Occupation	Where Born	Came to State	Married or Single	Age
36	Albright, Chris.....	Ashley.....	Farmer....	Germany..	1885	Married.	48
4	*Cashel, John L.....	Grafton.....	Banker....	New York.	1881	Married.	59
16	Crane, Maynard.....	Cooperstown..	Lumber....	New Jers'y	1883	Married.	50
13	†Dyste, John S.....	Forman.....	Mercantile	Norway...	1885	Married.	44
10	Gilbert, E. F.....	Casselton.....	Merchant..	Ohio.....	1883	Married.	52
2	*Halliday, E. A.....	Hensel.....	Mercantile	Canada....	1875	Married.	64
9	Hanna, L. B.....	Fargo.....	Banker....	Pennsylv'a	1881	Married.	46
35	Johnson, A. E.....	Washburn.....	Real Estate	Sweden....	1883	Married.	33
3	†Johnson, Thos.....	Park River....	Ag. Impl't.	Wisconsin..	1892	Married.	54
32	*Kelly, John.....	Bisbee.....	Farmer....	Canada....	1881	Married.	44
29	†Kraabel, A. T.....	Clifford.....	Mercantile	Norway....	1892	Married.	45
30	Koffel, Theodore....	Esmond.....	Lawyer....	Minnesota.	1896	Single...	
1	†LaMoire, Judson....	Pembina.....	Mercantile	Canada....	1870	Married.	68
30	Leutz, Ferd.....	Hebron.....	Banking...	Germany..	1883	Married.	53
27	†Little, C. B.....	Bismarck....	Banking...	New Ham..	1882	Married.	50
28	*McArthur, D. H.....	Bottineau....	Real Estate	Canada....	1885	Married.	42
26	McDonald, Alex.....	Glencoe.....	Stock Rais.	Scotland..	1883	Married.	47
18	McLean, Henry.....	Hannah.....	Mercantile	Scotland..	1882	Married.	60
37	†Movius, E. A.....	Lidgerwood..	Mercantile	Germany..	1887	Married.	49
32	Palmer, Geo. D.....	Bordulac....	Farmer....	Michigan..	1884	Married.	52
14	Pierce, Ed.....	Sheldon.....	Banking...	Michigan..	1878	Married.	43
40	Plain, C. W.....	Milton.....	Mercantile	Illinois....	1888	Married.	49
12	*Purcell, W. E.....	Wahpeton....	Lawyer....	New Jers'y	1881	Married.	51
38	Ramsett, K. S.....	Fingal.....	Mercantile	Wisconsin..	1882	Married.	53
33	†Regan, J. Austin....	Fessenden....	Machinery	Canada....	1891	Married.	37
34	Rice, C. D.....	Towner.....	Farmer....	Wisconsin..	1888	Married.	48
24	Sharpe, J. B.....	Kulm.....	Banker....	New York.	1892	Single...	50
23	†Sifton, J. W.....	Jamestown..	Physician..	Canada....	1890	Married.	42
31	*Simpson, L. A.....	Dickinson....	Lawyer....	Maine.....	1889	Married.	39
5	**Sponheim, E. K....	Larimore....	Farm Imp.	Norway....	1882	Single...	33
21	Stade, A. J.....	Devils Lake..	Mercantile	Norway....	1883	Single...	49
29	†Steele, H. H.....	Mohall.....	Banking...	Wisconsin..	1889	Married.	35
8	Strom, H. H.....	Hillsboro....	Farmer....	Norway...	1878	Married.	61
17	†Sorenson, Iver.....	Aneta.....	Farmer....	Norway....	1880	Married.	58
11	†Talcott, Frank S....	Buffalo.....	Farmer....	New York.	1881	Married.	44
7	†Taylor, John D.....	Grand Forks..	Physician..	Canada....	1879	Single...	48
25	†Thatcher, L. H.....	Guelph.....	Farmer....	Vermont...	1882	Married.	56
6	*Turner, James.....	Grand Forks..	Mill M'fg.	Scotland..	1883	Married.	60
19	†Wagner, C. I. F....	Rolla.....	Abstract'g.	New Jers'y	1882	Married.	47
15	†Young, Geo. W.....	Valley City...	Attorney..	Canada....	1890	Married.	35

Journal of the Senate

TENTH SESSION

FIRST DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 8, 1907.

At the hour of 12 o'clock meridian on Tuesday the 8th day of January, A. D. 1907, being the day and hour designated by law for the convening of the tenth legislative assembly of North Dakota members of the senate assembled in the senate chamber of the capitol at Bismarck, and were called to order by the Hon. David Bartlett, lieutenant governor, as president of the senate.

Prayer was offered by the Rev. O. F. Jones of Bismarck.

The oath of office was administered to R. S. Lewis, lieutenant governor elect by Hon. D. E. Morgan, Chief Justice of the Supreme Court.

The following holdover senators responded to their names upon roll call:

First District—Judson LaMoure.

Third District—Thomas Johnson.

Fifth District—E. K. Spoonheim.

Seventh District—John D. Taylor.

Ninth District—L. B. Hanna.

Eleventh District—F. S. Talcott.

Thirteenth District—John H. Dyste.

Fifteenth District—Geo. M. Young.

Seventeenth District—Iver Swenson.
 Nineteenth District—C. I. F. Wagner.
 Twenty-first District—A. J. Stade.
 Twenty-third District—J. W. Sifton.
 Twenty-fifth District—T. H. Thatcher.
 Twenty-seventh District—C. B. Little.
 Twenty-ninth District—H. H. Steele.
 Thirty-first District—L. A. Simpson.
 Thirty-third District—J. Austin Regan.
 Thirty-fifth District—A. E. Johnson.
 Thirty-seventh District—E. A. Movius.
 Thirty-ninth District—A. T. Kraabel.

The roll of the senate elect was called and the following named members responded to their names :

Second District—Frank A. Halliday.
 Fourth District—John L. Cashel.
 Sixth District—James Turner.
 Eighth District—H. H. Strom.
 Tenth District—E. F. Gilbert.
 Twelfth District—W. E. Purcell.
 Fourteenth District—Ed. Pierce.
 Sixteenth District—Maynard Crane.
 Eighteenth District—Henry McLean.
 Twentieth District—Theodor Koffel.
 Twenty-second District—John Kelly.
 Twenty-fourth District—J. B. Sharpe.
 Twenty-sixth District—Alex. McDonald.
 Twenty-eighth District—D. H. McArthur.
 Thirtieth District—Ferdinand Leutz.
 Thirty-second District—Geo. D. Palmer.
 Thirty-fourth District—C. D. Rice.
 Thirty-sixth District—Christ Albright.
 Thirty-eighth District—K. S. Ramsett.
 Fortieth District—C. W. Plain.

The oath of office was administered to the senators elect by Hon. D. E. Morgan, Chief Justice of the Supreme Court.

Mr. Simpson moved

That the senate proceed to the election of officers of the senate in the order as they appear in the Legislative Manual.

Which motion prevailed.

Mr. Crane nominated J. Austin Regan for president pro tem. of the senate.

There being no further nominations the roll was called and those voting in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sifton
Cashel	Little	Simpson
Crane	McArthur	Spoonheim
Dyste	McDonald	Stade
Gilbert	McLean	Steele
Halliday	Movius	Strom
Hanna	Palmer	Swenson
Johnson of McLean	Pierce	Talcott
Johnson of Walsh	Plain	Taylor
Kelly	Purcell	Thatcher
Koffel	Ramsett	Turner
Kraabel	Rice	Wagner
LaMoure	Sharpe	Young

Mr. Regan not voting.

Mr. Regan having received a majority of the votes cast was declared elected.

Mr. Little nominated J. W. Foley as secretary of the senate.

There being no further nominations the roll was called and those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sifton
Cashel	McArthur	Simpson
Crane	McDonald	Spoonheim
Dyste	McLean	Stade
Gilbert	Movius	Steele
Halliday	Palmer	Strom
Hanna	Pierce	Swenson
Johnson of McLean	Plain	Talcott
Johnson of Walsh	Purcell	Taylor
Kelly	Ramsett	Thatcher
Koffel	Regan	Turner
Kraabel	Rice	Wagner
LaMoure	Sharpe	Talcott
Leutz		

Mr. Foley receiving a majority of the votes cast was declared elected.

Mr. Sharpe nominated F. W. Kempf for first assistant secretary of the senate.

There being no further nominations the roll was called and those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sifton
Cashel	McArthur	Simpson
Crane	McDonald	Spoonheim
Dyste	McLean	Stade
Gilbert	Movius	Steele

Messrs.—	Messrs.—	Messrs.—
Halliday	Palmer	Strom
Hanna	Pierce	Swenson
Johnson of McLean	Plain	Talcott
Johnson of Walsh	Purcell	Taylor
Kelly	Ramsett	Thatcher
Koffel	Regan	Turner
Kraabel	Rice	Wagner
LaMoure	Sharpe	Young
Leutz		

Mr. Kempf receiving a majority of the votes cast was declared elected.

Mr. Strom nominated George Weatherhead as second assistant secretary of the senate.

There being no further nominations the roll was called and those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sifton
Cashel	McArthur	Simpson
Crane	McDonald	Spoonheim
Dyste	McLean	Stade
Gilbert	Movius	Steele
Halliday	Palmer	Strom
Hanna	Pierce	Swenson
Johnson of McLean	Plain	Talcott
Johnson of Walsh	Purcell	Taylor
Kelly	Ramsett	Thatcher
Koffel	Regan	Turner
Kraabel	Rice	Wagner
LaMoure	Sharpe	Young
Leutz		

Mr. Weatherhead receiving a majority of the votes cast was declared elected.

Mr. Sharpe moved

That the oath of office be administered to the secretary of the senate and the first assistant secretary of the senate.

The motion prevailed, and

The president administered the oath to J. W. Foley and F. W. Kempf.

Mr. McDonald nominated W. P. Thurston chief enrolling and engrossing clerk.

There being no further nominations the roll was called and those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sifton
Cashel	McArthur	Simpson
Crane	McDonald	Spoonheim
Dyste	McLean	Stade
Gilbert	Movius	Steele
Halliday	Palmer	Strom
Hanna	Pierce	Swenson
Johnson of McLean	Plain	Talcott

Messrs.—	Messrs.—	Messrs.—
Johnson of Walsh	Purcell	Taylor
Kelly	Ramsett	Thatcher
Koffel	Regan	Turner
Kraabel	Rice	Wagner
LaMoure	Sharpe	Young
Leutz		

Mr. Thurston receiving a majority of the votes cast was declared elected.

Mr. Palmer nominated L. K. Estabrook as bill clerk.

There being no further nominations the roll was called and those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sifton
Cashel	McArthur	Simpson
Crane	McDonald	Spoonheim
Dyste	McLean	Stade
Gilbert	Movius	Steele
Halliday	Palmer	Strom
Hanna	Pierce	Swenson
Johnson of McLean	Plain	Talcott
Johnson of Walsh	Purcell	Taylor
Kelly	Ramsett	Thatcher
Koffel	Regan	Turner
Kraabel	Rice	Wagner
LaMoure	Sharpe	Young
Leutz		

Mr. Estabrook receiving a majority of the votes cast was declared elected.

Mr. Taylor nominated W. H. Brown for sergeant at arms.

There being no further nominations the roll was called and those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sifton
Cashel	McArthur	Simpson
Crane	McDonald	Spoonheim
Dyste	McLean	Stade
Gilbert	Movius	Steele
Halliday	Palmer	Strom
Hanna	Pierce	Swenson
Johnson of McLean	Plain	Talcott
Johnson of Walsh	Purcell	Taylor
Kelly	Ramsett	Thatcher
Koffel	Regan	Turner
Kraabel	Rice	Wagner
LaMoure	Sharpe	Young
Leutz		

Mr. Brown receiving a majority of the votes cast was declared elected.

Mr. Stade nominated Ever Wagness as assistant sergeant at arms.

There being no further nominations the roll was called and those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sifton
Cashel	McArthur	Simpson
Crane	McDonald	Spoonheim
Dyste	McLean	Stade
Gilbert	Movius	Steele
Halliday	Palmer	Strom
Hanna	Pierce	Swenson
Johnson of McLean	Plain	Talcott
Johnson of Walsh	Purcell	Taylor
Kelly	Ramsett	Thatcher
Koffel	Regan	Turner
Kraabel	Rice	Wagner
LaMoure	Sharpe	Young
Leutz		

Mr. Wagness receiving a majority of the votes cast was declared elected.

Mr. Kraabel nominated J. O. Rindahl as door keeper.

There being no further nominations the roll was called and those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Simpson
Cashel	McArthur	Spoonheim
Crane	McDonald	Stade
Dyste	McLean	Steele
Gilbert	Movius	Strom
Halliday	Palmer	Swenson
Hanna	Pierce	Talcott
Johnson of McLean	Plain	Taylor
Johnson of Walsh	Purcell	Thatcher
Kelly	Ramsett	Turner
Koffel	Regan	Wagner
Kraabel	Rice	Young
LaMoure	Sharpe	
Leutz		

Mr. Rindahl receiving a majority of the votes cast was declared elected.

Mr. Hanna nominated Miss Ara E. Waggoner as stenographer.

There being no further nominations the roll was called and those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Simpson
Cashel	McArthur	Spoonheim
Crane	McDonald	Stade
Dyste	McLean	Steele

Messrs.—	Messrs.—	Messrs.—
Gilbert	Movius	Strom
Halliday	Palmer	Swenson
Hanna	Pierce	Talcott
Johnson of McLean	Plain	Taylor
Johnson of Walsh	Purcell	Thatcher
Kelly	Ramsett	Turner
Koffel	Regan	Wagner
Kraabel	Rice	Young
LaMoure	Sharpe	
Leutz		

Miss Waggoner receiving a majority of the votes cast was declared elected.

Mr. Plain nominated John McKechnie as postmaster.

There being no further nominations the roll was called and those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sifton
Cashel	McArthur	Simpson
Crane	McDonald	Spoonheim
Dyste	McLean	Stade
Gilbert	Movius	Steele
Halliday	Palmer	Strom
Hanna	Pierce	Swenson
Johnson of McLean	Plain	Talcott
Johnson of Walsh	Purcell	Taylor
Kelly	Ramsett	Thatcher
Koffel	Regan	Turner
Kraabel	Rice	Wagner
LaMoure	Sharpe	Young
Leutz		

Mr. McKechnie receiving a majority of the votes cast was declared elected.

Mr. Leutz nominated E. R. Steinbrueck as assistant postmaster.

There being no further nominations the roll was called and those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sifton
Cashel	McArthur	Simpson
Crane	McDonald	Spoonheim
Dyste	McLean	Stade
Gilbert	Movius	Steele
Halliday	Palmer	Strom
Hanna	Pierce	Swenson
Johnson of McLean	Plain	Talcott
Johnson of Walsh	Purcell	Taylor
Kelly	Ramsett	Thatcher
Koffel	Regan	Turner
Kraabel	Rice	Wagner
LaMoure	Sharpe	Young
Leutz		

Mr. Steinbrueck receiving a majority of the votes cast was declared elected.

Mr. Rice nominated M. Skarison as watchman.

There being no further nominations the roll was called and those who voted in the affirmative were:

Albright	Little	Sifton
Cashel	McArthur	Simpson
Crane	McDonald	Spoonheim
Dyste	McLean	Stade
Gilbert	Movius	Steele
Halliday	Palmer	Strom
Hanna	Pierce	Swenson
Johnson of McLean	Plain	Talcott
Johnson of Walsh	Purcell	Taylor
Kelly	Ramsett	Thatcher
Koffel	Regan	Turner
Kraabel	Rice	Wagner
LaMoure	Sharpe	Young
Leutz		

Mr. Skarison receiving a majority of the votes cast was declared elected.

Mr. Simpson nominated Katherine Coleman for journal clerk.

There being no further nominations the roll was called and those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sifton
Cashel	McArthur	Simpson
Crane	McDonald	Spoonheim
Dyste	McLean	Stade
Gilbert	Movius	Steele
Halliday	Palmer	Strom
Hanna	Pierce	Swenson
Johnson of McLean	Plain	Talcott
Johnson of Walsh	Purcell	Taylor
Kelly	Ramsett	Thatcher
Koffel	Regan	Turner
Kraabel	Rice	Wagner
LaMoure	Sharpe	Young
Leutz		

Miss Coleman receiving a majority of the votes cast was declared elected.

Mr. Swenson nominated John Swenson for assistant journal clerk.

There being no further nominations the roll was called and those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sifton
Cashel	McArthur	Simpson
Crane	McDonald	Spoonheim

Dyste	McLean	Stade
Gilbert	Movius	Steele
Halliday	Palmer	Strom
Hanna	Pierce	Swenson
Johnson of McLean	Plain	Talcott
Johnson of Walsh	Purcell	Taylor
Kelly	Ramsett	Thatcher
Koffel	Regan	Turner
Kraabel	Rice	Wagner
LaMoure	Sharpe	Young
Leutz		

Mr. Swenson receiving a majority of the votes cast was declared elected.

Mr. Little nominated Herbert Hallenberg for clerk of the judiciary committee.

There being no further nominations, the roll was called and those voting in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sifton
Cashel	McArthur	Simpson
Crane	McDonald	Spoonheim
Dyste	McLean	Stade
Gilbert	Movius	Steele
Halliday	Palmer	Strom
Hanna	Pierce	Swenson
Johnson of McLean	Plain	Talcott
Johnson of Walsh	Purcell	Taylor
Kelly	Ramsett	Thatcher
Koffel	Regan	Turner
Kraabel	Rice	Wagner
LaMoure	Sharpe	Young
Leutz		

Mr. Hallenberg receiving a majority of the votes cast was declared elected.

Mr. Dyste nominated A. Glorvick as senate messenger.

There being no further nominations, the roll was called and those voting in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sifton
Cashel	McArthur	Simpson
Crane	McDonald	Spoonheim
Dyste	McLean	Stade
Gilbert	Movius	Steele
Halliday	Palmer	Strom
Hanna	Pierce	Swenson
Johnson of McLean	Plain	Talcott
Johnson of Walsh	Purcell	Taylor
Kelly	Ramsett	Thatcher
Koffel	Regan	Turner
Kraabel	Rice	Wagner
LaMoure	Sharpe	Young
Leutz		

Mr. Glorvick receiving a majority of the votes cast was declared elected.

Mr. Talcott nominated Rev. O. F. Jones, D.D., as chaplain.

There being no further nominations, the roll was called and those voting in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sifton
Cashel	McArthur	Simpson
Crane	McDonald	Spoonheim
Dyste	McLean	Stade
Gilbert	Movius	Steele
Halliday	Palmer	Strom
Hanna	Pierce	Swenson
Johnson of McLean	Plain	Talcott
Johnson of Walsh	Purcell	Taylor
Kelly	Ramsett	Thatcher
Koffel	Regan	Turner
Kraabel	Rice	Wagner
LaMoure	Sharpe	Young
Leutz		

Mr. Jones receiving a majority of the votes cast was declared elected.

Mr. Young nominated James E. Buttree as proofreader.

There being no further nominations, the roll was called and those voting in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sifton
Cashel	McArthur	Simpson
Crane	McDonald	Spoonheim
Dyste	McLean	Stade
Gilbert	Movius	Steele
Halliday	Palmer	Strom
Hanna	Pierce	Swenson
Johnson of McLean	Plain	Talcott
Johnson of Walsh	Purcell	Taylor
Kelly	Ramsett	Thatcher
Koffel	Regan	Turner
Kraabel	Rice	Wagner
LaMoure	Sharpe	Young
Leutz		

Mr. Buttree receiving a majority of the votes cast was declared elected.

Mr. Talcott nominated E. Chapman of Cass county as bill room clerk.

There being no further nominations, the roll was called and those voting in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Cashel	Little	Sifton
Crane	McArthur	Simpson
Dyste	McDonald	Spoonheim
Gilbert	McLean	Stade

Messrs.—	Messrs.—	Messrs.—
Halliday	Movius	Steele
Hanna	Palmer	Strom
Johnson of McLean	Pierce	Swenson
Johnson of Walsh	Plain	Talcott
Kelly	Purcell	Taylor
Koffel	Ramsett	Thatcher
Kraabel	Regan	Turner
LaMoure	Rice	Wagner
Leutz	Sharpe	Young
Hanna		

Mr. Chapman receiving a majority of the votes cast was declared elected.

Mr. Sifton nominated S. Peterson as assistant bill room clerk.

There being no further nominations, the roll was called and those voting in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sifton
Cashel	McArthur	Simpson
Crane	McDonald	Spoonheim
Dyste	McLean	Stade
Gilbert	Movius	Steele
Halliday	Palmer	Strom
Hanna	Pierce	Swenson
Johnson of McLean	Plain	Talcott
Johnson of Walsh	Purcell	Taylor
Kelly	Ramsett	Thatcher
Koffel	Regan	Turner
Kraabel	Rice	Wagner
LaMoure	Sharpe	Young
Leutz		

Mr. Peterson receiving a majority of the votes cast was declared elected.

Mr. LaMoure nominated N. R. Burley as clerk of the appropriation committee.

There being no further nominations, the roll was called and those voting in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sifton
Cashel	McArthur	Simpson
Crane	McDonald	Spoonheim
Dyste	McLean	Stade
Gilbert	Movius	Steele
Halliday	Palmer	Strom
Hanna	Pierce	Swenson
Johnson of McLean	Plain	Talcott
Johnson of Walsh	Purcell	Taylor
Kelly	Ramsett	Thatcher
Koffel	Regan	Turner
Kraabel	Rice	Wagner
LaMoure	Sharpe	Young
Leutz		

Mr. Burley receiving a majority of the votes cast was declared elected.

Mr. Little nominated the following candidates for pages: Howard Hogue, Wells Hutchinson, Stanley Johnson, Richard Rial, Floyd Hastings, Earl Hagy.

Mr. Purcell nominated Eugene Morris and moved as an amendment that the number of pages be increased by one.

Mr. Simpson moved to amend by adding the name of Ray Durham to the list.

The roll being called on the motion as amended, those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McArthur	Simpson
Cashel	McDonald	Stade
Dyste	Movius	Steele
Gilbert	Palmer	Strom
Hanna	Pierce	Swenson
Johnson of McLean	Plain	Talcott
Johnson of Walsh	Purcell	Taylor
Koffel	Ramsett	Thatcher
Kraabel	Regan	Turner
LaMoure	Rice	Wagner
Leutz	Sharpe	Young
Little	Sifton	

Those voting in the negative were:

Messrs.—	Messrs.—	Messrs.—
Crane	Kelly	Spoonheim
Halliday	McLean	

The above named pages having received a majority of all the votes cast were declared elected.

Mr. Hanna nominated John Young as doorkeeper for the gallery.

There being no other nominations, the roll was called and those voting in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sifton
Cashel	McArthur	Simpson
Crane	McDonald	Spoonheim
Dyste	McLean	Stade
Gilbert	Movius	Steele
Halliday	Palmer	Strom
Hanna	Pierce	Swenson
Johnson of McLean	Plain	Talcott
Johnson of Walsh	Purcell	Taylor
Kelly	Ramsett	Thatcher
Koffel	Regan	Turner
Kraabel	Rice	Wagner
LaMoure	Sharpe	Young
Leutz		

Mr. Young receiving a majority of the votes cast was declared elected.

Mr. Gilbert nominated Chas. Palmer as cloak room attendant.

There being no further nominations, the roll was called and those voting in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Cashel	Little	Sifton
Crane	McArthur	Simpson
Dyste	McDonald	Spoonheim
Gilbert	McLean	Stade
Halliday	Movius	Steele
Hanna	Palmer	Strom
Johnson of McLean	Pierce	Swenson
Johnson of Walsh	Plain	Talcott
Kelly	Purcell	Taylor
Koffel	Ramsett	Thatcher
Kraabel	Regan	Turner
LaMoure	Rice	Wagner
Leutz	Sharpe	Young
Hanna		

Mr. Palmer receiving a majority of the votes cast was declared elected.

Mr. Koffel nominated O. P. Fossem for janitor.

There being no further nominations, the roll was called and those voting in the affirmative were:

Messrs. Albright, Cashel, Crane, Dyste, Gilbert, Halliday, Hanna, Johnson of McLean, Johnson of Walsh, Kelly, Koffel, Kraabel, LaMoure, Leutz, Little, McArthur, McDonald, McLean, Movius, Palmer, Pierce, Plain, Purcell, Ramsett, Regan, Rice, Sharpe, Sifton, Simpson, Spoonheim, Stade, Steele, Strom, Swenson, Talcott, Taylor, Thatcher, Turner, Wagner, Young.

Mr. Fossem receiving a majority of the votes cast was declared elected.

Mr. Crane moved

That the president of the senate be authorized to appoint the following persons for assistant engrossing and enrolling clerks:

John Meidinger,
 Harry Weiland,
 W. E. Guy,
 R. D. Johnson,
 L. Kuhre,
 A. N. Betzer.
 Ed. Barry,

J. M. Patterson,
Thomas Jones.

Which motion prevailed.

Mr. Hanna moved the election of four senate stenographers and one stenographer for the lieutenant governor, and that the following be elected:

Ethel Newbury,
Cora Simpson,
Mrs. Mary King Mayfield,
Norman Hall, and
Miss Geneve Warner.

The roll being called, those who voted in the affirmative were:

Messrs. Albright, Cashel, Crane, Dyste, Gilbert, Halliday, Hanna, Johnson of McLean, Johnson of Walsh, Kelly, Koffel, Kraabel, LaMoure, Leutz, Little, McArthur, McDonald, McLean, Movius, Palmer, Pierce, Plain, Purcell, Ramsett, Regan, Rice, Sharpe, Sifton, Simpson, Spoonheim, Stade, Steele, Strom, Swenson, Talcott Taylor, Thatcher, Turner, Wagner, Young.

The above named stenographers receiving a majority of the votes were declared elected.

Mr. LaMoure moved

That a committee of seven be appointed on rules,
Which motion prevailed.

Mr. Little moved

That the chair appoint a committee of three to wait upon the governor and inform him that the senate is organized and ready to receive any communications he might have,

Which motion prevailed.

Mr. Simpson moved

That a committee of three be appointed to wait upon the house and inform them that the senate is organized and ready for business,

Which motion prevailed.

Mr. Little moved

That pending the report of the committee on rules the senate be governed by the old rules.

Which motion prevailed.

The lieutenant governor appointed the following committees:

To wait upon the governor: Messrs. Talcott, Purcell and McDonald.

To wait upon the house: Messrs. LaMoure, Taylor and Regan.

Committee on rules: Messrs. Wagner, Little, Talcott, Sharpe, Cashel, Young, Koffel.

The oath was administered by the president to the following officers and employes:

J. A. Regan, president pro tem.

J. W. Foley, secretary.

F. W. Kempf, first assistant secretary.

Herbert Hallenberg, clerk of the judiciary committee.

Edward Barry, assistant enrolling and engrossing clerk.

W. P. Thurston, chief enrolling and engrossing clerk.

Harry Weiland, assistant enrolling and engrossing clerk.

Miss Ara Waggoner, stenographer of the senate.

Miss Katherine Coleman, stenographer.

Mrs. Karrie K. Mayfield, stenographer.

E. R. Steinbrueck, assistant postmaster.

John Young, doorkeeper of gallery.

E. Chapman, bill room clerk.

Venerable Owen F. Jones, DD., chaplain.

Chas. Palmer, cloak room attendant.

W. H. Brown, sergeant at arms.

N. R. Burley, clerk appropriation committee.

M. Skarison, watchman.

Miss Geneve Warner, stenographer for lieutenant governor.

Cora Simpson, members' stenographer.

Howard Hogue, Roy Durham, Stanley Johnson, Wells Hutchinson, Floyd Hastings, Richard Rial, Earl Hagy, Eugene Morris, pages.

Mr. Crane moved a recess of fifteen minutes.

Which motion prevailed.

AFTER RECESS.

Mr. Crane moved

That the senate adjourn until two o'clock Wednesday.

Which motion prevailed, and

The senate adjourned.

J. W. FOLEY,
Secretary.

SECOND DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 9, 1907.

The senate met at 2 o'clock,

The president presiding.

Roll call.

All present except Mr. Sifton who was excused.

MESSAGE FROM THE HOUSE.

A committee from the house reported that the house was organized and ready to receive communications from the senate.

MOTIONS AND RESOLUTIONS. .

Mr. Little moved

That the reading of the journal be dispensed with and that a permanent committee of three be appointed by the chair to correct the journal.

Which motion prevailed.

Mr. Crane moved

That the courtesies of the floor be extended to the Hon. E. D. Washburn of Hope.

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 9, 1907.

Mr. President:

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

Speaker—Treadwell Twichell.
Chief Clerk—P. D. Norton.
Assistant Clerks—W. D. Austin and Otto Sougstad.
Chief Enrolling and Engrossing Clerk—M. O. Gullackson.
Bill Clerk—O. J. Quamme.
Stenographer—Miss Laura Connor.
Members' Stenographer—Miss Mabel Thorburn.
Clerk of the Judiciary Committee—Ed. K. Mason.
Journal Clerk—T. G. Anderson.
Assistant Journal Clerk—William Hennessey.
Bill Room Clerks—C. L. Jones and Thomas Radcliffe.
Sergeant at Arms—O. K. Hovet.
Doorkeepers—F. A. McDonald and David Maddux.
Messenger—R. J. Percy.
Postmaster—Hans Fosser.
Chaplain—Rev. F. W. Stanton.
Watchman—A. D. Rainey.
Janitors—J. L. Smith and George Fisher.
Cloak Room Attendants—T. Barry and W. D. Dopking.
Pages—Harold Semling, Lester Budlong, Arnold Michaelson, Joel Stebbins, Harry Beardsley and Fred James.

Respectfully submitted,
P. D. NORTON,
Chief Clerk.

INTRODUCTION OF SENATE BILLS.

Mr. Sharpe introduced
Senate Bill No. 1,

A bill for an act providing for the selection of candidates for election by popular vote and relating to their nomination and the perpetuation of political parties.

Which was read the first time.

Mr. Taylor introduced
Senate Bill No. 2,

A bill for an act to amend chapter 30 of the Political Code of the state of North Dakota Revised Code of 1905, relating to cities.

Which was read the first time.

Mr. Hanna introduced
Senate Bill No. 3,

A bill for an act to amend section 6710 of the Civil Code of the Revised Codes of North Dakota of 1905.

Which was read the first time.

Mr. Johnson introduced
Senate Bill No. 4,

A bill for an act relating to the qualifications of all state, county and city election officers.

Which was read the first time.

Mr. Stade introduced
Senate Bill No. 5,

A bill for an act to repeal sections 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187 of the Revised Codes of North Dakota of 1905, relating to inspector of weights and measures, being chapter 194 of the session laws of 1905.

Which was read the first time.

Mr. McArthur introduced
Senate Bill No. 6,

A bill for an act to repeal sections numbered 9456, 9457, 9458, 9459, 9460, 9461, 9462, 9468 and 9470 of article 1, chapter 22 of the Revised Codes of 1905, relating to game.

Which was read the first time.

Mr. McArthur introduced
Senate Bill No. 7,

A bill for an act to repeal sections numbered 2180, 2181, 2182, 2184, 2185, 2186 and 2187 of article 39 of chapter 22 of the Revised Codes of 1905, relating to weights and measures.

Which was read the first time.

Mr. Taylor moved

That the rules be suspended and that all bills be given their second reading and referred.

Which motion prevailed.

SECOND READING OF SENATE BILLS.

Senate Bill No. 1,

A bill for an act providing for the selection of candidates for election by popular vote and relating to their nomination and the perpetuation of political parties.

Was read the second time, and
Referred to the committee on elections.

Senate Bill No. 2,

A bill for an act to amend chapter 30 of the Political Code of the state of North Dakota Revised Code of 1905, relating to cities.

Was read the second time, and
Referred to the committee on judiciary.

Senate Bill No. 3,

A bill for an act to amend section 6710 of the Civil Code of the Revised Codes of North Dakota of 1905.

Was read the second time, and
Referred to the committee on judiciary.

Senate Bill No. 4,

A bill for an act relating to the qualifications of all state, county and city election officers.

Was read the second time, and
Referred to the committee on state affairs.

Senate Bill No. 5,

A bill for an act to repeal sections 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187 of the Revised Codes of North Dakota of 1905, relating to inspector of weights and measures, being chapter 194 of the session laws of 1905.

Was read the second time, and
Referred to the committee on state affairs.

Senate Bill No. 6,

A bill for an act to repeal sections numbered 9456, 9457, 9458, 9459, 9460, 9461, 9462, 9468 and 9470 of article 1, chapter 22 of the Revised Codes of 1905, relating to game.

Was read the second time, and
Referred to the committee on game and fish.

Senate Bill No. 7,

A bill for an act to repeal sections numbered 2180, 2181, 2182, 2184, 2185, 2186 and 2187 of article 39 of chapter 22

of the Revised Codes of 1905, relating to weights and measures.

Was read the second time, and

Referred to the committee on state affairs.

Mr. Little moved

That the senate take a recess until the house is ready to meet in joint session.

Which motion prevailed.

A committee from the house reported that the house was ready to meet with the senate in joint session.

Mr. Little moved

That the senate proceed to the house to meet in joint session.

Which motion prevailed.

The senate re-convened.

MESSAGE FROM THE HOUSE.

The following message was received from the house :

HOUSE OF REPRESENTATIVES,

BISMARCK, NORTH DAKOTA,

January 9, 1907.

Mr. President:

I have the honor to transmit herewith

House Bill No. 1,

A bill for an act entitled an act to amend section 155, of chapter 4 of the political Code of the state of North Dakota, providing for the investment of monies belonging to the permanent funds for the common schools, university, school of mines, reform school, agricultural college, school for the deaf and dumb, normal schools, and all other permanent funds derived from the sale of public lands or any other source belonging to the school divisions of the state.

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

Respectfully submitted,

P. D. NORTON,

Chief Clerk.

House Bill No. 1,

A bill for an act entitled an act to amend section 155 of chapter 4 of the political Code of the state of North Dakota, providing for the investment of monies belonging to the

permanent funds of the common schools, university, school of mines, reform school, agricultural college, school for the deaf and dumb, normal schools, and all other permanent funds derived from the sale of public lands or any other source belonging to the school divisions of the state.

Which was read the first time.

Mr. Crane moved

That the rules be suspended and all house bills be given their second reading and referred.

Which motion prevailed.

House Bill No. 1,

A bill for an act entitled an act to amend section 155 of chapter 4 of the political Code of the state of North Dakota, providing for the investment of monies belonging to the permanent funds of the common schools, university, school of mines, reform school, agricultural college, school for the deaf and dumb, normal schools, and all other permanent funds derived from the sale of public lands or any other source belonging to the school divisions of the state.

Was read the second time, and

Referred to the committee of the whole for consideration tomorrow at 2:20 o'clock.

Mr. Crane moved

That the secretary have the printed copies of the bill ready for the consideration of members of the senate tomorrow.

Which motion prevailed.

The president administered the oath to the following employees:

J. M. Patterson, assistant engrossing and enrolling clerk.

A. S. Betzer, assistant engrossing and enrolling clerk.

Geo. Weatherhead, second assistant secretary.

W. E. Guy, assistant engrossing and enrolling clerk.

K. Koppang, assistant engrossing and enrolling clerk.

Mr. Little moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

J. W. FOLEY,
Secretary.

THIRD DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 10, 1907.

The senate convened pursuant to adjournment.

The president presiding.

Prayer by the chaplain.

Roll call.

All present except Messrs. Dyste, Johnson of McLean, Palmer, Pierce and Sifton, who were excused.

The president appointed the following as a committee on revision and correction of the journal: Messrs. Taylor, Ramsett and Rice.

COMMUNICATIONS FROM THE GOVERNOR.

STATE OF NORTH DAKOTA,
EXECUTIVE DEPARTMENT,

January 10, 1907.

To the Senate:

I have just received the telegram and the letter attached to this special message, which shows that the people in the vicinity of Eckman and Bantry are suffering from want of fuel, and I have thought that if your body would pass a

resolution requesting the railroad companies to relieve the conditions in Eckman and Bantry as soon as possible that **there might be greater efforts on the part of the railroad companies to relieve the serious conditions there prevailing.**

The letter and telegram need no explanation. They show that the people are out of fuel at the points named and that unless relieved at once there will necessarily be great suffering.

I recommend that you pass a resolution requesting the railroad companies to use every possible effort to get coal into these places, and that the substance of your resolution be wired to the railroad companies, showing that it comes from the senate.

This special message is addressed to the senate only, for the reason that the house is not in session to-day, and I deem it a case of great emergency.

JOHN BURKE,
Governor.

January 7, 1907.

Hon John Burke,
Bismarck, North Dakota,

Dear Sir:—

In conjunction with several other of our citizens I sent you a message Saturday night as follows:—"Fuel situation here becoming dangerous. Must have coal immediately or people will freeze. Many farmers entirely out of fuel and burning fences and lumber. Practically all fuel will be consumed within a week. Two cars received since October 20th. Please use your influence to get fuel here at once. Coal shipped weeks ago still in hands of railroad company. Very urgent." Signed, K. N. Wylie, myself and 15 others.

I write this in confirmation of the message, and am glad to say that we already have your two messages saying **that you have taken it up with the company, and we appreciate anything you can do to help relieve the situation.**

That it is serious, and very serious, you may rest assured. A storm is just starting this morning, and the country was **already covered with about six inches of loose snow on top of a couple of feet of firm snow.** A heavy storm is setting in from the east, and if it should settle into a bad blizzard I am afraid some of our people will suffer greatly, before relief can be had. Mostly every one here in town will be out of fuel this week.

The railroad officials have been chased along the best we can do for some time, with no results, and I hope you will be able to get us relief promptly. Thanking you, I am

Yours very truly,
W. L. WALTON.

Received at Bismarck 7:30 a. m. 1-10-1907.

Dated Eckman, N. D., Jan. 9.

To Governor,
Bismarck, N. D.

We are completely out of coal. Must have some at once to avoid suffering. No train or mail service since December twenty-six and no show of any soon again. This is a serious matter. We look to you for assistance at once.

FARMERS AND CITIZENS OF ECKMAN.

Mr. Regan moved

That the message of the governor be referred to a special committee of three for immediate action of some kind today.

Which motion prevailed, and

The president appointed the following committee: Regan, Ramsett, Sharpe.

REFERENCE OF THE JOURNAL.

Mr. President:

Your committee on revision and correction of the journal for the first day recommend the following corrections:

Page 12, change name "Walter Morris" to "Eugene Morris."

Page 13, change name "John James" to "A. N. Betzer."

Page 14, change name "Mrs. Warner" to "Miss Geneve Warner."

Page 15, insert the following names as among those sworn in by the president: "N. R. Burley, clerk appropriation committee; Geneve Warner, stenographer, M. Skarison, watchman; Cora Simpson, stenographer; Ethel Newbury, stenographer."

J. D. TAYLOR,
Chairman.

Mr. Simpson moved the adoption of the report of the committee.

Which motion prevailed, and

The report was adopted.

Courtesies of the floor were extended to Capt. B. C. Boyd, Mrs. Fred Stuart, Mrs. E. A. Movius, John J. George, Mrs. C. I. F. Wagner, Mrs. A. O. Graham, George E. Duis, Capt. Frank S. Henry.

MOTIONS AND RESOLUTIONS.

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

Resolved, that one copy of the senate journal each legislative day be mailed under the direction of the secretary of the senate to each daily and each weekly newspaper in the state.

Which resolution was adopted.

Mr. McArthur offered the following resolution:

Whereas, on account of the negligence of the railroad companies there has been a great deal of distress, and the lives of the citizens of the state have been endangered on account of the great scarcity of fuel and

Whereas, the citizens of the state have suffered great financial loss in this—that the farmers have not been able to market their produce, and the merchants have been deprived of their profits on goods delayed in transportation, and

Whereas, the statutes of the state define the duties of the board of railroad commissioners, and

Whereas, it appears that no steps have been taken to relieve existing conditions, therefore be it,

Resolved, that the secretary of the board of railroad commissioners be requested to acquaint the senate with what steps, if any, have been taken to relieve said conditions, and to furnish all orders and correspondence relative to such an investigation at earliest possible date.

Which resolution was adopted.

Mr. Steele offered the following resolution:

Resolved, that the senate and house journals be furnished to each member of the senate for a mailing list limited to a copy each to every 1000 inhabitants of the district.

Objection was made to the consideration and it was laid over to the following day.

Mr. Hanna moved that the chair appoint George Movius for extra page.

Which motion prevailed.

MESSAGE FROM THE HOUSE.

BISMARCK, NORTH DAKOTA,
January 9, 1907.

Mr. President:

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

Resolved, by the house of representatives, the senate concurring, that when the house and senate adjourn on Thursday, January the 10th, 1907, they stand adjourned until Tuesday, January the 15th, 1907.

Very respectfully,
P. D. NORTON,
Chief Clerk.

Mr. Little moved

That the senate concur in the house concurrent resolution.

Which motion prevailed.

Mr. LaMoure moved

That the following named persons be appointed to the positions named:

E. J. Morris, clerk of irrigation and drainage committee.

James Twamley, clerk of revision committee.

George Platzter, janitor.

Harris Vaughn, assistant cloak room attendant.

Which motion prevailed.

Mr. LaMoure moved

That the senate take a recess of ten minutes.

Which motion prevailed.

THE SENATE RECONVENED.

Mr. Gilbert offered the following resolution:

Resolved, that the president of the senate is hereby authorized to appoint a clerk for each senate standing committee, provided that no clerk shall be assigned to any particular committee except upon the approval of the chairman of that committee, and provided further that in cases where the same senator is chairman of more than one committee, only one clerk shall be assigned for all committees of which he is chairman. In case any of these clerks shall not be busy, the secretary of the senate is hereby authorized to assign him to any clerical work required by the senate.

Mr. Gilbert moved the adoption of the resolution.

Which motion prevailed, and

The resolution was adopted.

Mr. Regan moved

That the senate return to the seventh order of business.

Which motion prevailed.

REPORT OF SPECIAL COMMITTEE.

Mr. President and members of the senate:

We, your committee, to whom was referred the communication of the governor with telegram and letter attached from the people in the vicinity of Eckman and Bantry which shows suffering of the people from want of fuel.

Following the recommendation of the governor we submit the following resolution:

Resolved, by the senate, that the secretary of the senate be instructed to telegraph the officials of the Great Northern and Soo line railway companies to use every possible effort to get coal into Eckman and Bantry, North Dakota, as early as possible to relieve all suffering existing there for want of fuel and advise us of their action.

J. AUSTIN REGAN,
J. B. SHARPE,
K. S. RAMSETT.

Mr. Regan moved the adoption of the report.

Which motion prevailed, and

The report was adopted.

Mr. Little moved

That the senate go into committee of the whole for consideration of House Bill No. 1.

Which motion prevailed.

COMMITTEE OF THE WHOLE.

Mr. Hanna in the chair.

Mr. Cashel moved

That when the committee do rise they report back that House Bill No. 1 do pass.

Which motion prevailed.

When the committee rose it submitted the following report:

Mr. President:

Your committee of the whole have had under consideration

House Bill No. 1,

A bill for an act entitled an act to amend section 155 of chapter 4 of the political Code of the state of North Dakota, providing for the investment of monies belonging to the permanent funds of the common schools, university, school of mines, reform school, agricultural college, school for the deaf and dumb, normal schools, and all other permanent funds derived from the sale of public lands or any other source belonging to the school divisions of the state.

And recommend that the same do pass.

L. B. HANNA,
Chairman.

Mr. Hanna moved

That the report of the committee be adopted.

Which motion prevailed, and

The report was adopted.

Mr. Little moved

That the rules be suspended and that House Bill No. 1 be given its third reading and final passage.

Which motion prevailed.

House Bill No. 1,

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes 34, nays 0, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McArthur	Spoonheim
Cashel	McDonald	Stade
Crane	McLean	Steele
Gilbert	Movius	Strom
Halliday	Plain	Swenson
Hanna	Purcell	Talcott
Johnson of Walsh	Ramsett	Taylor
Koffel	Regan	Thatcher
Kraabel	Rice	Turner
LaMoure	Sharpe	Wagner
Leutz	Simpson	Young
Little		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Dyste	Kelly	Pierce
Johnson of McLean	Palmer	Sifton

Mr. Simpson moved

That the vote by which House Bill No. 1 was passed be reconsidered and the motion be laid on the table.

Which motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS.

Mr. Steele introduced

Senate Bill No. 8,

A bill for an act to amend and re-enact section 7459 of the Revised Code of 1905, relating to the foreclosure of mortgage on real property.

Which was read the first time.

Mr. Steele introduced

Senate Bill No. 9,

A bill for an act to amend and re-enact section 2330 of the Revised Code of 1905, relating to the formation of new counties.

Which was read the first time.

Mr. Spoonheim introduced

Senate Bill No. 10,

A bill for an act requiring railroad companies to report all wrecks and casualties wherein any person is injured or killed, to the railroad commissioners.

Which was read the first time.

Mr. Spoonheim introduced

Senate Bill No. 11,

A bill for an act amending and repealing sections 616, 617 and 618 of the 1905 Revised Codes of North Dakota, relating to elections and form of official ballots and arrangement of names of candidates thereon, the same being chapter 76 of the Session Laws of North Dakota for the year 1897.

Which was read the first time.

Mr. Stade introduced

Senate Bill No. 12,

A bill for an act to provide for securing further evidence in the enforcement of the prohibitory law.

Which was read the first time.

Mr. Kraabel introduced

Senate bill No. 13,

A bill for an act to create a State Board of Control, and to provide for the management and control of charitable, reformatory, penal and educational institutions of the state, and to make an appropriation therefor, and abolishing existing boards governing such institutions.

Which was read the first time.

Mr. Taylor introduced

Senate Bill No. 14.

A bill for an act making appropriations for permanent improvements at the state university and school of mines of North Dakota.

Which was read the first time.

Mr. Taylor introduced

Senate Bill No. 15,

A bill for an act providing for the creating of a public health laboratory, for the control of such laboratory, and duties of the director, for the appointment of a director of such laboratory who shall be ex-officio state bacteriologist.

Which was read the first time.

Mr. Taylor introduced

Senate Bill No. 16,

A bill for an act providing for the erection of fire escapes in hotels, inns, and public lodging houses, and regulating the conduct of such hotels, inns, and public lodging houses, and providing for the appointment of an inspector of hotels, and his compensation therefor.

Which was read the first time.

Mr. Little introduced

Senate Bill No. 17,

A bill 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."

Which was read the first time.

Mr. Hanna introduced

Senate Bill No. 18,

A bill for an act appropriating money for the enforcement of the food law, drug law, formaldehyde and Paris green laws, and the paint law. Also for making such investigations as are deemed necessary for the purpose of gaining information under the laws mentioned and for the dissemination of information.

Which was read the first time.

Mr. McArthur introduced

Senate Bill No. 19,

A bill for an act to regulate transfer facilities at points where different railway lines cross or intersect and providing a penalty for the violation of the same.

Which was read the first time.

Mr. McArthur introduced

Senate Bill No. 20.

A bill for an act to amend section 2755 of the revised codes of the state of North Dakota for 1905, relating to the

power of city councils to make contracts for water for fire protection and provide appropriations for the same.

Which was read the first time.

Mr. McArthur introduced

Senate Bill No. 21,

CONCURRENT RESOLUTION.

Section 1. That the following proposed amendment to section 183 of the constitution of the state of North Dakota be referred to the legislative assembly to be chosen at the next general election of said state, for approval or rejection in accordance with provisions section 202 of the constitution of the state of North Dakota.

Sec. 2. That section 183 of the constitution of the state of North Dakota be amended to read as follows:

Sec. 183. The debt of any county, township, city, town, school district or any other political subdivision, shall never exceed five (5) per centum upon the assessed value of the taxable property therein; provided that any incorporated city may, by a two-thirds vote, increase such indebtedness three (3) per centum, on each assessed value beyond five (5) per cent limit. In estimating the indebtedness which a city, county, township, school district or any other political subdivision may incur, the entire amount of existing indebtedness, whether contracted prior or subsequent to the adoption shall be included; provided, further, that any incorporated city may become indebted in an amount not exceeding 25 per centum on such assessed value without regard to the existing indebtedness of such city, for the purpose of constructing or purchasing water works, for furnishing a supply of water to the inhabitants of said city, or for the purpose of constructing sewers, lighting plants, heating plants, telephone plants, and street car systems and for no other purpose whatever. All bonds or obligations in excess of the amount of indebtedness permitted by this constitution given by any city, county, township, town, school district or any other political subdivision shall be void.

Which was read the first time.

Mr. Plain introduced

Senate Bill No. 22,

A bill for an act concerning land titles.

Which was read the first time.

Mr. Young introduced

Senate Bill No. 23,

A bill for an act making it unlawful for any railroad company, express company, sleeping car company, telegraph company, telephone company, or any corporation, or any agent or representative thereof to issue, give or offer any free ticket, free pass, telegraph or telephone frank, express frank, or other privilege to any person or persons at rates less than charged the public, and making it unlawful for any person to ask for or accept from any railroad company, express company, sleeping car company, telegraph company, telephone company, or any corporation, or from any officer, agent or representative thereof, or use in any manner or for

any purpose any free ticket, free pass, telegraph or telephone frank, express or other privilege at rates less than charged the public, and prescribing penalties therefor.

Which was read the first time.

The oath was administered by the president to the following officers and employes:

George Movius, page.

George Platzer, janitor.

Ever Wagness, assistant sergeant at arms.

A. Glorvick, messenger.

P. O. Fossem, janitor.

John Swenson, assistant journal clerk.

J. E. Ruttree, proofreader.

Mr. Sharpe moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

J. W. FOLEY,
Secretary.

EIGHTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 15, 1907.

The senate convened pursuant to adjournment.

The president presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Albright, Crane, Halliday, Hanna, Johnson of Walsh, Kraabel, Movius, Palmer, Pierce, Regan, Sifton, and Steele.

Who were excused.

STANDING COMMITTEES.

The president announced the following standing committees:

SENATE COMMITTEES.

Judiciary—Messrs. Little, chairman; Young, Sharpe, Crane, Talcott, Regan, Simpson, Cashel, Pierce, Hanna, Purcell, Koffel, Movius, Steele, Taylor.

Education—Talcott, chairman; Sharpe, Kraabel, Young, Cashel, McDonald, Rice Stade, Spoonheim.

Elections—Hanna, chairman; Regan, Swenson, McDonald, Cashel, Stade, LaMoure, Kraabel, Palmer.

Appropriations—LaMoure, chairman; Taylor, Sharpe, Crane, Little, Cashel, Kraabel, McLean, Simpson, Hanna, Gilbert, Young, Sifton, Thatcher, Stade, Movius, Leutz.

Railroads—Gilbert, chairman; Swenson, Regan, Pierce, McArthur, Dyste, Johnson of McLean, Plain, Steele, Thatcher, Albright, Stade, Palmer.

State Affairs—Sharpe, chairman; Crane, Little, Regan, Swenson, Plain, Talcott, Johnson of Walsh, Gilbert, Strom, Rice.

Public Lands—Movius, chairman; Sifton, Halliday, McArthur, Talcott, McDonald, Ramsett, Purcell, Koffel.

Ways and Means—Kraabel, chairman; Movius, Johnson, of Walsh, McArthur, Thatcher, Wagner, Simpson, Strom, Leutz.

Agriculture—Swenson, chairman; Plain, Talcott, McArthur, McLean, Albright, Kelly.

Warehousing, Grain and Grain Grading—Dyste, chairman; Sharpe, Johnson of McLean, McArthur, Johnson of Walsh, Turner, Kraabel, Ramsett, Albright, Palmer, Regan.

Counties—Johnson of McLean, chairman; Pierce, Crane, Simpson, Movius, Dyste, Thatcher, Steele, Rice.

Engrossed and Enrolled Bills—Young, chairman; Steele, Spoonheim, Dyste, Wagner.

Banks and Banking—Pierce, chairman; Cashel, McDonald, Little, Dyste, Movius, Steele, Palmer, Leutz.

Cities and Municipal Corporations—Steele, chairman; Young, Simpson, Hanna, Stade, Johnson of Walsh, Turner.

Indian Affairs—Palmer, chairman; McDonald, Spoonheim, Wagner, Strom.

Statistics—Leutz, chairman; Dyste, Sifton, Thatcher, Halliday.

Federal Relations—McLean, chairman; Dyste, Taylor, McArthur, Pierce, Koffel, Leutz.

Insurance—Simpson, chairman; Pierce, Crane, Palmer, Wagner, Little, McDonald, Sifton, Kraabel.

Public Health—Taylor, chairman; Sifton, Thatcher, Steele, Halliday.

Public Printing—Plain, chairman; Taylor, Young, McLean, Kelly.

Temperance—Strom, chairman; Spoonheim, Talcott, Pierce, Gilbert, LaMoure, Plain, Thatcher, Halliday.

Mines and Minerals—Ramsett, chairman; Simpson, Plain, Sifton, McDonald, Johnson of McLean, Dyste.

Rules—Wagner, chairman; Little, Cashel, Young, Sharp, Talcott, Koffel.

Immigration—Ramsett, chairman; Palmer, Purcell, Johnson of Walsh, Turner.

Highways, Bridges and Ferries—McDonald, chairman; McLean, McArthur, Strom, Spoonheim, Stade, Kraabel.

Irrigation and Drainage—Cashel, chairman; Leutz, Plain, Swenson, Little, Simpson, Sifton.

Apportionment—Regan, chairman; Little, Plain, McDonald, Steele, Ramsett, Swenson, Johnson of Walsh, Movius, Kraabel, Rice.

Corporations Other Than Municipal—Crane, chairman; Movius, Cashel, Johnson of McLean, Johnson of Walsh, Regan, Koffel.

Military Affairs—Stade, chairman; Thatcher, Dyste, McArthur, LaMoure, Wagner, Rice.

Woman Suffrage—Johnson of Walsh, chairman; McLean, Strom, Taylor, Turner.

Game and Fish—Koffel, chairman; Taylor, Gilbert, Talcott, Crane, Pierce, Steele.

JOINT COMMITTEES.

Public Buildings—Simpson, chairman; Cashel, Hanna, Thatcher, Albright.

Charitable Institutions—Sifton, chairman; Gilbert, Spoonheim, Steele, Crane.

Educational Institutions—Talcott, chairman; Kelly, Rice, Taylor, Cashel, Stade, Ramsett.

Penal Institutions—Thatcher, chairman; Pierce, McLean, Purcell, Stade.

State Library—Albright, chairman; Crane, Purcell, Spoonheim, Plain.

Joint Rules—Rice, chairman; Little, Young, Cashel, Wagner, Sharpe, Talcott.

REFERENCE OF THE JOURNAL.

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

Mr. President:

Your committee on correction and revision of the journal for the second day recommend the following corrections:

On page 1 strike out the words "pursuant to recess" also on page 1 strike out the word "Hoqe" and insert the word "Hope."

On page 6 after the words "second assistant secretary" insert the words "W. E. Guy, assistant engrossing and enrolling clerk; K. Koppang, assistant engrossing and enrolling clerk."

Also correct the Senate Journal for the third day as follows:

On page 5 strike out the word "Movius" and insert the word "Morris."

On page 6 strike out the word "ta" and insert the word "at."

On page 11 after the words "assistant sergeant at arms" insert the words "A. Glorvick, messenger; P. O. Fossem, janitor; John Swenson, assistant journal clerk; J. E. Buttree, proof reader."

Respectfully submitted,

J. D. TAYLOR,
Chairman.

Mr. Taylor moved

That the report of the committee be adopted.

Which motion prevailed, and

The report was adopted.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

White Earth, N. D., Jan. 11, 1907.

Secretary of the Senate, Bismarck, N. D.

Understand you report coal shortage at Bantry. We gave them one car Wednesday and two Thursday. If they want more agent should advise superintendent as instructed and save time.

LOUIS W. HILL.

St. Paul, Minn., Jan. 11, 1907.

J. W. Foley, Secretary of the Senate, Bismarck, N. D.

Message received. Continuous storms for past four weeks with extreme cold has made it impossible to move trains a greater part of the time. Weather has moderated and trains are moving fairly well. Six trains of coal left Larimore for the west yesterday afternoon and night. We have brought coal from the west to Rugby and have instructed agents of the railway company to call on division superintendents in emergency and company will relieve with company coal. Everything possible is being done.

JAMES J. HILL.

Minneapolis, Minn., Jan. 11, 1907.

J. W. Foley, Secretary of the Senate, Bismarck, N. D.

Referring to your message regarding Eckman, we are doing everything possible to open the line, but owing to depth of snow and frequency of wind and storms it is impossible to keep lines open.

E. PENNINGTON.

St. Paul, Minn., Jan. 12, 1907.

J. W. Foley, Secretary of the Senate, Bismarck, N. D.

Your message of the 10th. Eckman is located on the Soo line. Our people report no suffering at Bantry. They received three cars of coal and one of wood, January 8th and 9th. Plenty of wood at hand in the Mouse river bottom.

JAS. J. HILL.

ESTIMATE OF BOARD OF TRUSTEES OF PUBLIC PROPERTY.

To the Senate and House of Representatives:

GENTLEMEN: Pursuant to section 239 R. C. 1905, we have the honor to report herewith our estimate of the appropriation necessary to defray the expenses of keeping the capitol building, executive mansion and public grounds in repair and for fuel and other incidental expenses for keeping and maintaining the state offices for the ensuing two years, to wit: \$50,000.00.

We recommend in addition to this sum an additional appropriation to cover the deficiency for the last two years, to wit: \$12,500.00.

JOHN BURKE,

Governor.

ALFRED BLAISDELL,

Secretary of State.

H. L. HOLMES,

State Auditor.

Board of Trustees of Public Property.

CENSUS OF 1905.

The following communication was presented by the secretary of state:

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

GENTLEMEN: In accordance with chapter fifteen Revised Code of 1905, I herewith respectfully submit to you the result of the census taken in this state during the year 1905.

Respectfully,

ALFRED BLAISDELL,

Secretary of State.

POPULATION BY COUNTIES.

Barnes	15,726
Benson	9,363
Billings	2,685
Bottineau	15,174
Burleigh	9,875
Cass	31,955
Cavalier	15,761
Dickey	7,412
Eddy	3,906
Emmons	6,418
Foster	4,743
Grand Forks	26,494
Griggs	5,993
Kidder	2,307
LaMoure	7,715
Logan	4,116
McHenry	15,231
McIntosh	6,088
McKenzie	1,368
McLean	15,245
Mercer	2,191
Morton	13,363
Nelson	9,501
Oliver	2,445
Pembina	16,412
Pierce	7,643
Ramsey	11,979
Ransom	8,634
Richland	19,379
Rolette	6,842
Sargent	7,414
Stark	11,335
Steele	6,893
Stutsman	14,580
Towner	7,905
Trall	12,812
Walsh	20,265
Ward	33,468
Wells	9,482
Williams	6,952
Total	437,070

BARNES COUNTY.

Alta township	246
Anderson township	171
Baldwin township	206
Binghampton township	597
Clark City township	124

BARNES COUNTY—Continued.

Cuba township	228
Dazey village	231
Dazey township	207
Edna township	254
Greenland township	191
Green township	293
Grand Prairie township	174
Herman township	219
Hobart township	207
Lake township	144
Litchville village	285
Mansfield township	185
Minnie Lake township	214
Noltmier township	285
Norma township	287
Oakhill township	585
Oriska township	340
Pierce township	214
Potter township	196
Rosebud township	238
Rogers township	193
Rariton township	455
Sanborn village	300
Svea township	152
Skandia township	224
Spring Creek township	252
Springvale Township	296
Thordenskjold township	600
Uxbridge township	224
Wimbledon village	450
Valley City	4,059
Weimer township	154
Unorganized territory in Second Commissioner District comprising township 138, range 58, and township 139, range 59	5
Unorganized territory in Third Commissioner District, comprising township 143, range 56; township 141, range 58; township 142, range 58; township 143 range 58; township 141, range 59	951
Unorganized territory in Fourth Commissioner District, comprising township 140, range 58	153
Unorganized territory in Fifth Commissioner District, comprising township 140, range 61 and township 141, range 61	425
Total	15,726

BENSON COUNTY.

Minnewaukan village	445
Leeds	520
Esmod	531
Albert township	270
Aurora township	254
Beaver township	242
Butte Valley township	224
Broe township	247
Iowa township	162
Isabel township	233
Irvine township	218
Leeds township	369
Hesper township	250
Knox township	555
McClellan township	208
North Viking township	410
Normania township	352
Oberon township	493
Pleasant Lake township	282
Riggin township	251
York township	424
West Antelope township	248
Twin Lake township	242
Brinsmade village	152
First commissioner district	218
Second commissioner district	652
Third commissioner district	911
Total	9,363

BILLINGS COUNTY.

First Commissioner District	725
Second Commissioner District	1,200
Third Commissioner District	760
Total	2,685

BOTTINEAU COUNTY.

Roland township	3
Scandia township	301
Scotia township	270
Richburg township	425
Wayne township	238
Antler township	229
Wheaton township	1,250
Eidsvold township	445
Sergius township	763
Hoffman township	955
Starbuck township	339
Kane township	160
Brauder township	379
Renville township	260
Cut Bank	1,427
Stone Creek	289
Tacoma township	298
Newborg township	245
Lewis township	188
Mount Rose	185
Blaine township	754
Chatfield township	192
Elms township	174
Lansford	227
Willow City village	676
Omeme township	504
Bottineau city	1,227
Souris village	352
Westhope village	626
Lansford village	272
Total	15,174

BURLEIGH COUNTY.

Bismarck city	4,913
First Commissioner District	839
Second Commissioner District	959
Third Commissioner District	1,375
Painted Woods township	166
Grass Lake	204
Lake View township	53
Driscoll township	120
Hazeltown township	195
Menoken	129
Logan township	80
Glenview township	113
Crofte township	185
Telfer township	37
Boyd township	44
Apple Creek township	103
Ecklund township	360
Total	9,875

CASS COUNTY

Fargo	12,512
Casselton City	1,269
Hunter village	390
Buffalo village	237
Mapleton village	237
Tower City village	461

CASS COUNTY—Continued.

Page village	493
Davenport village	250
Amenia township	370
Arthur township	324
Addison township	349
Berlin township	290
Barnes township	368
Buffalo township	185
Bell township	247
Cornell township	176
Clifton township	269
Casselton township	253
Davenport township	411
Durbin township	137
Empire township	271
Eric township	317
Eldred township	364
Everest township	204
Fargo township	316
Gill township	235
Gardner township	335
Gunkel township	272
Harmony township	179
Hunter township	254
Howe township	394
Highland township	250
Harwood township	408
Hill township	285
Kinyon township	381
Leonard township	349
Lake township	191
Mapleton township	246
Maple River township	339
Noble township	289
Normania township	927
Pleasant township	643
Pontiac township	316
Rochester township	194
Rush River township	250
Reed township	394
Raymond township	273
Rich township	198
Page township	188
Stanley township	812
Tower township	168
Watson township	275
Walberg township	457
Wheatland township	502
Warner township	500
Wiser township	262
Dows township	161
Township 139, range 48	24
Ayr township	304
Total	31,955

CAVALIER COUNTY.

Alma township	292
Banner township	317
Billings township	408
Bruce township	100
Cypress township	406
Dresden township	490
Easby township	354
East Alma township	399
Elgin township	390
Fremont township	502
Glenila township	226
Gordon township	327
Grey township	221
Harvey township	249
Henderson township	590
Hope township	752
Huron township	242

CAVALIER COUNTY—Continued.

Langdon township	246
Langdon city	1,544
Linden	709
Loam township	758
Manila township	246
Milton township	425
Minto township	193
Montrose township	812
Moscow township	347
Mount Carmel township	513
Oiga township	1,025
Osnabrock township	378
Osnabrock village	397
Perry township	395
Seivert township	241
South Dresden township	516
Skier township	243
Storlie township	245
Waterloo township	263
Total	15,761

DICKEY COUNTY.

Albion township	120
Ada township	210
Bare Creek township	188
Clement township	317
Ellendale city	1,099
Ellendale township	89
Elden township	138
Elm township	62
Hudson township	140
James River Valley township	364
Kent township	110
Kentner township	122
Keystone township	258
Lovell township	230
Merricourt village	398
Oakes city	1,303
Port Emma township	107
Porter township	360
Riverside township	155
Spring Valley township	603
Valley township	80
Van Meter township	147
Whitestone township	514
Wright township	136
Yorktown township	161
Total	7,412

EDDY COUNTY.

New Rockford	800
Sheyenne village	291
Paradise township	150
Township 148, range 63	99
Township 148, range 64	100
Township 148, range 65	189
Township 148, range 66	195
Township 148, range 67	212
Township 149, range 69	193
Township 149, range 63	200
Township 149, range 64	148
Township 149, range 65	107
Township 149, range 66	125
Township 149, range 67	154
Township 150, range 62	129
Township 150, range 63	49
Township 150, range 64	64
Township 150, range 65	195
Township 150, range 66	239
Greenfield township	267
Total	3,906

EMMONS COUNTY.

First Commissioner District	899
Second Commissioner District	1,237
Third Commissioner District	1,688
Fourth Commissioner District	1,764
Fifth Commissioner District	830
Total	6,418

FOSTER COUNTY.

Carrington	1,106
First Commissioner District	1,084
Glenfield township	265
Campbell township	191
Haven township	187
Carrington township	196
Rose Hill township	189
Wyard township	155
McHenry village	417
Third Commissioner District	953
Total	4,743

GRAND FORKS COUNTY.

Arvilla township	341
Americus township	416
Allendale township	297
Agnes township	305
Avon township	287
Bentru township	293
Blooming township	386
Brenna township	283
Chester township	410
Elm Grove township	218
Elkmount township	284
Fairfield township	163
Falconer township	118
Ferry township	587
Gilby township	624
Grace township	297
Grand Forks township	571
Hegton township	166
Inkster township	212
Johnston township	304
Loretta township	425
Lakeville township	276
Lind township	408
Larimore township	209
Levant township	134
Logan township	253
Mekinock township	432
Michigan township	283
Moraine township	208
Niagara township	377
Northwood township	537
Oakville township	211
Plymouth township	292
Pleasant View	317
Rye township	121
Strabane township	297
Turtle River township	257
Union township	481
Walle township	759
Washington township	421
Wheatfield township	168
Reynolds city	163
Inkster city	432
Northwood city	709
Larimore city	1,635
Grand Forks city	10,127
Total	26,494

GRIGGS COUNTY.

Cooperstown	1,002
Addie township	335
Ball Hill township	263
Bartley township	250
Broadview township	214
Bryan township	264
Cooperstown township	263
Clearfield township	155
Dover township	224
Greenfield township	512
Helena township	173
Lenora township	193
Mabel township	210
Pilot Mound township	235
Rosendal township	213
Romness township	274
Sverdrup township	335
Tyrol township	318
Washburn township	251
Willow township	172
Township 146, range 61	107
Total	5,998

KIDDER COUNTY.

Allen township	80
Buckeye township	40
Manning township	45
Steele village	212
Sibley township	165
Pleasant Hill township	127
Woodlawn township	84
First Commissioner District	736
Second Commissioner District	478
Third Commissioner District	340
Total	2,807

L'MOURE COUNTY.

LaMoure village	707
Edgeley village	415
Kulm village	587
Verona village	102
Black Loam township	309
Gladstone township	261
Golden township	196
Glen township	176
Grand View township	168
Grand Rapids township	162
Greenville township	178
Henrietta township	205
Litchville township	309
Nora township	165
Norden township	235
Prairie township	330
Sheridan township	359
Saratoga township	177
Roscoe township	288
Twin Lake township	189
Willow Bank township	101
Wano township	124
District No. 3	851
District No. 4	553
District No. 5	568
Total	7,715

LOGAN COUNTY.

First Commissioner District	1,480
Second Commissioner District	843
Third Commissioner District	1,798
Total	4,116

M'HENRY COUNTY.

Towner village	535
Balfour village	522
Granville village	500
Berwick township	380
Kottke Valley township	206
Granville township	246
Norwich township	301
Egg Creek township	161
Grilley township	280
Little Deep township	239
Layton township	226
Pratt township	282
Deep River township	227
Cottonwood Lake township	210
Olivia township	171
Bjornson township	185
Strege township	275
Roosevelt township	325
Spring Grove township	248
Brown township	228
Velva township	505
Lake Hester township	224
Regstad township	445
North Prairie township	302
Meadow township	272
Voltaire township	175
Odine township	202
First Commissioner District	704
Third Commissioner District	2,410
Fifth Commissioner District	1,605
Township 154, range 77	302
Township 154, range 78	236
Township 155, range 77	165
Township 155, range 78	182
Township 156, range 77	338
Township 156, range 78	233
Township 157, ranges 78, 79, 80	823
Township 151, range 77	381
Total	15,231

M'INTOSH COUNTY.

Ashley	474
First Commissioner District	1,865
Second Commissioner District	1,484
Third Commissioner District	2,265
Total	6,088

M'KENZIE COUNTY.

First Commissioner District	527
Second Commissioner District	691
Third Commissioner District	150
Total	1,368

M'LEAN COUNTY

Washburn village	898
Wilton village	302
Butte township	303
Blue Hill township	161
Denhoff township	318
Douglas township	162
Emmett township	253
Heaton township	142
St. Mary's township	235
Underwood township	407
First Commissioner District	1,185
Second Commissioner District	2,787
Third Commissioner District	3,673
Fourth Commissioner District	3,975
Township 145, ranges 74, 75, 76, 77 and 78	444
Total	15,245

MERCER COUNTY.

First Commissioner District	501
Second Commissioner District	443
Third Commissioner District	535
Fourth Commissioner District	604
Fifth Commissioner District	108
Total	2,191

MORTON COUNTY.

Mandan	2,714
New Salem	527
Glen Ullin	545
Hebron	307
Sims	118
Blue Grass township	510
Custer township	105
Sims township	98
District A	2,565
District C	1,677
District D	1,118
District E	3,079
Total	13,363

NELSON COUNTY.

Adler township	255
Aneta city	643
Bergen township	295
Central township	293
Clara township	241
Dahlen township	302
Dayton township	155
Dodds township	221
Enterprise township	246
Field township	314
Forde township	273
Harlin township	333
Illinois township	200
Kelly township	194
Lakota township	421
Lee township	379
Leval township	154
Lakota city	900
Melvin township	255
Michigan township	385
Michigan village	529
Nash township	204
Nesheim township	317
Ora township	321
Osage township	280
Petersburg township	584
Rubin township	238
Rugh township	233
Sarnia township	187
Wanduska township	150
Total	9,501

OLIVER COUNTY.

First Commissioner District	1,227
Second Commissioner District	397
Third Commissioner District	821
Total	2,445

PEMBINA COUNTY.

Pembina city	918
St. Thomas village	708
Bathgate village	561
Cavalier village	744
Neche village	613
Drayton village	601
Walhalla village	520
Crystal village	400
Hamilton village	187
Canton village	120
Advance township	440
Akra township	479
Bathgate township	281
Beaulien township	435
Carlisle township	535
Crystal township	400
Cavalier township	800
Drayton township	313
Elora township	275
Gardar township	622
Hamilton township	422
Joliette township	431
LaMoure township	323
Lincoln township	434
Midland township	434
Neche township	496
Lodema township	309
Park township	311
Pembina township	428
St. Joseph township	1,214
St. Thomas township	649
Thingvalla township	726
Walhalla township	333
Total	16,412

PIERCE COUNTY.

Rugby village	1,072
Alexander township	377
Barton township	350
Elling township	256
Elvernan township	242
Jefferson township	361
Rosedale township	115
Tuscorora township	287
Norman township	365
White township	260
First Commissioner District	693
Second Commissioner District	1,034
Third Commissioner District	1,114
Fourth Commissioner District	559
Fifth Commissioner District	549
Total	7,648

RAMSEY COUNTY.

Devils Lake city	2,367
Churchs Ferry village	376
Edmore village	348
Crary	285
Starkweather	194
Bartlett village	114
Bartlett township	280
Bergen township	200
Coulee township	397
Cleveland township	184
Dry Lake township	218
DeGroat township	222
Fancher township	246
Freshwater township	236

RAMSEY COUNTY—Continued.

Grand Harbor township	447
Hope township	151
Highland township	231
Lawton township	394
Lake township	323
Lillehoff township	481
Minnewaukan township	520
Morris township	179
Norway township	234
Noonan township	219
Northfield township	335
Newbre township	181
Newland township	309
Odessa township	243
Ontario township	253
Overland township	161
Prospect township	197
Pleasant township	196
Royal township	237
Sullivan township	114
Stevens township	256
Webster township	272
First Commissioner District	116
Second Commissioner District	121
Fourth Commissioner District	142
Total	11,979

RANSOM COUNTY.

Lisbon city	1,362
Enderlin city	1,104
Sheldon village	338
Big Bend township	210
Owego township	274
Preston township	342
Liberty township	285
Sandoun township	284
Springer township	245
Aliceton township	213
Casey township	374
Shenford township	352
Fort Ransom township	499
Rosemeade township	221
Elliott township	194
Sydna township	167
Northland township	323
Moore township	314
Coburn township	96
Second Commissioner District	382
Third Commissioner District	618
Fifth Commissioner District	209
Township 136, range 54	198
Total	8,634

RICHLAND COUNTY.

Antelope township	272
Abercrombie township	728
Abercrombie village	357
Brightwood township	347
Barrie township	407
Brandenberg township	539
Belford township	332
Colfax township	643
Center township	383
Dwight township	612
DeVillo township	288
Dexter township	850
Danton township	321
Elma township	308

RICHLAND COUNTY—Continued.

Eagle township	773
Fairmount village	368
Fairmount township	407
Freeman township	225
Garfield township	378
Greenfield township	345
Grant township	371
Grafton township	250
Garborg township	278
Helendale township	250
Hankinson city	1,047
Homestead township	184
Ibsen township	285
Liberty township	321
Lidgerwood city	749
LeMars township	263
Mooreton township	338
Moran township	315
Park township	641
Summit township	628
Sheyenne township	204
Viking township	195
Walcott township	1,085
Wyndmere village	287
Wyndmere township	258
West End township	115
Waldo township	186
Wahpeton city	2,741
Total	19,379

ROLETTE COUNTY.

Rolla village	561
St. John village	229
Currie township	138
Fairview township	303
Gilbert township	400
Kohlmeir township	205
Mt. Pleasant township	384
First Commissioner District	756
Second Commissioner District	922
Third Commissioner District	2,157
Fourth Commissioner District	787
Total	6,842

SARGENT COUNTY.

Bowen township	255
Brampton township	187
Cogswell township	290
Dunbar township	277
Denver township	135
Forman village	304
Forman township	134
Harlem township	204
Herman township	304
Havana township	278
Hall township	475
Jackson township	165
Kingston township	435
Milnor township	192
Milnor village	437
Marboe township	283
Rutland township	252
Ransom township	392
Sargent	224
Southwest township	113
Sherman township	336
Taylor township	185
Tewaukon township	380
Vivian township	262
Verner township	211
Willey township	176
White Stone Hill	275
Weber township	253
Total	7,414

STARK COUNTY.

First District	2,516
Second District	1,865
Third District	3,766
Dickinson city	3,188
Total	11,335

STEELE COUNTY.

Broadlawn township	335
Beaver Creek township	393
Colgate township	300
Carpenter township	188
Edendale township	237
Eaton township	193
Enger township	450
Finley village	317
Finley township	242
Franklin township	252
Greenview township	213
Golden Lake township	281
Hugo township	207
Hope city	776
Melrose township	213
Riverside township	200
Newburgh township	513
Primrose township	342
Sharon township	419
Sherbrooke township	279
Willow Lake township	235
Westfield township	308
Total	6,893

STUTSMAN COUNTY.

Jamestown city	5,093
Courtenay village	459
Spiritwood village	207
Courtenay township	203
Bloom township	168
Corrinne township	208
Kensal township	510
Nogosek township	185
First Commissioner District	805
Second Commissioner District	3,025
Third Commissioner District	3,717
Total	14,580

TOWNER COUNTY.

Alkins townships	210
Bisbee village	360
Cando city	1,323
Coolen township	204
Grainfield township	433
Lansing township	170
Maza township	221
Monroe township	159
Springfield township	320
Commissioner District No. 2	862
Commissioner District No. 3	1,450
Commissioner District No. 4	1,121
Commissioner District No. 5	1,067
Total	7,905

TRAIL COUNTY.

Belmont township	489
Blanchard township	398
Bloomfield township	289
Bohnsach township	544
Buxton township	1,105
Calendonia township	888
Eldorado township	386
Elm River township	201
Erwin township	381
Galesburg township	444
Garfield township	443
Hillsboro township	210
Hatton city	550
Hillsboro city	1,251
Kelso township	261
Mayville township	640
Mayville city	1,212
Morgan township	357
Norman township	456
Norway township	445
Portland township	547
Reynolds city	226
Roseville township	750
Wold township	889
Total	12,812

WALSH COUNTY.

Ardoch village	219
Adams township	380
Ardock township	536
Acton township	442
Conway village	256
Cleveland township	313
Dewey township	192
Dundee township	441
Edinburg township	349
Eden township	253
Farmington township	422
Fertile township	463
Forest River township	370
Forest River village	246
Feeble Minded Institute	115
Grafton city	2,423
Grafton township	564
Glenwood township	496
Golden township	322
Hoople village	183
Harriston township	401
Kensington township	375
Kinloss township	316
Lampton township	354
Latona township	294
Martin township	400
Medford township	222
Minto township	815
Norton township	369
Oakwood township	538
Ops township	326
Perth township	284
Pisek village	193
Pulaski township	618
Rushford township	439
Prairie Centre township	499
Park River city	1,435
Silvesta township	381
Sauter township	234
St. Andrews township	385
Shepherd township	432
Tiber township	407
Vernon township	340
Vesta township	399
Walsh Center township	394
Walshville township	420
Total	20,265

WARD COUNTY.

Berthold township	139
Bowbells township	293
Brandon township	197
Burt township	224
Callahan township	203
Carbondale township	335
Carpio village	374
Carter township	288
Clay township	181
Clayton township	206
Colquhoun township	445
Crowfoot township	186
Dale township	287
Denmark township	445
DesLacs township	295
Elmdale township	304
Ensign township	251
Eureka township	260
Fairbanks township	392
Fay township	200
Foothills township	135
Forthum township	272
Foxholm township	200
Freedom township	169
Grassland township	213
Greenbush township	252
Grover township	191
Hamerly township	159
Hamlet township	216
Harmonious township	130
Harrison township	261
Idaho township	256
Hurley township	221
International township	300
Ivanhoe township	277
Keller township	174
Kenmare township	344
Lake View	264
Leaf Mountain township	103
Lockwood township	173
Lowland township	219
Mandan township	180
Manitou township	130
Margaret township	176
Mayland township	250
McKinley township	246
Minnesota township	376
Muskego township	225
North Star township	255
Palermo township	200
Passport township	213
Plain township	219
Portal city	606
Prescott township	147
Prosperity township	223
Ree township	228
Richland township	326
Rockford township	282
Roosevelt township	266
Roseland township	320
Ross township	169
Ryder township	156
Sauk Prairie township	293
Short Creek township	243
Spencer township	359
Spring Valley township	297
Surrey township	376
Tatman township	224
Torning township	184
Vale township	280
Van Buren township	200
Ward township	275
Waterford township	232
White Ash township	196
White Earth township	150
Donnybrook village	281

WARD COUNTY—Continued.

McKinney village	299
Glenburn village	195
Bowbells village	547
Flaxton township	197
Second Commissioner District	522
Third Commissioner District	484
Fourth Commissioner District	3,598
Fifth Commissioner District	2,855
Minot city.....	4,125
Eden Valley township	266
Kenmare village	1,011
Mohall village	409
Norway township	173
Total	33,468

WELLS COUNTY.

Pessenden village	781
Harvey village	803
Wells township	257
First Commissioner District	2,772
Second Commissioner District	2,778
Third Commissioner District	2,091
Total	9,482

WILLIAMS COUNTY.

Edendale township	186
Equality township	225
Golden Valley township	142
Lindahl township	99
Menton township	249
Norway township	54
Pleasant Valley township	100
Rainbow township	128
Ray village	195
Sauk Valley township	76
Spring Brook township	155
Stony Creek township	163
Tioga township	196
Teska township	103
Wheelock township	200
Williston township	263
Williston city	1,125
Second Commissioner District	914
Third Commissioner District	970
Fourth Commissioner District	1,030
Fifth Commissioner District	379
Total	6,952

POPULATION OF LEADING CITIES, 1905.

Abercrombie	357
Aneta	643
Ashley	474
Balfour	522
Bathgate	561
Bisbee	360
Bismarck	4,913
Bottineau	1,227
Bowbells	547
Cando	1,328
Carrington	1,106
Casselton	1,289
Cavalier	744
Churchs Ferry	378
Conway	256
Cooperstown	1,002
Courtenay	459
Crary	285
Crystal	400

POPULATION OF LEADING CITIES, 1905—Continued.

Dazey	231
Denhoff	318
Devils Lake	2,367
Dickinson	3,188
Donnybrook	281
Drayton	601
Edgeley	416
Edmore	348
Ellendale	1,099
Enderlin	1,104
Esmond	531
Fairmount	368
Fargo	12,512
Fessenden	781
Finley	317
Forest River	246
Forman	304
Glenullin	545
Grafton	2,423
Grand Forks	10,127
Granville	500
Hankinson	1,047
Harvey	803
Hatton	550
Hillsboro	1,251
Hope	776
Hunter	390
Inkster	432
Jamestown	5,093
Kenmare	1,011
Kulm	587
Lakota	900
LaMoure	707
Langdon	1,544
Lansford	272
Larimore	1,635
Leeds	520
Lidgerwood	749
Lisbon	1,362
Litchville	285
Mandan	2,714
Mayville	1,212
McHenry	417
Merricourt	399
Michigan	529
Milnor	437
Minnewaukan	445
Minot	4,125
Mohall	409
Neche	613
New Rockford	800
New Salem	527
Northwood	709
Oakes	1,303
Omamee	504
Osnabrock	397
Page	493
Park River	1,435
Pembina	918
Portal	606
Rolla	561
Rugby	1,072
Sanborn	300
Sheldon	338
Sheyenne	291
Souris	352
St. Thomas	708
Tower City	461
Towner	535
Valley City	4,059
Velva	505
Wahpeton	2,741
Walhalla	520
Washburn	898
Westhope	626
Williston	1,125
Willow City	676
Wilton	302
Wimbledon	450
Wyndmere	287

COURTESIES OF THE FLOOR.

The courtesies of the floor were extended to Mr. and Mrs. A. L. Herrick, J. G. Johnson, John McBride, O. G. Hanson, R. H. Shadrick, W. J. Westergaard, W. W. King.

Mr. Little moved

That a committee of three be appointed to assign and select committee rooms.

Which motion prevailed, and

The president named Messrs. Little, Rice and Johnson of McLean.

INTRODUCTION AND FIRST READING OF SENATE BILLS.

Mr. Taylor introduced

Senate Bill No. 24,

A bill for an act to amend section 1016 of the Revised Codes of 1905, relating to report by city treasurer of receipts and disbursements of moneys of independent school districts.

Which was read the first time.

Mr. Taylor introduced

Senate Bill No. 25,

A bill for an act to amend section 4788 of the Revised Codes of 1899, relating to mechanics' liens.

Which was read the first time.

Mr. Strom introduced

Senate Bill No. 26,

A bill for an act regulating the handling of freight in carload lots by railroad companies, shippers and consignees, and equalizing car service charges and penalties, for the use and detention of cars and failure to furnish cars and transport the same.

Which was read the first time.

Mr. Strom introduced

Senate Bill No. 27,

A bill for an act to amend section 155 of chapter 4 of the Political Code of the state of North Dakota, providing for the investment of moneys belonging to the permanent funds of the common schools, university, school of mines, reform school, agricultural college, school for the deaf and dumb, normal schools, and all other permanent funds derived from

the sale of public lands or any other source belonging to the school divisions of the state.

Which was read the first time.

Mr. Cashel introduced

Senate Bill No. 28,

A bill for an act to regulate the practice of pharmacy.

Which was read the first time.

Mr. Purcell introduced

Senate Bill No. 29,

A bill for an act to amend section 7252 of the Revised Code of 1905, relating to examination of an adverse party.

Which was read the first time.

Mr. Purcell introduced

Senate Bill No. 30,

A bill for an act to amend section 7459 of the Revised Codes of 1905, relating to notice of foreclosure sale by advertisement.

Which was read the first time.

Mr. Purcell introduced

Senate Bill No. 31,

A bill for an act to amend section 9885 of the Revised Code of 1905 relating to arraignment.

Which was read the first time.

Mr. Purcell introduced

Senate Bill No. 32,

A bill for an act to amend section 7106 of the Revised Code of 1905, relating to property liable to execution. Manner of levy.

Which was read the first time.

Mr. Purcell introduced

Senate Bill No. 33,

A bill for an act entitled, "An act to regulate the practice in appellate courts, as to the review of errors committed by trial courts in ruling upon demurrers to pleadings."

Which was read the first time.

Mr. McArthur introduced

Senate Bill No. 34,

A bill for an act to provide for the bulletining of the time of the arrival of passenger trains.

Which was read the first time.

Mr. Sharpe introduced

Senate Bill No. 35,

A bill for an act to provide for licensing of auctioneers.

Which was read the first time.

Mr. Little introduced

Senate Bill No. 36,

A bill for an act relating to the granting of a new trial in all actions, civil or criminal, tried to a jury.

Which was read the first time.

Mr. Little introduced

Senate Bill No. 37,

A bill for an act amending sections one (1), two (2), and three (3), of chapter 24 of the Special Laws passed at the Sixteenth session of the legislative assembly of the territory of Dakota, approved March 10th, 1885, segregating from Burleigh county to Kidder county, townships 137, 138, 139, 140, 141, 142, 143 and 144, lying in range 74 west of the 5th P. M., and holding such townships not released from a just and equal proportion of the bonded indebtedness of said Burleigh county existing on said 10th day of March, 1885, and providing that said Kidder county shall assume and pay such proportion thereof, together with the interest thereon, any lapse of time or statute of limitations of actions to the contrary notwithstanding; and defining the manner of ascertaining the amount to be assumed and paid by such Kidder county to said Burleigh county, and designating such amount to be the same per centum of the bonded indebtedness of said Burleigh county existing March 10th, 1885, as the amount of the real property assessment in such townships bore to the entire real property assessment of such county for the year 1884, together with the interest thereon computed to July 1st, 1907. And providing for the issue of six per cent interest bearing bonds in payment of the amount so found due and for the levying of a tax in such Kidder county each year to pay the interest on such bonds and the principal when due, and providing the method of compelling action under this act by an action or proceeding in court.

Which was read the first time.

Mr. Rice introduced

Senate Bill No. 38,

A bill for an act amending section 6130 of the Revised Codes of 1905 of the state of North Dakota, relative to liens upon future interest.

Which was read the first time.

Mr. Stade introduced

Senate Bill No. 39,

A bill for an act to provide for new buildings, and for making needed permanent improvements for the school of deaf and dumb, located at Devils Lake, North Dakota, and making an appropriation therefor.

Which was read the first time.

Mr. Spoonheim introduced

Senate Bill No. 40,

A bill for an act to promote the safety of employees and travelers upon railways by limiting the hours of service of employees thereon.

Which was read the first time.

CONCURRENT RESOLUTIONS.

Mr. Young introduced the following concurrent resolution:

Whereas, It appears from investigation recently made by the Senate of the United States, and otherwise, that polygamy still exists in certain places in the United States notwithstanding prohibitory statutes enacted by the several states thereof, and

Whereas, The practice of polygamy is generally condemned by the people of the United States and there is demand for the more effectual prohibition thereof by placing the subject under the federal jurisdiction and control, at the same time reserving to each state the right to make and enforce its own laws relating to marriage and divorce; now therefore, be it

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

That application be and is hereby made to Congress, under the provision of Article 5 of the Constitution of the United States, for the calling of a convention to propose an amendment to the Constitution of the United States whereby polygamy and polygamous cohabitation shall be prohibited, and Congress shall be given power to enforce such prohibition by appropriate legislation.

Resolved, further, That the legislature of all other states of the United States, now in session or when next convened, be and they are hereby respectfully requested to join in this application by the adoption of this or an equivalent resolution.

Resolved, further, That the secretary of state be, and he hereby is, directed to transmit copies of this application to the Senate and House of Representatives of the United States, and to the members of said bodies representing this state therein; also to transmit copies hereof to the legislatures of all other states of the United States.

SECOND READING OF SENATE BILLS.

Senate Bill No. 8,

A bill for an act to amend and re-enact section 7459 of the Revised Code of 1905, relating to the foreclosure of mortgage on real property.

Was read the second time, and

Referred to the committee on Judiciary.

Senate Bill No. 9,

A bill for an act to amend and re-enact section 2330 of the Revised Code of 1905, relating to the formation of new counties.

Was read the second time, and

Referred to the committee on counties.

Senate Bill No. 10,

A bill for an act requiring railroad companies to report all wrecks and casualties wherein any person is injured or killed, to the railroad commissioners.

Was read the second time, and

Referred to the committee on railroads.

Senate Bill No. 11,

A bill for an act amending and repealing sections 616, 617 and 618 of the 1905 Revised Codes of North Dakota, relating to elections and form of official ballots and arrangement of names of candidates thereon, the same being chapter 76 of the Session Laws of North Dakota for the year 1897.

Was read the second time, and

Referred to the committee on elections.

Senate Bill No. 12,

A bill for an act to provide for securing further evidence in the enforcement of the prohibitory law.

Was read the second time, and

Referred to the committee on temperance.

Senate Bill No. 13,

A bill for an act to create a State Board of Control, and to provide for the management and control of charitable, reformatory, penal and educational institutions of the state, and to make an appropriation therefor, and abolishing existing boards governing such institutions.

Was read the second time, and

Referred to the committee on appropriations.

Senate Bill No. 14,

A bill for an act making appropriations for permanent improvements at the state university and school of mines of North Dakota.

Was read the second time, and

Referred to the committee on appropriations.

Senate Bill No. 15,

A bill for an act providing for the creating of a public health laboratory, for the control of such laboratory, and duties of the director, for the appointment of a director of such laboratory who shall be ex-officio state bacteriologist.

Was read the second time, and

Referred to the committee on public health.

Senate Bill No. 16,

A bill for an act providing for the erection of fire escapes in hotels, inns, and public lodging houses, and regulating the conduct of such hotels, inns, and public lodging houses, and providing for the appointment of an inspector of hotels, and his compensation therefor.

Was read the second time, and

Referred to the committee on appropriations.

Senate Bill No. 17,

A bill 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 second time, and

Referred to the committee on appropriations.

Senate Bill No. 18,

A bill for an act appropriating money for the enforcement of the food law, drug law, formaldehyde and Paris green laws, and the paint law. Also for making such investigations as are deemed necessary for the purpose of gaining information under the laws mentioned and for the dissemination of information.

Was read the second time, and

Referred to the committee on appropriations.

Senate bill No. 19.

A bill for an act to regulate transfer facilities at points where different railway lines cross or intersect and providing a penalty for the violation of the same.

Was read the second time, and

Referred to the committee on railroads.

Senate bill No. 20.

A bill for an act to amend section 2755 of the revised codes of the state of North Dakota for 1905, relating to the power of city councils to make contracts for water for fire protection and provide appropriations for the same.

Was read the second time, and

Referred to the committee on cities and municipal corporations.

Senate bill No. 21.

Concurrent resolution amending the state constitution.

Was read the second time, and

Referred to the committee on state affairs.

Senate bill No. 22.

A bill for an act concerning land titles.

Was read the second time, and

Referred to the committee on Judiciary.

Senate bill No. 23.

A bill for an act making it unlawful for any railroad company, express company, sleeping car company, telegraph company, telephone company, or any corporation, or any agent or representative thereof to issue, give or offer any free ticket, free pass, telegraph or telephone frank, express frank, or other privilege to any person or persons at rates less than charged the public, and making it unlawful for any person to ask for or accept from any railroad company, express company, sleeping car company, telegraph company, telephone company, or any corporation, or from any officer, agent or representative thereof, or use in any manner or for any purpose any free ticket, free pass, telegraph or telephone frank, express or other privilege at rates less than charged the public, and prescribing penalties therefor.

Was read the second time, and

Referred to the committee on state affairs.

Mr. Young moved

That the senate return to the eighth order of business.

Which motion prevailed.

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

Resolved, That there be printed 1,000 copies of the statement prepared by Senator LaMoure giving tabulated information concerning the condition of the land grants and land grant funds of the different state institutions, permanent fund receipts and investments, interest and income estimate for 1907 and 1908 and other valuable information; that the same be known as

Document No. 1, printed on paper the same size as that used for Senate bills in order that it may be bound along with the Senate and House bills.

Which motion prevailed, and
The resolution was adopted.

The secretary announced that the president was about to sign

House Bill No. 1,

A bill for an act entitled an act to amend section 155 of chapter 4 of the political Code of the state of North Dakota, providing for the investment of monies belonging to the permanent funds of the common schools, university, school of mines, reform school, agricultural college, school for the deaf and dumb, normal schools, and all other permanent funds derived from the sale of public lands or any other source belonging to the school divisions of the state.

And the president signed the same in the presence of the senate.

The president administered the oath to the following officers and employees:

E. J. Morris, clerk irrigation committee.
James Twamley, clerk revision committee.
Norman Hall, stenographer,
E. A. Butterfield, clerk temperance committee.
W. D. Hartman, clerk corporations other than municipal.
R. J. Walker, clerk joint rules committee.
Katherine Sterret, clerk committee on agriculture.
John McBride, clerk committee on public printing.
Mr. Taylor moved
That the senate do now adjourn.
Which motion prevailed, and
The senate adjourned.

J. W. FOLEY,
Secretary.

NINTH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 16, 1907.

The senate convened at 2 o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All members present but Messrs. Albright, Crane, Pierce, Movius, Regan and Steele, who were excused.

REFERENCE OF THE JOURNAL.

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

Mr. President:

January 16, 1907.

Your committee on revision and correction of the journal for the eighth day find the same correct.

Respectfully submitted,

J. D. TAYLOR,
Chairman.

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

COURTESIES OF THE FLOOR.

The courtesies of the floor were extended to A. G. Burr, Geo. P. Gibson, Peter A. Schmidt, T. M. Casey, Wm. McKinney, Albert Junge, G. W. Lynn.

MOTIONS AND RESOLUTIONS.

Mr. Stade offered the following resolution:

Resolved, That the secretary shall furnish to each member of the senate before the opening of each day's session a list giving the numbers of all bills to be placed on third reading.

Mr. Stade moved the adoption of the resolution.

Which motion prevailed and
 The resolution was adopted.

INTRODUCTION OF SENATE BILLS.

Mr. Plain introduced

Senate Bill No. 41,

A concurrent resolution, amending the constitution of the state of North Dakota, relating to the legislative department and providing for direct legislation and reference of laws.

Which was read the first time.

Mr. Spoonheim introduced

Senate Bill No. 42,

A bill for an act to regulate the consolidation and reinsurance of domestic insurance companies transacting business of life, accident or health insurance.

Mr. Cashel introduced

Senate Bill No. 43,

A bill for an act to amend section 4316, Revised Statutes of 1905, regulating the rate per mile for railroad corporations to transport passengers, prohibiting discrimination in rates of classes of tickets issued and providing penalties for their violation.

Which was read the first time.

Mr. Cashel introduced

Senate Bill No. 44,

A bill for an act to repeal chapter 128 of the Laws of 1905, being "An act defining criminal libel and conspiracy to libel, and providing punishment therefor."

Which was read the first time.

Mr. Simpson introduced

Senate Bill No. 45,

A bill for an act defining and providing for the assessment of express companies.

Which was read the first time.

Mr. Rice introduced

Senate Bill No. 46,

A bill for an act amending section 89 of the Revised Codes of 1905 of the state of North Dakota, relative to salary of governor.

Which was read the first time.

Mr. Little introduced

Senate Bill No. 47,

A bill for an act to amend section 241, chapter IV of the Revised Codes of 1905, relating to the duties of the State Historical Society of North Dakota, and to the publication of the same.

Which was read the first time.

Mr. Little introduced

Senate Bill No. 48,

A bill for an act to repeal sections 395, 396, 397, 398 and 399 of the Revised Codes of 1905, relating to state weather bureau.

Mr. Stade introduced

Senate Bill No. 49,

A bill for an act to amend section 4928 of the Revised Codes of 1905, relating to the validity of titles by occupancy.

Which was read the first time.

Mr. Talcott introduced

Senate Bill No. 50,

A bill for an act to encourage elementary education and appropriate money therefor.

Which was read the first time.

Mr. Purcell introduced
Senate Bill No. 51,
Memorial in relation to restraint of trade.
Which was read the first time.

SECOND READING OF SENATE BILLS.

Senate Bill No. 24,

A bill for an act to amend section 1016 of the Revised Codes of 1905, relating to report by city treasurer of receipts and disbursements of moneys of independent school districts.

Was read the second time, and
Referred to the committee on municipal corporations.

Senate Bill No. 25,

A bill for an act to amend section 4788 of the Revised Codes of 1899, relating to mechanics' liens.

Was read the second time, and
Referred to the committee on state affairs.

Senate Bill No. 29,

A bill for an act to amend section 7252 of the Revised Code of 1905, relating to examination of an adverse party.

Was read the second time, and
Referred to the committee on judiciary.

Senate Bill No. 30,

A bill for an act to amend section 7459 of the Revised Codes of 1905, relating to notice of foreclosure sale by advertisement.

Was read the second time, and
Referred to the committee on judiciary.

Senate Bill No. 31,

A bill for an act to amend section 9885 of the Revised Code of 1905 relating to arraignment.

Was read the second time, and
Referred to the committee on judiciary.

Senate Bill No. 32,

A bill for an act to amend section 7106 of the Revised Code of 1905, relating to property liable to execution. Manner of levy.

Was read the second time, and
Referred to the committee on judiciary.

Senate Bill No. 34,

A bill for an act to provide for the bulletining of the time of the arrival of passenger trains.

Was read the second time, and

Referred to the committee on railroads.

Senate Bill No. 36,

A bill for an act relating to the granting of a new trial in all actions, civil or criminal, tried to a jury.

Was read the second time, and

Referred to the committee on judiciary.

The president administered the oath to the following employes:

J. O. Rindahl, doorkeeper.

M. P. Brandon, clerk of the ways and means committee.

S. Peterson, assistant bill room clerk.

John McKechnie, postmaster.

Mr. Talcott moved

That the senate do now adjourn.

Which motion prevailed and

The senate adjourned.

J. W. FOLEY,
Secretary.

TENTH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 17, 1907.

The senate convened at 2 o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All members present but Messrs. Albright, Crane, Palmer and Pierce who were excused.

REFERENCE OF THE JOURNAL.

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

Mr. President:

Your committee on revision and correction of the journal for the ninth day find the same correct.

J. D. TAYLOR,
Chairman.

Mr. Taylor moved

That the report of the committee be adopted,

Which motion prevailed, and

The report was adopted.

REPORT OF STANDING COMMITTEES

The committee on judiciary made the following report:
Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 2,

A bill for an act to amend chapter 30 of the Political Code of the state of North Dakota Revised Code of 1905, relating to cities.

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

That the word "a" be inserted after the word "give" at line 9 on page 8 of the printed bill; and the word "running" inserted after the word "bond" in the same line.

That the words "or more" be inserted after the word "two" on line 13 of page 8 of the printed bill.

And when so amended recommend that the same do pass.

C. B. LITTLE,
Chairman.

Mr. Little 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. President:

Your committee on judiciary to whom was referred
Senate Bill No. 3,

A bill for an act to amend section 6710 of the Civil Code of the Revised Codes of North Dakota of 1905.

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

C. B. LITTLE,
Chairman.

Mr. Cashel moved the adoption of the report.
Which motion prevailed and
The report was adopted.

REPORT OF COMMITTEE ON RULES.

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

Your committee on rules recommends the following:

The adoption of the present senate rules as printed in the 1905 "Blue Book," with the following amendments:

2. Committee on "irrigation" be changed to "irrigation and drainage."
3. Committee on state affairs be increased from 11 to 15 members.
4. Committee on apportionment be increased from 11 to 15 members.
5. Amend Rule 27 by adding: "No bill to be introduced in the senate after 52nd day, except by unanimous consent."
6. When a member rises to explain his vote upon any measure before the senate, while the roll call is in progress, his words shall be taken down by the stenographer and printed in the journal; and upon request a member may have his remarks upon any question taken and extended on the record.

C. I. F. WAGNER,
Chairman.

Mr. Wagner moved the adoption of the report.
Which motion prevailed and
The report was adopted.

MOTIONS AND RESOLUTIONS.

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

WHEREAS, Requests are constantly being received for copies of the senate and house journals and bills; and

WHEREAS, It is desirable that the greatest amount of publicity be given to the official proceedings of the legislature; now, therefore, be it

Resolved, That the secretary of state be and he is hereby authorized and directed to mail to the persons hereinafter mentioned copies of the senate and house journals and all senate and house bills, and that such list be made up as follows: The lieutenant governor and each senator may furnish a list of five names, the request therefor to be in writing, signed and filed with the secretary of state for reference.

Resolved, further, That the secretary of the senate detail a sufficient number of clerks now upon the pay roll to carry the work involved under this resolution into effect, and that two hundred and twenty-five extra copies of all senate and house journals and senate and house bills be printed and furnished the secretary of state each day during the session.

Mr. Steele moved

That the resolution be amended to provide for a mailing list of one copy of senate and house journals to each senator for each 1,000 inhabitants of his district.

Mr. Spoonheim moved

That the resolution be referred to a special committee of three.

Which motion prevailed and

The president appointed Messrs. LaMoure, Sharpe and Steele.

INTRODUCTION AND FIRST READING OF SENATE
BILLS.

Mr. Simpson introduced

Senate Bill No. 52,

A bill for an act regulating life insurance companies and prohibiting the diversion of funds for political purposes.

Which was read the first time.

Mr. Simpson introduced

Senate Bill No. 53,

A bill for an act relating to the provisions of life insurance policies.

Which was read the first time.

Mr. Kraabel introduced

Senate Bill No. 54,

A bill for an act making an appropriation for a deficit in expenses for the construction of additions to present buildings, for heating plant, erection and equipment of a dormitory for state normal school at Mayville, and for interest on overdue warrants issued in connection therewith.

Which was read the first time.

Mr. Johnson, of McLean introduced

Senate Bill No. 55,

A bill for an act to provide for the making official of certain county records.

Which was read the first time.

Mr. Little introduced

Senate Bill No. 56,

A bill for an act to amend section 242, chapter IV of the Revised Codes of 1905, relating to appropriations to the state historical society of North Dakota.

Which was read the first time.

Mr. Hanna introduced

Senate Bill No. 57,

A bill for an act to prevent the adulteration and misbranding of foods and beverages, the selling of adulterated and unwholesome foods and beverages, and providing for the proper labeling of all foods and beverages.

Which was read the first time.

Mr. Rice introduced

Senate Bill No. 58,

A bill for an act to create the Ninth judicial district of the state of North Dakota, defining the boundaries of the Second, Eighth and Ninth judicial districts of the said state, and providing for terms of court in the said districts.

Which was read the first time.

Mr. Rice introduced

Senate Bill No. 59,

A bill for an act requiring an annual apportionment and accounting of surplus of life insurance companies as to policies heretofore issued.

Which was read the first time.

Mr. Rice introduced

Senate Bill No. 60,

A bill for an act providing for and regulating the election of directors of mutual life insurance companies.

Which was read the first time.

Mr. Rice introduced

Senate Bill No. 61,

A bill for an act to require an annual apportionment and accounting of surplus of life insurance companies.

Which was read the first time.

Mr. Young introduced

Senate Bill No. 62,

A bill for an act providing for the erection of a building upon the agricultural grounds in which to conduct the experiments provided for in section 1118 of the Revised Codes of North Dakota to determine the milling values of wheat and to install therein necessary machinery, providing for the maintenance of the same and making an appropriation therefor.

Which was read the first time.

Mr. Gilbert introduced

Senate Bill No. 63,

A bill for an act to prevent adulteration, misbranding and selling of adulterated and insufficiently labeled "Concentrated commercial feeding stuff," prescribing a penalty for the violation thereof, providing for the inspection, testing and analysis of said feeding stuffs; charging the North

Dakota government agricultural experiment station with the duty thereof, and charging the state's attorney with the enforcement thereof.

Which was read the first time.

Mr. Sharpe introduced

Senate Bill No. 64,

A bill for an act appropriating money for paying the indebtedness on superintendent's residence and for building a machine shed and seed house and for other improvements at Edgeley sub experiment station.

Which was read the first time.

SECOND READING OF SENATE BILLS.

Senate Bill No. 26,

A bill for an act regulating the handling of freight in carload lots by railroad companies, shippers and consignees, and equalizing car service charges and penalties, for the use and detention of cars and failure to furnish cars and transport the same.

Was read the second time, and

Referred to the committee on railroads.

Senate Bill No. 27,

A bill for an act to amend section 155 of chapter 4 of the Political Code of the state of North Dakota, providing for the investment of moneys belonging to the permanent funds of the common schools, university, school of mines, reform school, agricultural college, school for the deaf and dumb, normal schools, and all other permanent funds derived from the sale of public lands or any other source belonging to the school divisions of the state.

Was read the second time, and

Referred to the committee on state affairs.

Senate Bill No. 39,

A bill for an act to provide for new buildings, and for making needed permanent improvements for the school of deaf and dumb, located at Devils Lake, North Dakota, and making an appropriation therefor.

Was read the second time, and

Referred to the committee on appropriations.

Mr. McArthur moved

That the railroad commissioners be required to file their report in compliance with his resolution of the third day not later than January 21.

Which motion prevailed.

The president administered the oath of office to the following officers and employes:

L. K. Estabrook, bill clerk.

Jessie Messersmith, clerk of the committee on insurance.

Louis M. Kuhry, assistant engrossing and enrolling clerk.

The courtesies of the floor were extended to O. S. Hadeland, Jens Pedersen, O. S. Hilleboe, J. M. Larsen, John M. Olson, C. V. Danielson, E. R. Pratt, A. W. Junge, J. T. Nelson, T. A. Thompson, A. T. Welch, J. L. George, B. T. Kraabel, H. V. Hicks, Fred G. Kott, Chas. Wiegmann, Rev. Father Digman, Paul Joos, W. O. Joos, W. B. Howland, C. O. Follett, Wm. McKinney, John S. Lee, A. Grantier.

Mr. Little moved

That the senate do now adjourn.

Which motion prevailed and

The senate adjourned.

J. W. FOLEY,
Secretary.

ELEVENTH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 18, 1907.

The senate convened at 2 o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All members present except Mr. Simpson who was excused.

REFERENCE OF THE JOURNAL.

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

Mr. President:

Your committee on revision and correction of the journal for the tenth day find the same correct.

Respectfully submitted,

J. D. TAYLOR,
Chairman.

Mr. Taylor moved

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

The president announced the following additional appointments to committees:

State Affairs—Messrs. McDonald, LaMoure Movius, Palmer.

Apportionment—Messrs. Johnson, of McLean, Talcott, Kelly, Dyste.

COMMUNICATION FROM SECRETARY OF STATE.

STATE OF NORTH DAKOTA,
BISMARCK, January 18th, 1907.

To the Members of the Senate of the Tenth Legislative Assembly of the State of North Dakota:

GENTLEMEN: I have the honor to transmit herewith "Depositions and files in the matter of election contest of Edwin D. Washburn vs. Maynard Crame for the office of state senator from the Sixteenth legislative district.

Respectfully,

ALFRED BLAISDELL,
Secretary of State.

REPORT OF STANDING COMMITTEES

The committee on public health made the following report:

Your committee on public health, having under consideration

Senate Bill No. 15,

A bill for an act providing for the creating of a public health laboratory, for the control of such laboratory, and duties of the director, for the appointment of a director of such laboratory who shall be ex-officio state bacteriologist.

Recommend that the same be amended by adding after section 6 the following:

Section 7. Emergency). There being now no provision made for such laboratory, 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.

J. D. TAYLOR,
Chairman.

Mr. Taylor 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. President:

Your committee on judiciary, to whom was referred

Senate Bill No. 8,

A bill for an act to amend and re-enact section 7459 of the Revised Code of 1905, relating to the foreclosure of mortgage on real property.

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

That in section 7459, in line 5 of the printed bill, the words after the word "given" down to the word "by" in the sixth line be stricken out and the words "by sheriff of the county in which the land lies" be inserted in lieu thereof.

That in line 9 of said bill after the word "six" the word "consecutive" be stricken out and the word "successive" be inserted in lieu thereof.

That in line 10 of said bill the words after the word "county" down to and including the word "land" in line 12 be stricken out.

That in line 14 of said section after the word "by" the word "affidavit" be stricken out and the words "sheriff's return" be inserted in lieu thereof.

That in line 15 of said bill after the word "filed" insert the words "for record."

And when so amended recommend the same do pass.

C. B. LITTLE,
Chairman.

Mr. Little moved that Senate Bill No. 8 be re-referred to the judiciary committee.

Which motion prevailed, and

The bill was so re-referred.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary, to whom was referred
Senate Bill No. 29,

A bill for an act to amend section 7252 of the Revised Code of 1905, relating to examination of an adverse party.

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

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report of the committee be adopted,
Which motion prevailed, and
The report was adopted.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bill, to whom was referred

Senate Bill No. 2,

A bill for an act to amend chapter 30 of the Political Code of the state of North Dakota Revised Code of 1905, relating to cities.

Also,

Senate Bill No. 3,

A bill for an act to amend section 6710 of the Civil Code of the Revised Codes of North Dakota of 1905.

Have examined same and find same correctly engrossed.

GEORGE M. YOUNG,
Chairman.

Mr. Young moved

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

REPORT OF SELECT COMMITTEES.

Your committee on assignment of committee rooms beg leave to make the following report:

The committees on judiciary, state affairs and appropriations will meet in office of state engineer.

The committees on railroads, apportionment and warehousing, grain and grain grading will meet in the room formerly occupied by commissioner of agriculture and labor.

Committees on education and insurance will meet in the room formerly occupied by the state examiner.

Committee on elections will meet in the room adjoining the old senate chamber.

The remaining committees will occupy the rooms adjoining the cloak room.

Respectfully submitted,

C. B. LITTLE.

AUG. E. JOHNSON.

C. D. RICE.

COURTESIES OF THE FLOOR.

The courtesies of the floor were extended to D. W. Clark, O. P. Jordahl, C. W. Pollock, Pete Monson, A. Mickelson, John Olson, P. A. Fjelstad, Rev. Father Digman, George Rulon, Wm. Hughes, G. Lange, J. A. Stoht, J. C. Root.

Mr. Crane moved

That the senate elect Miss Carrie Morrish and Mary Ackerman as additional stenographers to the senators,
Which motion prevailed.

Mr. Steele moved

That the name of Albert Hammerley be substituted for the name of R. D. Johnson as assistant engrossing and enrolling clerk.

Which motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS.

Mr. Taylor introduced

Senate Bill No. 65,

A bill for an act to amend section 1582 of the Revised Codes of 1905, relating to redemption from sale of real estate for taxes, time of payment of subsequent taxes, and rate of interest thereon.

Which was read the first time.

Mr. Pierce introduced

Senate Bill No. 66,

A bill for an act to establish a parole system, and providing for indeterminate sentences of persons convicted of certain crimes, and providing for the care, treatment, parole and release of such persons, and prescribing the duties of officials in connection therewith.

Which was read the first time.

Mr. Pierce introduced

Senate Bill No. 67,

A bill for an act to amend section 5404 of the Revised Codes, relating to effect of highways or railways, or right of way therefor, over or upon the lands conveyed.

Which was read the first time.

Mr. Talcott introduced

Senate Bill No. 68,

A bill for an act to amend section 764 of the Revised Codes of 1905, relating to education.

Which was read the first time.

Mr. Kraabel introduced

Senate Bill No. 69,

A bill for an act making an appropriation for carrying into effect provisions of law relating to the duties of the commissioner of agriculture and labor.

Which was read the first time.

Mr. Little introduced

Senate Bill No. 70,

A bill for an act entitled: "An act to amend section 10387 of the Revised Codes of 1905, as to the twine plant at the state penitentiary fixing the fiscal year in connection therewith, authorizing an enlargement of said twine plant by the use of money now in the operating and sinking funds thereof and increasing the limit of said operating fund and creating anew a sinking fund after such increase shall have taken place."

Which was read the first time.

Mr. Stade introduced

Senate Bill No. 71,

A bill for an act to amend section 3111 of the Revised Codes of North Dakota 1905, relating to the term of office of township officers.

Which was read the first time.

Mr. Palmer introduced

Senate Bill No. 72,

A bill for an act defining pools and trusts and providing the penalties and remedies therefor.

Which was read the first time.

Mr. Sharpe introduced

Senate Bill No. 73,

A bill for an act to amend section 4449 of the Revised Codes of 1905, relating to mutual insurance companies engaged in hail insurance.

Which was read the first time.

SECOND READING OF SENATE BILLS.

Senate Bill No. 35,

A bill for an act to provide for licensing of auctioneers.

Was read the second time, and

Referred to the committee on state affairs.

Senate Bill No. 40,

A bill for an act to promote the safety of employees and travelers upon railways by limiting the hours of service of employees thereon.

Was read the second time, and

Referred to the committee on railroads.

Senate Bill No. 41,

A concurrent resolution, amending the constitution of the state of North Dakota, relating to the legislative department and providing for direct legislation and reference of laws.

Was read the second time, and

Referred to the committee on elections.

Senate Bill No. 43,

A bill for an act to amend section 4316, Revised Statutes of 1905, regulating the rate per mile for railroad corporations to transport passengers, prohibiting discrimination in rates of classes of tickets issued and providing penalties for their violation.

Was read the second time, and

Referred to the committee on railroads.

Senate Bill No. 44,

A bill for an act to repeal chapter 128 of the Laws of 1905, being "An act defining criminal libel and conspiracy to libel, and providing punishment therefor."

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 46,

A bill for an act amending section 89 of the Revised Codes of 1905 of the state of North Dakota, relative to salary of governor.

Was read the second time, and

Referred to the committee on ways and means.

Senate Bill No. 47,

A bill for an act to amend section 241, chapter IV of the Revised Codes of 1905, relating to the duties of the State Historical Society of North Dakota, and to the publication of the same.

Which was read the second time, and

Referred to the committee on public printing.

Senate Bill No. 48,

Referred to committee on public printing.

A bill for an act to repeal sections 395, 396, 397, 398 and 399 of the Revised Codes of 1905, relating to state weather bureau.

Was read the second time and

Referred to the committee on state affairs.

Senate Bill No. 49,

A bill for an act to amend section 4928 of the Revised Codes of 1905, relating to the validity of titles by occupancy.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 51,

Memorial in relation to restraint of trade.

Was read the second time and

Referred to the committee on federal relations.

Senate Bill No. 53,

A bill for an act relating to the provisions of life insurance policies.

Was read the second time and

Referred to the committee on insurance.

THIRD READING OF SENATE BILLS.

Senate Bill No. 2,

A bill for an act to amend chapter 30 of the Political Code of the state of North Dakota Revised Code of 1905, relating to cities.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were ayes 35, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sifton
Cashel	McArthur	Spoonheim
Crane	McDonald	Stade
Dyste	McLean	Steele
Gilbert	Movius	Strom
Hanna	Palmer	Swenson
Johnson of McLean	Pierce	Talcott
Johnson of Walsh	Plain	Taylor
Kelly	Purcell	Thatcher
Koffel	Ramsett	Turner
LaMoure	Rice	Wagner
Leutz	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Halliday	Regan	Young
Kraabel	Simpson	

So the bill passed and the title was agreed to.

Senate Bill No. 3,

A bill for an act to amend section 6710 of the Civil Code of the Revised Codes of North Dakota of 1905.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were ayes 37, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sifton
Cashel	McArthur	Spoonheim
Crane	McDonald	Stade
Dyste	McLean	Steele
Gilbert	Movius	Strom
Hanna	Palmer	Swenson
Johnson of McLean	Pierce	Talcott

Messrs.—

Johnson of Walsh
Kelly
Koffel
Kraabel
LaMoure
Leutz

Messrs.—

Plain
Purcell
Ramsett
Rice
Sharpe

Messrs.—

Taylor
Thatcher
Turner
Wagner
Young

Absent and not voting:

Messrs.—

Halliday

Messrs.—

Regan

Messrs.—

Simpson

So the bill passed and the title was agreed to.

Mr. Taylor moved

That the vote by which Senate Bill No. 2 and Senate Bill No. 3 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The oath was administered by the president to the following:

Robert Sweetman, clerk on warehousing grain and grain grading.

J. N. Kunkel clerk on apportionment committee;

A. H. Barnes, clerk of election committee;

Grace Montague, clerk on military affairs committee;

Albert Hammerly, assistant enrolling and engrossing clerk.

Mr. Steele moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

J. W. FOLEY,
Secretary.

TWELFTH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 19, 1907.

The senate met at two o'clock.

The secretary called the senate to order.

Mr. Cashel moved

That Mr. Taylor act as president pro tem.

Which motion prevailed.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Gilbert, Halliday, Johnson of McLean, Kelly, LaMoure, Little, McDonald, McLean, Movius, Regan, Sharpe, Sifton, Simpson, Swenson, Talcott, Thatcher, Wagner, who were excused.

The oath of office was administered by the president pro tem. to C. R. Weber, clerk committee charitable institutions.

Mr. Hanna moved

That the senate do now adjourn.

Which motion prevailed and

The senate adjourned.

J. W. FOLEY,
Secretary.

FOURTEENTH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 21, 1907.

The senate convened at 2 o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All members present but Messrs. Sifton and Talcott, who were excused.

REFERENCE OF THE JOURNAL.

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

Mr. President:

Your committee on revision and correction of the journal for the eleventh day recommend the following corrections:

On page 1, strike out the words "Messrs. Johnson of Walsh, McLean and" and insert the word "Mr."

On the same page strike out the word "were" and insert the word "was."
And when so corrected recommend the same be adopted.

Also your committee on revision and correction of the journal for the twelfth day find the same correct.

Respectfully submitted,

J. D. TAYLOR,

Chairman.

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

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

BISMARCK, NORTH DAKOTA,

January 21, 1907.

*Mr. James W. Foley, Secretary of the Senate, Bismarck,
 North Dakota*

DEAR SIR: I have the honor to acknowledge the receipt of the resolution passed by the senate January 10th calling upon the secretary of the railway commission to acquaint the senate with what steps have been taken to relieve the condition referred to in said resolution.

In reply will state that, being detained owing to snow blockade, the commission was unable to furnish the information desired, and respectfully ask for more time.

I have the honor to remain,

C. S. DEISEM,
 Chairman.

Mr. McArthur moved
 That further time be granted,
 Which motion prevailed.

REPORT OF STANDING COMMITTEES

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 16,

A bill for an act providing for the erection of fire escapes in hotels, inns, and public lodging houses, and regulating the conduct of such hotels, inns, and public lodging houses, and providing for the appointment of an inspector of hotels, and his compensation therefor.

Have had the same under consideration and recommend that the same be re-referred to the committee on state affairs.

JUDSON LAMOURE,
 Chairman.

Mr. LaMoure moved the adoption of the report,
Which motion prevailed, and
The report was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary, to whom was referred
Senate Bill No. 8,

A bill for an act to amend and re-enact section 7459 of the Revised Code of 1905, relating to the foreclosure of mortgage on real property.

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

That all after the enacting clause be stricken out and that in lieu thereof the following be inserted:

SECTION 1. That section 7459 of the Revised Codes of North Dakota of 1905 be and the same is hereby amended and re-enacted to read as follows:

Sec. 7459. How Notice Published. Posted.) Notice that the mortgage will be foreclosed by a sale of the mortgaged premises, or some part thereof, must be given by publishing the same six times, once in each week for six successive weeks in a newspaper of the county where the premises intended to be sold, or some part thereof are situated, if there is one, and if not, then in some newspaper published at the seat of government, and in addition to such publication, a copy of said notice shall be posted upon the premises intended to be sold, by the sheriff of the county, in which said land or some part thereof is situated at least twenty days prior to the date of sale, and that the posting of a copy of said notice shall be shown by the sheriff's return, and that such return of the sheriff together with the proof of the publication in the newspaper, shall be filed for record in the office of the register of deeds of the county in which the land is situated as a part of the proceedings in the foreclosure, and the sheriff shall receive for the posting of said notice the same fees as is provided by law for the posting of said notice the same fees as is provided by law for the service of summons, and that the cost of publishing said notice and the costs of posting a copy thereof shall be a charge against the land and shall be taxed as a part of the cost and disbursement in said foreclosure proceedings.

(SEC. 2. Repeal). That all acts or parts of acts in conflict with this act are hereby repealed.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary, to whom was referred
Senate Bill No. 49,

A bill for an act to amend section 4928 of the Revised Codes of 1905, relating to the validity of titles by occupancy.

Have had the same under consideration and recommend that the same be postponed indefinitely.

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report be adopted,
Which motion prevailed, and

The report was adopted and the further consideration of the bill was indefinitely postponed.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary, to whom was referred
Senate Bill No. 31,

A bill for an act to amend section 9885 of the Revised Code of 1905 relating to arraignment.

Have had the same under consideration and recommend that the same be amended as follows: That in section 9885 in line 6 of the printed bill the first word "discretion" be stricken out and the word "direction" be inserted in lieu thereof,

And when so amended recommend the same do pass.

C. B. LITTLE,
Chairman.

Mr. Little moved

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

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 4,

A bill for an act relating to the qualifications of all state,
county and city elective officers.

Have had the same under consideration and recommend
that the same be amended as follows: by adding after the
word state in section 1 the words "except school officers."

And when so amended recommend the same do pass.

J. B. SHARPE,
Chairman.

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

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 48,

A bill for an act to repeal sections 395, 396, 397, 398 and
399 of the Revised Codes of 1905, relating to state weather
bureau.

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

J. B. SHARPE,
Chairman.

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

The committee on joint rules made the following report:

Mr. President:

Your committee on joint rules beg leave to report the
same joint rules for the government of the senate and house
as were adopted by the legislative assembly of 1905, and
recommend that the secretary of state be authorized to
incorporate them in proper form in the legislative manual
for 1907, which shall also contain similar information to
that contained in the last manual, and when printed that
copies be furnished the state officers, and ten copies to each
member of the tenth legislative assembly; one to each
newspaper in the state, exchange with other states, and

sufficient copies shall be retained by the secretary of state to supply each member of the eleventh legislative assembly with one copy, which shall be forwarded to him immediately upon his election. Advance sheets of the manual, containing the rules of each house and the standing committees, shall be furnished at once for the use of the respective bodies.

Respectfully submitted,

C. D. RICE,

Chairman of the Senate Committee.

H. O. BLEGEN,

Chairman of the House Committee.

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

INTRODUCTION AND FIRST READING OF SENATE BILLS.

Mr. Koffel introduced

Senate Bill No. 74,

A bill for an act to amend section 155 of chapter 4 of the **Political Code of the state of North Dakota and all act or acts amendatory thereof, providing for the investment of moneys belonging to the permanent funds of the common schools, university, school of mines, reform school, agricultural college, school for the deaf and dumb, normal schools, and all other permanent funds derived from the sale of public lands or from any other source belonging to the school divisions of the state.**

Which was read the first time.

Mr. Kraabel introduced

Senate Bill No. 75,

A bill for an act to amend section 5049 of the Revised Codes of 1905 relating to homestead exemptions.

Which was read the first time.

Mr. Kraabel introduced

Senate Bill No. 76,

A bill for an act to amend section 4082 of the Revised

Codes of 1905, relating to separate and mutual rights and liabilities of husband and wife.

Which was read the first time.

Mr. Pierce introduced

Senate Bill No. 77,

A bill for an act to amend section 5039 of the Revised Codes of 1905, relating to conveyances.

Which was read the first time.

Mr. Pierce (by request) introduced

Senate Bill No. 78,

A bill for an act to prohibit the soliciting of orders for the purchase or sale for future delivery of intoxicating liquors to others than persons holding druggists' permits, and providing a penalty for a violation of the same.

Which was read the first time.

Mr. Johnson of Walsh introduced

Senate Bill No. 79,

A bill for an act entitled: "An act to amend section 1508 of the Revised Codes 1905 relating to the assessment of bank stock, where and at what valuation listed."

Which was read the first time.

Mr. Sharpe introduced

Senate Bill No. 80,

A bill for an act entitled: "An act defining the duties of district school boards in relation to the planting, cultivation and protection of trees and shrubs upon school house grounds.

Which was read the first time.

Mr. Cashel introduced

Senate Bill No. 81,

A bill for an act defining burglary with explosives and providing penalties therefor.

Which was read the first time.

Mr. Cashel introduced

Senate Bill No. 82,

A bill for a concurrent resolution to amend the constitution of the state of North Dakota.

Which was read the first time.

Mr. LaMoure introduced

Senate Bill No. 83,

A bill for an act to repeal section 49 of the Revised Codes of 1905, being section 50 of the Revised Codes of 1895, being section 11, of chapter 119, of the Laws of 1890, and section 2282 of the Revised Codes of 1905, being section 1807 of the Revised Codes of 1895, as amended by chapter 125 of the Laws of 1899, relating to public printing.

Which was read the first time.

Mr. LaMoure introduced

Senate Bill No. 84,

A bill for an act making an appropriation for the completion of the buildings of the North Dakota blind asylum, for a boiler house and connections for the same and for furniture and fixtures.

Which was read the first time.

Mr. Stade introduced

Senate Bill No. 85,

A bill for an act to amend section 1554 of the Revised Codes of 1905, relating to delinquent personal taxes, and amending chapter 145 of the Session Laws of 1905.

Which was read the first time.

Mr. Purcell introduced

Senate Bill No. 86,

A bill for an act to amend sections 838, 839, 840, 841 and 842, chapter 9 of the Political Code of the state of North Dakota, Revised Codes of 1905, relating to education.

Which was read the first time.

Mr. Hanna introduced

Senate Bill No. 87,

A bill for an act making an appropriation towards paying deficiency or debts on armories already constructed, or towards the construction of armories for the various military companies of the state of North Dakota.

Which was read the first time.

Mr. Little introduced

Senate Bill No. 88,

A bill for an act to provide a site for the statue of

Sakakawea, the Indian guide of the Lewis and Clark expedition.

Which was read the first time.

SECOND READING OF SENATE BILLS.

Senate Bill No. 28,

A bill for an act to regulate the practice of pharmacy.

Was read the second time, and

Referred to the committee on public health.

Senate Bill No. 33,

A bill for an act entitled, "An act to regulate the practice in appellate courts, as to the review of errors committed by trial courts in ruling upon demurrers to pleadings."

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 37,

A bill for an act amending sections one (1), two (2), and three (3), of chapter 24 of the Special Laws passed at the Sixteenth session of the legislative assembly of the territory of Dakota, approved March 10th, 1885, segregating from Burleigh county to Kidder county, townships 137, 138, 139, 140, 141, 142, 143 and 144, lying in range 74 west of the 5th P. M., and holding such townships not released from a just and equal proportion of the bonded indebtedness of said Burleigh county existing on said 10th day of March, 1885, and providing that said Kidder county shall assume and pay such proportion thereof, together with the interest thereon, any lapse of time or statute of limitations of actions to the contrary notwithstanding; and defining the manner of ascertaining the amount to be assumed and paid by such Kidder county to said Burleigh county, and designating such amount to be the same per centum of the bonded indebtedness of said Burleigh county existing March 10th, 1885, as the amount of the real property assessment in such townships bore to the entire real property assessment of such county for the year 1884, together with the interest thereon computed to July 1st, 1907. And providing for the issue of six per cent interest bearing bonds in payment of the amount so found due and for the levying of a tax in such Kidder county each year to pay the interest on such bonds and the principal when due, and providing

the method of compelling action under this act by an action or proceeding in court.

Was read the second time, and
Referred to the committee on Counties.

Senate Bill No. 38,

A bill for an act amending section 6130 of the Revised Codes of 1905 of the state of North Dakota, relative to liens upon future interest.

Was read the second time, and
Referred to the committee on judiciary.

Senate Bill No. 42,

A bill for an act to regulate the consolidation and reinsurance of domestic insurance companies transacting business of life, accident or health insurance.

Was read the second time, and
Referred to the committee on insurance.

Senate Bill No. 45,

A bill for an act defining and providing for the assessment of express companies.

Was read the second time, and
Referred to the committee on Ways and Means.

Senate Bill No. 52,

A bill for an act regulating life insurance companies and prohibiting the diversion of funds for political purposes.

Was read the second time, and
Referred to the committee on insurance.

Senate Bill No. 54,

A bill for an act making an appropriation for a deficit in expenses for the construction of additions to present buildings, for heating plant, erection and equipment of a dormitory for state normal school at Mayville, and for interest on overdue warrants issued in connection therewith.

Was read the second time, and
Referred to the committee on appropriations.

Senate Bill No. 55,

A bill for an act to provide for the making official of certain county records.

Was read the second time, and
Referred to the committee on judiciary.

Senate Bill No. 56,

A bill for an act to amend section 242, chapter IV of the Revised Codes of 1905, relating to appropriations to the state historical society of North Dakota.

Was read the second time, and

Referred to the committee on appropriations.

Senate Bill No. 60,

A bill for an act providing for and regulating the election of directors of mutual life insurance companies.

Was read the second time, and

Referred to the committee on insurance.

Senate Bill No. 62,

A bill for an act providing for the erection of a building upon the agricultural grounds in which to conduct the experiments provided for in section 1118 of the Revised Codes of North Dakota to determine the milling values of wheat and to install therein necessary machinery, providing for the for the maintenance of the same and making an appropriation therefor.

Was read the second time, and

Referred to the committee on appropriations.

Senate Bill No. 63,

A bill for an act to prevent adulteration, misbranding and selling of adulterated and insufficiently labeled "Concentrated commercial feeding stuff," prescribing a penalty for the violation thereof, providing for the inspection, testing and analysis of said feeding stuffs; charging the North Dakota government agricultural experiment station with the duty thereof, and charging the state's attorney with the enforcement thereof.

Was read the second time, and

Referred to the committee on public health.

Senate Bill No. 64,

A bill for an act appropriating money for paying the indebtedness on superintendent's residence and for building a machine shed and seed house and for other improvements at Edgeley sub experiment station.

Was read the second time, and

Referred to the committee on appropriations.

Senate Bill No. 67,

A bill for an act to amend section 5404 of the Revised Codes, relating to effect of highways or railways, or right of way therefor, over or upon the lands conveyed.

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 69,

A bill for an act making an appropriation for carrying into effect provisions of law relating to the duties of the commissioner of agriculture and labor.

Was read the second time and

Referred to the committee on appropriations.

Senate Bill No. 70,

A bill for an act entitled: "An act to amend section 10387 of the Revised Codes of 1905, as to the twine plant at the state penitentiary fixing the fiscal year in connection therewith, authorizing an enlargement of said twine plant by the use of money now in the operating and sinking funds thereof and increasing the limit of said operating fund and creating anew a sinking fund after such increase shall have taken place."

Was read the second time and

Referred to the committee on state affairs.

Senate Bill No. 71,

A bill for an act to amend section 3111 of the Revised Codes of North Dakota, 1906, relating to the term of office of township officers.

Was read the second time, and

Referred to the committee on city and municipal corporations.

Senate Bill No. 73,

A bill for an act to amend section 4449 of the Revised Codes of 1905, relating to mutual insurance companies engaged in hail insurance.

Was read the second time, and

Referred to the committee on insurance.

The oath was administered by the president to the following officers and employes:

A. W. Furness, clerk on public statistics.

Ole Walden, clerk on federal relations.

Mrs. Catherine Hendershott, clerk on highways and bridges.

E. D. Foley, assistant enrolling and engrossing clerk.

Mr. Little moved

That the senate do now adjourn.

Which motion prevailed and

The senate adjourned.

J. W. FOLEY,
Secretary.

FIFTEENTH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 22, 1907.

The senate met at 2 o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Sifton and Talcott, who were excused.

REFERENCE OF THE JOURNAL.

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

Mr. President:

Your committee on revision and correction of the journal of the fourteenth day, have carefully examined the same and find it correct.

J. D. TAYLOR,
Chairman.

Mr. Taylor moved

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

Senator Young moved

That the rules be suspended and that all senators be permitted to wear their overcoats and hats during the session and that the Lieutenant Governor, all senators, desk force, and reporters be permitted and requested to smoke.

Which motion prevailed.

Mr. Hanna moved

That the Crane-Washburn contest matter be considered in the committee of the whole tomorrow as soon as the regular routine business of the senate has been attended to,
Which motion prevailed.

The president administered the oath to the following:
Oscar Hasledalen, clerk for the committee on railroads.

Miss Nan Woodmansee, clerk for the committee on game and fish.

C. I. Hutchinson, clerk for the committee on state affairs.

A. M. Berdahl, clerk for the committee on rules.

R. J. Hughes, clerk for the committee on public lands.

Mr. Taylor moved

That the senate do now adjourn.

Which motion prevailed, and
The senate adjourned.

J. W. FOLEY,
Secretary.

SIXTEENTH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 23, 1907.

The senate convened at 2 o'clock.
The president presiding.
Prayer by the chaplain.
Roll call.
All members present.

REFERENCE OF THE JOURNAL.

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

Mr. President:

Your committee on revision and correction of the journal of the Fifteenth day have carefully examined the same and find it correct.

J. D. TAYLOR,
Chairman.

Mr. Taylor moved
That the report be adopted.
Which motion prevailed and
The report of the committee was adopted.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 22, 1907.

Mr. President:

I have the honor to transmit herewith the following

JOINT RESOLUTION.

WHEREAS, The construction placed upon the law passed at the last session of the congress of the United States and known as the denatured alcohol law, by the internal revenue bureau, is such that it is difficult to convert the waste and other products of the farm into denatured alcohol for use as light, heat and power, and

WHEREAS, There is now pending in said congress of the United States an amendment to said law which, if passed, will permit the conversion of these waste and other products of the farm into denatured alcohol at small expense to the producer thereof; therefore, be it

Resolved by the Legislative Assembly of the State of North Dakota, That our representatives in congress be and they are hereby requested to do all in their power to secure the enactment of said amendment into law; and be it further

Resolved, That the governor be and he is hereby requested to forward a certified copy of this resolution to each of the members of congress from this state.

Also the following

CONCURRENT RESOLUTION.

WHEREAS, In this state and in all other sections of our country, lumber and its products are a necessity for and are generally used by all classes of people, and

WHEREAS, The time has arrived when, under the principle and policy of "the greatest good to the greatest number," all duty on lumber and its products should be forthwith removed and the same be placed on the free list; now, therefore, it is hereby

Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring, That our United States senators and representatives in congress are hereby respectfully requested to use all honorable means within their power to have all duty on lumber and its products forthwith removed and to have the same placed as soon as possible on the free list.

Resolved, further, That copies of this resolution, duly signed by the respective officers of both houses, be sent to each of our said representatives in congress.

Which the house has adopted and your favorable consideration thereof is respectfully requested.

Very respectfully,
P. D. NORTON,
Chief Clerk.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

Mr. Halliday presented the following petition:

To the Honorable Frank A. Halliday:

We, the undersigned citizens of Crystal and vicinity, feeling that we have a grievance in not being able to purchase our coal in the open market, thus leaving us to the mercy of the retail dealers who seem unable to supply the wants of the people, do petition the legislature of the state of North Dakota for relief and ask thorough investigation of the situation.

JOSEPH FAY,

And Twenty-Nine Others.

Mr. Simpson moved

That the petition be referred to the committee on mines and mining.

Which motion prevailed.

Mr. Kraabel presented the following communication:

RESOLUTIONS ADOPTED BY THE RETAIL MERCHANT'S ASSOCIATION OF NORTH DAKOTA.

To the Senate and House of Representatives of the Tenth Legislative Session of the State of North Dakota:

WHEREAS, The eighth annual convention of the Retail Merchants' Association of the state of North Dakota, in convention assembled, is about to adjourn; therefore, be it resolved that

WHEREAS, The present law governing the inspection of weights and measures is a needless and expensive burden upon the merchants of the state and subserves no good public purpose,

Resolved, That we, the North Dakota Retail Merchants' Association, in convention assembled, hereby voice our opposition to the law now in force and call upon the members of the legislature to repeal the same.

Resolved, further, That we most humbly petition your honorable body to enact or amend a law known as the garnishee law of the state of North Dakota, so as to allow a creditor to garnishee and get judgment setting aside a certain per cent of the debtor's wages from pay day to pay day until his debt is paid to his creditor.

Resolved, further, The enactment of a law making the wife jointly liable with her husband for household necessities, such as food and clothing.

Resolved, further, An amendment to our real estate exemption law exempting only forty acres of land with the improvements thereon; also for the enactment of a law for the better construction of public highways.

Resolved, further, That we, the Retail Merchants' Association, wish most emphatically to endorse the splendid work which has been done by Prof. Ladd in his enforcement of the law against impure foods and adulterated paints, and that we strongly urge the present legislative assembly to make an appropriation which will be fully adequate for the thorough enforcement of the law; and that a copy of these resolutions be sent to each member of the legislature.

REPORT OF STANDING COMMITTEES

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 21,

Concurrent resolution amending the state constitution.

Have had the same under consideration and recommend that the same be referred to the committee on cities and municipal corporations.

J. B. SHARPE,
Chairman.

Mr. Sharpe moved

That the report be adopted,

Which motion prevailed and

The report of the committee was adopted.

The committee on state affairs made the following report:

Mr. President:

Senate Bill No. 25,

A bill for an act to amend section 4788 of the Revised Codes of 1899, relating to mechanics' liens.

Your committee on state affairs to whom was referred

Have had the same under consideration and recommend that the same be indefinitely postponed.

J. B. SHARPE,
Chairman.

Mr. Sharpe moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted, and the further consideration of the bill was indefinitely postponed.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary, to whom was referred

Senate Bill No. 33,

A bill for an act entitled, "An act to regulate the practice in appellate courts, as to the review of errors committed by trial courts in ruling upon demurrers to pleadings."

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

That the words "section one" be inserted as the first words of line 1 of the printed bill.

And when so amended recommend that the same do pass.

C. B. LITTLE,
Chairman.

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

The committee on railroads made the following report:

Mr. President:

Your committee on railroads to whom was referred
Senate Bill No. 34,

A bill for an act to provide for the bulletining of the time of the arrival of passenger trains.

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

That in line 10 of section 1 of the printed bill the word "five" be stricken out and the word "fifteen" be inserted in lieu thereof; and that in line 1 of section 2 the word "wilfull" be stricken out.

And when so amended recommend that the same do pass.

E. F. GILBERT,
Chairman.

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

The committee on federal relations made the following report:

Mr. President:

Your committee on federal relations to whom was referred

Senate Bill No. 51,
Memorial in relation to restraint of trade.

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

HENRY McLEAN,
Chairman.

Mr. McLean moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 55,

A bill for an act to provide for the making official of certain county records.

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

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report be adopted,

Which motion prevailed and

The report of the committee was adopted.

The committee on counties made the following report:

Mr. President:

Your committee on counties to whom was referred

Senate Bill No. 37,

A bill for an act amending sections one (1), two (2), and three (3), of chapter 24 of the Special Laws passed at the Sixteenth session of the legislative assembly of the territory of Dakota, approved March 10th, 1885, segregating from Burleigh county to Kidder county, townships 137, 138, 139, 140, 141, 142, 143 and 144, lying in range 74 west of the 5th P. M., and holding such townships not released from a just and equal proportion of the bonded indebtedness of said Burleigh county existing on said 10th day of March, 1885, and providing that said Kidder county shall assume and pay such proportion thereof, together with the interest thereon, any lapse of time or statute of limitations of actions to the contrary notwithstanding; and defining the manner of ascertaining the amount to be assumed and paid by such Kidder county to said Burleigh county, and designating such amount to be the same per centum of the

bonded indebtedness of said Burleigh county existing March 10th, 1885, as the amount of the real property assessment in such townships bore to the entire real property assessment of such county for the year 1884, together with the interest thereon computed to July 1st, 1907. And providing for the issue of six per cent interest bearing bonds in payment of the amount so found due and for the levying of a tax in such Kidder county each year to pay the interest on such bonds and the principal when due, and providing the method of compelling action under this act by an action or proceeding in court.

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

AUG. E. JOHNSON,
Chairman.

Mr. Johnson, of McLean, moved
That the report be adopted,
Which motion prevailed, and
The report of the committee was adopted.

The committee on temperance made the following report:

Mr. President:

Your committee on temperance to whom was referred
Senate Bill No. 12,

A bill for an act to provide for securing further evidence
in the enforcement of the prohibitory law.

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

That in section 1, in line 9, of the printed bill, after the word "be" strike
out the words "deemed and held an admission and."

And when so amended recommend that the same do pass.

H. H. STROM,
Chairman.

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

The committee on railroads made the following report:

Mr. President:

Your committee on railroads to whom was referred
Senate bill No. 19.

A bill for an act to regulate transfer facilities at points

where different railway lines cross or intersect and providing a penalty for the violation of the same.

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

That in section 1 in lines 2 and 3 the words "on the same grade" be stricken out.

And when so amended recommend that the same do pass.

E. F. GILBERT,
Chairman.

Mr. Gilbert moved

That the report be adopted,

Which motion prevailed and

The report of the committee was adopted.

The committee on enrolled and engrossed bills made the following report :

Mr. President :

Your committee on enrolled and engrossed bills to whom was referred

Senate Bill No. 8,

A bill for an act to amend and re-enact section 7459 of the Revised Code of 1905, relating to the foreclosure of mortgage on real property.

Also,

Senate Bill No. 4,

A bill for an act relating to the qualifications of all state, county and city election officers.

Have examined same and find them properly engrossed.

GEORGE M. YOUNG,
Chairman.

The committee on engrossed and enrolled bills made the following report :

Mr. President :

Your committee on engrossed and enrolled bills have examined

Senate Bill No. 15,

A bill for an act providing for the creating of a public health laboratory, for the control of such laboratory, and duties of the director, for the appointment of a director of such laboratory who shall be ex-officio state bacteriologist.

Also,

Senate Bill No. 29,

A bill for an act to amend section 7252 of the Revised Code of 1905, relating to examination of an adverse party. And find the same correctly engrossed.

GEORGE M. YOUNG,

Chairman.

MOTIONS AND RESOLUTIONS.

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

Be it Resolved by the Senate of the State of North Dakota, That the secretary of state be, and he hereby is, authorized and directed to purchase forthwith three new typewriting machines for use in the senate chamber by the members and officers thereof for state and official business.

Mr. Cashel moved

That the resolution be referred to a select committee of three.

Which motion prevailed, and

The president named Messrs. Simpson, Rice and Koffel as such committee.

INTRODUCTION AND FIRST READING OF SENATE BILLS.

Mr. Pierce, by request, introduced

Senate Bill No. 89,

A bill for an act to provide for the maintenance of high-ways over which rural mail delivery routes are established.

Which was read the first time.

Mr. Kraabel introduced

Senate Bill No. 90,

A bill for an act to amend section 122 of the Revised Codes of 1905 of the state of North Dakota, relating to state treasurer's bond.

Which was read the first time.

Mr. Kraabel introduced

Senate Bill No. 91,

A bill for an act making appropriation for improvements and furnishings for the state normal school at Mayville, and for the construction of a woman's dormitory for said school.

Which was read the first time.

Mr. Spoonheim introduced

Senate Bill No. 92,

A bill for an act entitled "An act regulating the granting of franchises, rights and privileges in and to the streets, highways, alleys and public places of incorporated cities of the state of North Dakota."

Which was read the first time.

Mr. Johnson of Walsh introduced

Senate Bill No. 93,

A bill for an act entitled, "An act to amend section 746 of the Revised Codes of 1905, relating to the amount of population of cities and villages in which registration of voters is required."

Which was read the first time.

Mr. Cashel introduced

Senate Bill No. 94,

A bill for an act for the reservation of lands for the preservation of the Fort Clark and Mandan village sites on certain school lands in Mercer county, North Dakota.

Which was read the first time.

Mr. Simpson introduced

Senate Bill No. 95,

A bill for an act appropriating money from the state treasury, not otherwise appropriated, to compensate the clerk of the district court of Stark county, in this state, for the years 1905 and 1906, for services in connection with his office, required by law to be by him performed for cases arising in unorganized territory attached to Stark county for judicial purposes.

Which was read the first time.

Mr. Steele introduced.

Senate Bill No. 96,

A bill for an act to define the senatorial and representative districts of the state of North Dakota and prescribe the number of senators and representatives therein.

Which was read the first time.

Mr. Simpson introduced

Senate Bill No. 97,

A bill for an act relating to practice on appeals in cases tried by a district court without a jury.

Which was read the first time.

Mr. Pierce introduced
Senate Bill No. 98,

A bill for an act relating to the admission of students and courses of instruction at the university of North Dakota.

Which was read the first time.

Mr. Pierce introduced
Senate Bill No. 99,

A bill for an act to amend section 1531 of the Revised Codes relative to the election, qualification and duties of the state board of equalization.

Which was read the first time.

Mr. Simpson introduced
Senate Bill No. 100,

A bill for an act fixing the salaries and providing for the payment of necessary expenses for the judges of the district courts of the state of North Dakota.

Which was read the first time.

Mr. Simpson introduced
Senate Bill No. 101,

A bill for an act making an appropriation to the Dickinson experiment station located at the city of Dickinson in Stark county.

Which was read the first time.

Mr. Spoonheim introduced
Senate Bill No. 102,

A bill for an act to prohibit the manufacture and sale of cigarettes, cigarette paper or wrappers, or substitute therefor, and providing a penalty for the violation thereof.

Which was read the first time.

Mr. Johnson of McLean introduced
Senate Bill No. 103,

A bill for an act locating a state normal school at the city of Washburn, in the county of McLean.

Which was read the first time.

Mr. Young introduced
Senate Bill No. 104,

A bill for an act making it unlawful for any corporation

to use any of its money or property or any thing of value in political campaigns or for any political purpose, also making it unlawful to solicit or knowingly receive any such money, property or any thing of value and prescribing penalties therefor.

Which was read the first time.

Mr. McArthur introduced

Senate Bill No. 105,

A bill for an act making an appropriation for the erection of a building and greenhouse for the school of forestry located at Bottineau, Bottineau county, and for the proper furnishing and equipment of the same.

Which was read the first time.

Mr. McArthur introduced

Senate Bill No. 106,

A bill for an act to repeal sections numbered 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554 of article 20, chapter 28 of the Revised Codes of 1905, relating to public administrator.

Which was read the first time.

Mr. Cashel introduced

Senate Bill No. 107,

A bill for an act to regulate the selling, offering or exposure of seeds for sale.

Which was read the first time.

Mr. Cashel introduced

Senate Bill No. 108,

A bill for an act to provide an appropriation for the current and contingent expenses of the institution for feeble minded at Grafton, North Dakota.

Which was read the first time.

Mr. Cashel introduced

Senate Bill No. 109,

A bill for an act amending sections 6, 8 and 9 of chapter 108 of the laws of 1903, being sections 1165, 1167 and 1168 of the Revised Codes of 1905, and repealing chapter 76 of the Laws of 1905, in so far as the same applies to the institution for feeble minded.

Which was read the first time.

Mr. McLean introduced

Senate Bill No. 110,

A bill for an act to provide for the better enforcement of the laws against the manufacture and sale of intoxicating liquors.

Which was read the first time.

Mr. McLean introduced

Senate Bill No. 111,

A bill for an act creating and establishing an agricultural experiment station at or near Hanna or Langdon in Cavalier county, providing for its management and making an appropriation therefor.

Which was read the first time.

Mr. Crane introduced

Senate Bill No. 112,

A bill for an act to regulate the transportation of persons by common carriers operating railroads within or through the state of North Dakota, and furnishing and use of free transportation.

Which was read the first time.

Mr. Regan introduced

Senate Bill No. 113,

A bill for an act to amend section 140 of the Revised Codes of 1905, relating to the appointment and qualification of the state examiner.

Which was read the first time.

Mr. Little introduced

Senate Bill No. 114,

A bill for an act entitled, "An act to amend section 10,381 of the Revised Code of 1905, relating to the manner of disposing of the product of the state binder twine plant."

Which was read the first time.

Mr. Talcott introduced

Senate Bill No. 115,

A bill for an act providing that nature study and elementary agriculture shall be taught in the public schools of North Dakota.

Which was read the first time.

Mr. Hanna introduced

Senate Bill No. 116,

A bill for an act appropriating money for buildings, for repairs and for making improvements at the North Dakota agricultural college and experiment station at Fargo.

Which was read the first time.

Mr. Gilbert introduced

Senate Bill No. 117,

A bill for an act appropriating money for the construction and equipment of an engineering building and for making improvements in the mechanical laboratories and shops of the North Dakota agricultural college.

Which was read the first time.

Mr. Purcell introduced

Senate Bill No. 118,

A bill making an appropriation for the purchase of a building, paying indebtedness on a machine shop, paying sewer assessment, making repairs on building, for equipment and furniture, for library, book cases and library furniture, and maintenance of school for two years, beginning January 1, 1907, for the North Dakota academy of science, located at Wahpeton, North Dakota.

Which was read the first time.

Mr. Purcell introduced

Senate Bill No. 119,

A bill for an act to repeal sections 2297, 2298 and 2299 of chapter 28 of the Political Code as compiled in the Revised Codes of North Dakota for 1905, and to re-enact sections 2300, 2301 and 2302 of said chapter 28 of the said Political Code of North Dakota as compiled in the Revised Codes of North Dakota for 1905.

Which was read the first time.

Mr. Purcell introduced

Senate Bill No. 120,

A bill for an act to repeal chapter 59 of the Session Laws of 1897 being section 5334 of the Revised Codes of 1905 in relation to the method of proof of written instruments and contracts to which there are one or more subscribing witnesses, and to re-enact the same.

Which was read the first time.

Mr. Regan introduced

Senate Bill No. 121,

A bill for an act amending and re-enacting section 36 of the Revised Codes of 1905.

Which was read the first time.

Mr. Talcott introduced

Senate Bill No. 122,

A bill for an act providing for instruction in educational methods and the pedagogy of elementary agricultural and nature study at the agricultural college.

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

SECOND READING OF SENATE BILLS.

Mr. Crane moved

That Senate Bill No. 112 be given its second reading and reference.

Which motion prevailed and

Senate Bill No. 112,

A bill for an act to regulate the transportation of persons by common carriers operating railroads within or through the state of North Dakota, and furnishing and use of free transportation.

Was read the second time, and

Referred to the committee on state affairs.

Senate Bill No. 50,

A bill for an act to encourage elementary education and appropriate money therefor.

Was read the second time and

Referred to the committee on appropriations.

Senate Bill No. 57,

A bill for an act to prevent the adulteration and misbranding of foods and beverages, the selling of adulterated and unwholesome foods and beverages, and providing for the proper labeling of all foods and beverages.

Was read the second time, and

Referred to the committee on public health.

Senate Bill No. 58,

A bill for an act to create the Ninth judicial district of the

state of North Dakota, defining the boundaries of the Second, Eighth and Ninth judicial districts of the said state, and providing for terms of court in the said districts.

Was read the second time and

Referred to the committee on state affairs.

Senate Bill No. 59,

A bill for an act requiring an annual apportionment and accounting of surplus of life insurance companies as to policies heretofore issued.

Was read the second time, and

Referred to the committee on insurance.

Senate Bill No. 61,

A bill for an act to require an annual apportionment and accounting of surplus of life insurance companies.

Was read the second time and

Referred to the committee on insurance.

Senate Bill No. 65,

A bill for an act to amend section 1582 of the Revised Codes of 1905, relating to redemption from sale of real estate for taxes, time of payment of subsequent taxes, and rate of interest thereon.

Was read the second time, and

Referred to the committee on state affairs.

Senate Bill No. 66,

A bill for an act to establish a parole system, and providing for indeterminate sentences of persons convicted of certain crimes, and providing for the care, treatment, parole and release of such persons, and prescribing the duties of officials in connection therewith.

Was read the second time, and

Referred to the committee on state affairs.

Senate Bill No. 68,

A bill for an act to amend section 764 of the Revised Codes of 1905, relating to education.

Was read the second time, and

Referred to the committee on education.

Senate Bill No. 72,

A bill for an act defining pools and trusts and providing the penalties and remedies therefor.

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 74,

A bill for an act to amend section 155 of chapter 4 of the Political Code of the state of North Dakota and all act or acts amendatory thereof, providing for the investment of moneys belonging to the permanent funds of the common schools, university, school of mines, reform school, agricultural college, school for the deaf and dumb, normal schools, and all other permanent funds derived from the sale of public lands or from any other source belonging to the school divisions of the state.

Was read the second time and

Referred to the committee on state affairs.

Senate Bill No. 75,

A bill for an act to amend section 5049 of the Revised Codes of 1905 relating to homestead exemptions.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 76,

A bill for an act to amend section 4082 of the Revised Codes of 1905, relating to separate and mutual rights and liabilities of husband and wife.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 77,

A bill for an act to amend section 5039 of the Revised Codes of 1905, relating to conveyances.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 78,

A bill for an act to prohibit the soliciting of orders for the purchase or sale for future delivery of intoxicating liquors to others than persons holding druggist' permits, and providing a penalty for a violation of the same.

Was read the second time, and

Referred to the committee on temperance.

Senate Bill No. 79,

A bill for an act entitled: "An act to amend section 1508 of the Revised Codes 1905 relating to the assessment of bank stock, where and at what valuation listed."

Was read the second time and

Referred to the committee on banks and banking.

Senate Bill No. 80,

A bill for an act entitled: "An act defining the duties of district school boards in relation to the planting, cultivation and protection of trees and shrubs upon school house grounds.

Was read the second time, and
Referred to the committee on state affairs.

Senate Bill No. 81,

A bill for an act defining burglary with explosives and providing penalties therefor.

Was read the second time, and
Referred to the committee on judiciary.

Senate Bill No. 82,

A bill for a concurrent resolution to amend the constitution of the state of North Dakota.

Was read the second time, and
Referred to the committee on warehouse grain and grain grading.

Senate Bill No. 83,

A bill for an act to repeal section 49 of the Revised Codes of 1905, being section 50 of the Revised Codes of 1895, being section 11, of chapter 119, of the Laws of 1890, and section 2282 of the Revised Codes of 1905, being section 1807 of the Revised Codes of 1895, as amended by chapter 125 of the Laws of 1899, relating to public printing.

Was read the second time and
Referred to the committee on state affairs.

Senate Bill No. 84,

A bill for an act making an appropriation for the completion of the buildings of the North Dakota blind asylum, for a boiler house and connections for the same and for furniture and fixtures.

Was read the second time, and
Referred to the committee on appropriations.

Senate Bill No. 85,

A bill for an act to amend section 1554 of the Revised Codes of 1905, relating to delinquent personal taxes, and amending chapter 145 of the Session Laws of 1905.

Was read the second time and
Referred to the committee on state affairs.

Senate Bill No. 86,

A bill for an act to amend sections 838, 839, 840, 841 and 842, chapter 9 of the Political Code of the state of North Dakota, Revised Codes of 1905, relating to education.

Was read the second time and
Referred to the committee on education.

Senate Bill No. 87,

A bill for an act making an appropriation towards paying deficiency or debts on armories already constructed, or towards the construction of armories for the various military companies of the state of North Dakota.

Was read the second time and
Referred to the committee on appropriations.

Senate Bill No. 88,

A bill for an act to provide a site for the statue of Sakakawea, the Indian guide of the Lewis and Clark expedition.

Was read the second time and
Referred to the committee on state affairs.

MOTIONS AND RESOLUTIONS.

Mr. Purcell asked unanimous consent to return to the Eighth order of business.

Mr. Purcell offered the following resolution:

WHEREAS, Governor Sarles in his message called the attention of the legislative assembly to that provision in section 155 of the constitution of the state, which reads as follows: "The coal lands of the state shall never be sold, but the legislative assembly may by general laws provide for leasing the same. The words 'coal lands' shall include lands bearing lignite coal," saying that the same is ambiguous and indefinite; now, therefore, that the legislative assembly may be advised as to what legislation is necessary to make said provision of the constitution clear and definite, be it

Resolved, That the attorney general be requested to answer to the senate the following questions: First. Does section 155 of the constitution exempt all lands granted the state under the Enabling Act, which bear coal, from sale; what, in his opinion, was the intention of the constitutional convention? Second. If the provision in section 155 of the constitution does not apply to all lands granted the state under the Enabling Act which bear coal, what legislation on our part is necessary to make it so effective? Should the legislative assembly apply to congress under section 205 of the constitution of this state to so amend the Enabling Act as to make the section fully effective? That the secretary of the senate be instructed to transmit a copy of this resolution forthwith to the attorney general.

Mr. Purcell moved
That the resolution be adopted.
Which motion prevailed.

THIRD READING OF SENATE BILLS.

Senate Bill No. 15,

A bill for an act providing for the creating of a public health laboratory, for the control of such laboratory, and duties of the director, for the appointment of a director of such laboratory who shall be ex-officio state bacteriologist.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were ayes 37, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sharpe
Cashel	McArthur	Sifton
Crane	McDonald	Spoonheim
Dyste	McLean	Stade
Gilbert	Movius	Steele
Halliday	Palmer	Strom
Hanna	Pierce	Swenson
Johnson of McLean	Plain	Talcott
Johnson of Walsh	Purcell	Taylor
Kelly	Ramsett	Thatcher
Koffel	Regan	Turner
Kraabel	Rice	Wagner
LaMoure		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Little	Simpson	Young

So the bill was passed and the title agreed to.

Senate Bill No. 29,

A bill for an act to amend section 7252 of the Revised Code of 1905, relating to examination of an adverse party.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were ayes 33, nays 4, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McArthur	Sharpe
Cashel	McDonald	Sifton
Dyste	McLean	Spoonheim
Gilbert	Movius	Stade
Halliday	Palmer	Steele
Hanna	Pierce	Swenson
Johnson of McLean	Plain	Talcott
Johnson of Walsh	Purcell	Taylor
Kelly	Ramsett	Thatcher
LaMoure	Regan	Turner
Leutz	Rice	Wagner

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Crane	Kraabel	Young
Koffel		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Little	Simpson	Strom

So the bill was passed and the title agreed to.

Senate Bill No. 8,

A bill for an act to amend and re-enact section 7459 of the Revised Code of 1905, relating to the foreclosure of mortgage on real property.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were ayes 35, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Spoonheim
Cashel	McArthur	Stade
Crane	McDonald	Steele
Dyste	McLean	Strom
Gilbert	Movius	Swenson
Hanna	Palmer	Talcott
Johnson of McLean	Plain	Taylor
Johnson of Walsh	Purcell	Thatcher
Kelly	Ramsett	Turner
Koffel	Regan	Wagner
Kraabel	Sharpe	Young
LaMoure	Sifton	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Halliday	Pierce	Simpson
Little	Rice	

So the bill was passed and the title agreed to.

Senate Bill No. 4,

A bill for an act relating to the qualifications of all state, county and city elective officers.

Was read the third time.

Mr. Johnson of McLean moved that Senate Bill No. 4 be amended as follows:

Strike out all of section 1 of bill and substitute in lieu thereof the following:

“SECTION 1. No person shall be qualified to hold two or

more elective offices under this state, or any county, or any city of this state by virtue of either of which offices he may be permitted or required to act as a member of any board or body the duties of which may require or permit him to review or approve his own official acts, or the acts of any other board or body of which he may be a member, nor shall any person be qualified to hold at the same time a city office and a county office, except the offices of justice of the peace, treasurer, superintendent of schools, coroner, surveyor or constable. Provided, this act shall not apply to township or school officers.'

Mr. Purcell moved

That Senate Bill No. 4 be recommitted to the committee on state affairs.

Which motion prevailed.

The president administered the oath to W. H. Aymar, clerk for the committee on Indian affairs.

Mr. Hanna moved

That the Crane-Washburn contest matter be taken up tomorrow after regular order of business.

Which motion prevailed.

COURTESIES OF THE FLOOR.

The courtesies of the floor were extended to N. M. Young, Casselton; John E. Greene of Minot; Geo. A. Bangs, Grand Forks; Mr. C. A. Johnson of Minot; Hon. E. Smith Peterson, Park River; W. H. Aymar, Page, N. D.; W. B. Richardson, Fargo.

Mr. Crane moved

That the senate do now adjourn.

Which motion prevailed and

The senate adjourned.

J. W. FOLEY,
Secretary.

SEVENTEENTH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 24, 1907.

The senate convened at 2 o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All members present.

REFERENCE OF THE JOURNAL.

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

Mr. President:

Your committee on revision and correction of the journal of the Sixteenth day have carefully examined the same and find it correct.

J. D. TAYLOR,
Chairman.

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

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

The following communication was received from the attorney general:

OFFICE OF ATTORNEY GENERAL,
STATE OF NORTH DAKOTA.

To the Senate of the State of North Dakota:

GENTLEMEN: In pursuance of the resolution of your honorable body of the 23rd inst., asking for my opinion upon certain questions, I beg to submit the following:

Your first question is: "Does section 155 of the constitution exempt all lands granted the state under the enabling act which bear coal from sale,—what, in his opinion, was the intention of the constitutional convention?" It is my opinion that the section above referred to exempts from sale all coal lands belonging to the state. The words "coal lands" are modified by the intent of the framers of the constitution, and I believe the intention of the framers of the constitution was to withhold from market all coal lands now or thereafter acquired by the state. I think that the words "Coal lands" mean lands bearing an amount of coal to warrant the same being mined, and that when the same were mined, that the mines would constitute a merchantable proposition.

It is true that that which is not a merchantable proposition in one generation may become such to future generations. I do not think that it was the intention of the framers of the constitution nor the people who adopted it, that lands which contained a smattering of coal should be withheld from the market, because such would be unprofitable to the state and also to the citizens.

Your second question is: "If the provision in section 155 of the constitution does not apply to all lands granted the state under the enabling act which bear coal, what legislation on our part is necessary to make it so effective? Should the legislative assembly apply to congress under section 205 of the constitution of this state to so amend the enabling act as to make the section fully effective?" I believe that the provisions of section 155 of the constitution not only apply to all coal lands granted under the enabling act, but it also includes any other coal lands which

the state may own, whether they acquired it under the enabling act or under some other act. I do not think that the legislative assembly should apply to congress to amend the enabling act, because section 205 merely reserves the right to apply to congress for a modification of conditions or limitations in case of necessity. I cannot see any necessity for making such application, for the reason that I understand the United States is not attempting to enforce any restriction or limitation which deprives the state of North Dakota of any just right. The only difficulty which seems to arise is a question on the construction of section 155, pertaining to coal lands. That being true, I do not see what light congress could throw upon the subject, as I believe the legislative assembly of this state is just as competent to regulate this matter as the congress of the United States.

To avoid the uncertainty of what is meant by the words "coal lands" belonging to this state, it is my opinion that the legislative assembly should pass a law in conformity with section 155 of the constitution, defining the words "coal lands," fixing a test which would determine whether such lands were coal lands, and providing that no land bearing coal should be disposed of by the state officers or the board of university and school lands, until such lands were tested and shown by the test not to be "coal lands" as determined by the provisions of such enactment.

Dated this 24th day of January, 1907.

T. F. McCUE,
Attorney General.

Mr. Purcell moved

That the resolution and communication be referred to the committee on judiciary.

Which motion prevailed.

REPORT OF STANDING COMMITTEES.

The committee on public health made the following report:

Mr. President:

Your committee on public health, to whom was referred Senate Bill No. 63,

A bill for an act to prevent adulteration, misbranding and selling of adulterated and insufficiently labeled "Concentrated commercial feeding stuff," prescribing a penalty

for the violation thereof, providing for the inspection, testing and analysis of said feeding stuffs; charging the North Dakota government agricultural experiment station with the duty thereof, and charging the state's attorney with the enforcement thereof.

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

J. D. TAYLOR,

Chairman.

Mr. Taylor moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on public health made the following report:

Your committee on public health, to whom was referred Senate Bill No. 28,

A bill for an act to regulate the practice of pharmacy.

Have had the same under consideration and recommend that the title be amended by adding after the word "pharmacy," "And providing penalties for violating the provisions thereof."

In section 12, in line 11 of page 8 of the printed bill, after the word "section" insert the following:

Provided, further, that experience and study of pharmacy in any reputable hospital under the supervision and instruction of the resident interne physician or physicians of such hospital shall be deemed equivalent to the experience and study in a pharmacy under the supervision of a registered pharmacist."

On line 12 of section 25 of the printed bill insert the following after the word "pharmacists:"

"And this act shall not be construed to prohibit the sale, dispensing or compounding of drugs or medicines or physicians' prescriptions in any established hospital to the patients therein by or under the direct supervision of a resident interne physician of such hospital."

And when so amended recommend the same do pass.

J. D. TAYLOR,

Chairman.

Mr. Taylor moved

That the report be adopted,

Which motion prevailed and

The report of the committee was adopted.

The committee on state affairs made the following report:
Mr. President:

Your committee on state affairs, to whom was referred
Senate Bill No. 4,

A bill for an act relating to the qualifications of all-state,
county and city election officers.

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

SECTION 1. No person shall be qualified to hold two or more elective offices under this state, or any county, or any city of this state, by virtue of either of which offices he may be permitted or required to act as a member of any board or body the duties of which may require or permit him to review or approve his own official acts, or the acts of any other board or body of which he may be a member, nor shall any person be qualified to hold at the same time a city office and a county office, except the office of justice of the peace, city magistrate, treasurer, superintendent of schools, coroner, surveyor or constable. *Provided*, this act shall not apply to township or school officers.

And when so amended recommend the same do pass.

J. B. SHARPE,
Chairman.

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

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs, to whom was referred
Senate Bill No. 7,

A bill for an act to repeal sections numbered 2180, 2181,
2182, 2184, 2185, 2186 and 2187 of article 39 of chapter 22
of the Revised Codes of 1905, relating to weights and
measures.

Have had the same under consideration and recommend
that the same be re-referred to the committee on Ways and
means.

J. B. SHARPE,
Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary, to whom was referred

Senate Bill No. 77,

A bill for an act to amend section 5039 of the Revised Codes of 1905, relating to conveyances.

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

C. B. LITTLE,
Chairman.

Mr. Little moved

The report was adopted.

Which motion prevailed and

The report of the committee was adopted.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs, to whom was referred

Senate Bill No. 5,

A bill for an act to repeal sections 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187 of the Revised Codes of North Dakota of 1905, relating to inspector of weights and measures, being chapter 194 of the session laws of 1905.

Have had the same under consideration and recommend that the same be re-referred to the committee on ways and means.

J. B. SHARPE,
Chairman.

Mr. Sharpe moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary, to whom was referred

Senate Bill No. 81,

A bill for an act defining burglary with explosives and providing penalties therefor.

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

That the title be stricken out and the following be inserted:

"A bill for an act making it a felony for any person who with intent to commit any crime breaks into or enters a building, and commits or attempts to commit a crime by the use of nitroglycerine, dynamite, gunpowder or any other high explosive, and providing a penalty therefor."

That in line 1 of the printed matter, after the word "commit" the word "burglary" be stricken out and the words "any crime" be inserted in lieu thereof.

That in line 2 the words "in the nighttime" following the word "enters" be stricken out.

That in line 2 the words following the word "building" down to and including the word "being" in the third line, be stricken out.

That the words "a burglary," in line 3, be stricken out and the words "or attempts to commits a crime" be inserted in lieu thereof.

That all of line 5 after the word "of" be stricken out and the words "of a felony" be inserted in lieu thereof.

That in line 1 of section 2 the words "burglary with explosives" be stricken out and the words "any violation of this act" be inserted in lieu thereof.

And when so amended recommend the same do pass.

C. B. LITTLE,
Chairman.

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

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs, to whom was referred
Senate Bill No. 88,

A bill for an act to provide a site for the statue of Sakakawea, the Indian guide of the Lewis and Clark expedition.

Have had the same under consideration and recommend that the same be referred to the committee on appropriations.

J. B. SHARPE,
Chairman.

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

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs, to whom was referred
Senate Bill No. 80,

A bill for an act entitled: "An act defining the duties of district school boards in relation to the planting, cultivation and protection of trees and shrubs upon school house grounds.

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

Section 3, after the word "dollars" the words "for each school" be inserted.

And when so amended recommend the same do pass.

J. B. SHARPE,
Chairman.

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

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs, to whom was referred
Senate Bill No. 87,

A bill for an act making an appropriation towards paying deficiency or debts on armories already constructed, or towards the construction of armories for the various military companies of the state of North Dakota.

Have had the same under consideration and recommend that the same be referred to the committee on appropriations.

J. B. SHARPE,
Chairman.

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

The committee on public printing made the following report:

Mr. President:

Your committee on public printing, to whom was referred
Senate Bill No. 47,

A bill for an act to amend section 241, chapter IV of the Revised Codes of 1905, relating to the duties of the State Historical Society of North Dakota, and to the publication of the same.

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

C. W. PLAIN,
Chairman.

Mr. Plain moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on woman suffrage made the following report:

Mr. President:

Your committee on woman suffrage, to whom was referred

Senate concurrent resolution in relation to polygamy.

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

THOS. JOHNSON,
Chairman.

Mr. Johnson of Walsh moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on engrossed and enrolled bills made the following report:

Mr. President:

Your committee on engrossed and enrolled bills, to whom was referred

Senate Bill No. 31,

A bill for an act to amend section 9885 of the Revised Code of 1905 relating to arraignment.

Have carefully examined the same and find it properly engrossed.

GEORGE M. YOUNG,
Chairman.

The committee on engrossed and enrolled bills made the following report:

Mr. President:

Your committee on engrossed and enrolled bills, to whom was referred

Senate Bill No. 48,

A bill for an act to repeal sections 395, 396, 397, 398 and 399 of the Revised Codes of 1905, relating to state weather

Have carefully examined same and find it properly engrossed.

GEORGE M. YOUNG,
Chairman.

REPORT OF SELECT COMMITTEE.

The special committee, to which was referred the resolutions for the printing of additional journals and bills, made the following report:

Mr. President:

Your special committee, to which was referred the question of printing additional bills and journals, recommend the printing of 200 extra copies of the senate journal each day, to be apportioned among the senators pro rata.

JUDSON LA MOURE,
Chairman.

Mr. LaMoure moved
The adoption of the report,
Which motion prevailed, and
The report was adopted.

MOTIONS AND RESOLUTIONS.

Mr. Purcell moved the adoption of the following memorial, reported to pass by the committee on federal relations:

MEMORIAL.

WHEREAS, It is currently reported, generally understood and manifestly apparent to everyone that there is a combination in restraint of trade between

the dealers in coal and fuel, and the dealers in lumber, in the state of North Dakota and elsewhere; and

WHEREAS, Said combination is now resulting in material injury to the people of the state of North Dakota, is retarding the building and erection of homes and exacting from the people of the state of North Dakota unjust tribute to this unlawful combination; now, therefore, be it

Resolved by the Senate, the House of Representatives Concurring, That the senators and representatives from this state now in the congress of the United States are hereby requested to use their earnest endeavors and all honorable means to secure the repeal of the tariff on lumber and on coal and fuel now in existence between the United States and the provinces of Canada.

Resolved, further, That the secretary of state be, and hereby is, requested to forward to his excellency, President Theodore Roosevelt, and to the Hon. H. C. Hansbrough, Hon. Porter J. McCumber, Hon. Thos. F. Marshall and Hon. A. J. Gronna duly certified copies of these resolutions.

Mr. Regan moved

That the memorial be re-referred to the committee on state affairs.

Roll call demanded.

The question being on the reference of the memorial,

The roll was called, and there were recorded ayes 22, nays 17.

Absent and not voting 1, as follows:

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kraabel	Stade
Crane	Leutz	Steele
Dyste	Little	Strom
Gilbert	Palmer	Swenson
Halliday	Regan	Talcott
Hanna	Rice	Taylor
Johnson of McLean	Sharpe	Thatcher
Johnson of Walsh		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Cashel	McLean	Sifton
Kelly	Movius	Simpson
Koffel	Pierce	Spoonheim
LaMoure	Plain	Turner
McArthur	Purcell	Young
McDonald	Ramsett	

Absent and not voting, Mr. Wagner.

Verification demanded.

Upon verification of the roll call there were ayes 22, nays 18, as follows:

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kraabel	Stade
Crane	Leutz	Steele
Dyste	Little	Strom

Messrs.—	Messrs.—	Messrs.—
Gilbert	Palmer	Swenson
Halliday	Regan	Talcott
Hanna	Rice	Taylor
Johnson of McLean	Sharpe	Thatcher
Johnson of Walsh		

Those who voted in the negative were :

Messrs.—	Messrs.—	Messrs.—
Cashel	McLean	Sifton
Kelly	Movius	Simpson
Koffel	Pierce	Spoonheim
LaMoure	Plain	Turner
McArthur	Purcell	Wagner
McDonald	Ramsett	Young

So the motion to refer the memorial to the committee on state affairs prevailed.

CONSIDERATION OF MESSAGES FROM THE HOUSE.

Mr. Little moved

That the following house concurrent resolution be referred to the committee on state affairs :

WHEREAS, In this state and in all other sections of our country, lumber and its products are a necessity for and are generally used by all classes of people; and

WHEREAS, The time has arrived when, under the principle and policy of "the greatest good to the greatest number," all duty on lumber and its products should be forthwith removed and the same be placed on the free list; now, therefore, it is hereby

Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring, That our United States senators and representatives in congress are hereby respectfully requested to use all honorable means within their power to have all duty on lumber and its products forthwith removed and to have the same placed as soon as possible on the free list.

Resolved, further, That copies of this resolution, duly signed by the respective officers of both houses, be sent to each of our said representatives in congress.

Which motion prevailed.

Mr. Crane moved

That the following joint house resolution be referred to the committee on state affairs :

WHEREAS, The construction placed upon the law passed at the last session of the congress of the United States and known as the denatured alcohol law, by the internal revenue bureau, is such that it is difficult to convert the waste and other products of the farm into denatured alcohol for use as light, heat and power; and

WHEREAS, There is now pending in said congress of the United States an amendment to said law which, if passed, will permit the conversion of these waste and other products of the farm into denatured alcohol at small expense to the producer thereof; therefore, be it

Resolved by the Legislative Assembly of the State of North Dakota. That our representatives in congress be, and they are hereby, requested to do all in their power to secure the enactment of said amendment into law; and be it further

Resolved. That the governor be, and he is hereby, requested to forward a certified copy of this resolution to each of the members of congress from this state.

Which motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS.

Mr. Simpson introduced

Senate Bill No. 123,

A bill for "An act regulating fraternal beneficiary societies, orders or associations, establishing a standard mortality table therefor, requiring adequate rates with an actual accounting and distribution, providing for valuation of certificates, designating plans of insurance and beneficiaries and declaring any contract in conflict herewith void.

Which was read the first time.

Mr. Simpson introduced

Senate Bill No. 124,

A bill for an act providing that in actions hereafter brought in the justice courts of this state, filing of an affidavit of the amount due, shall be considered as prima facie evidence of the indebtedness sued on.

Which was read the first time.

Mr. Pierce introduced

Senate Bill No. 125,

A bill for an act to amend section 638 of the Revised Codes relating to the conduct of elections.

Which was read the first time.

Mr. McArthur introduced

Senate Bill No 126,

A bill for an act to repeal section 7184 of the Revised Codes of North Dakota of 1905 and to amend section 8183 of the Revised Codes of North Dakota of 1905, relating to fees and compensation of executors and administrators.

Which was read the first time.

Mr. Purcell introduced

Senate Bill No. 127,

A bill for an act entitled: An act to reimburse judges of the supreme court for their actual and necessary expenses while absent from home engaged in the discharge of official duties.

Which was read the first time.

Mr. Strom introduced

Senate Bill No. 128,

A bill for an act, providing for the surveying of lands and the establishing of corner posts and making a record thereof and requiring land owners to participate in such survey and to pay their proportion of the cost thereof.

Which was read the first time.

Mr. Cashel introduced

Senate Bill No. 129,

A bill for an act to amend and re-enact sections 1034, 1035, and 1036 of the Revised Codes of 1905, relating to education.

Which was read the first time.

Mr. Cashel introduced

Senate Bill No. 130,

A bill for an act to prevent the development and dissemination of the seeds of noxious weeds.

Which was read the first time.

Mr. Wagner introduced

Senate Bill No. 131,

A bill for an act to amend section 1597 of the Revised Code of 1905 of the state of North Dakota, relative to duty of county auditor.

Which was read the first time.

Mr. Young introduced

Senate Bill No. 132,

A bill for an act to provide for the making of permanent improvements at the Valley City state normal school, to assist in the maintenance thereof, and for other purposes, and making appropriations therefor.

Which was read the first time.

SECOND READING OF SENATE BILLS.

Senate Bill No. 102,

A bill for an act to prohibit the manufacture and sale of cigarettes, cigarette paper or wrappers, or substitute therefor, and providing a penalty for the violation thereof.

Was read the second time, and

Referred to the committee on temperance.

Senate Bill No. 111,

A bill for an act creating and establishing an agricultural experiment station at or near Hanna or Langdon in Cavalier county, providing for its management and making an appropriation therefor.

Was read the second time, and

Referred to the committee on appropriations.

COURTESIES OF THE FLOOR.

The courtesies of the floor were extended to Dugald Campbell, Hon. P. M. Cole, Hon. D. R. Pierce, Kenmare, N. D.; Samuel Torgerson, Grand Forks; G. H. Garnett, James Burks, Pembina county.

The president administered the oath of office to Miss Minerva Larson, committee clerk, to be assigned by the secretary.

Mr. Little moved

That the senate resolve itself into the committee of the whole to consider the Crane-Washburn contest matter,

Which motion prevailed.

COMMITTEE OF THE WHOLE

Mr. Little in the chair.

When the committee arose, it made the following report:
Mr. President:

Your committee of the whole, which has had under consideration the Crane-Washburn contest,

Beg leave to report progress and ask permission to sit again.

C. B. LITTLE,
Chairman.

Mr. Crane moved that the committee of the whole adjourn to Friday at 10 a. m.,

Which motion prevailed.

The senate reconvened,

The president pro tem presiding.

Mr. Simpson moved

That the senate do now adjourn,

Which motion prevailed, and

The senate adjourned.

J. W. FOLEY,
Secretary.

EIGHTEENTH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 25, 1907.

The senate convened at 2 o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All members present.

REFERENCE OF THE JOURNAL.

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

Mr. President:

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

On page 16 strike out the word "Wednesday" and insert the word "Friday."

And when so amended recommend that the same be approved.

J. D. TAYLOR,
Chairman.

Mr. Purcell moved

That the report of the committee be amended by inserting before the word "communication" in line 28, page 3, the words "resolution and,"

Which motion prevailed.

Mr. Taylor moved

That the report as amended be adopted.

Which motion prevailed and

The report of the committee was adopted.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,

BISMARCK, NORTH DAKOTA,

January 25, 1907.

Mr. President:

I have the honor to transmit herewith the following concurrent resolution and memorial relating to election of United States senators by popular vote:

CONCURRENT RESOLUTION AND MEMORIAL.

WHEREAS, Under the present method of the election of the United States senators by the legislatures of the several states protracted contests frequently result in no election at all and in all cases interfering with needed legislation; and

WHEREAS, Experience has demonstrated that the interest of the people would be best served by the election of the United States senators by a vote of the people of the various states; and

WHEREAS, A large number of state legislatures have at various times adopted memorials and resolutions in favor of election of United States senators by popular vote; and

WHEREAS, The national house of representatives has on several occasions within recent years adopted resolutions in favor of this change in the method of electing United States senators, which were not adopted by the senate; and

WHEREAS, Article V. of the constitution of the United States provides that congress, on the application of the several states, shall call a convention for proposed amendments; and believing there is a general desire upon the part of the citizens of the state of North Dakota that United States senators should be elected by a direct vote of the people; therefore, be it

Resolved by the House of Representatives, the Senate Concurring. That the legislative assembly of the state of North Dakota favors the adoption of an amendment to the constitution of the United States which shall provide for the election of United States senators by popular vote, and joins with other states of the union in respectfully requesting that a convention be called for the purpose of proposing an amendment to the constitution of the United States, as provided for in article V. of said constitution; which amendment shall provide for a change in the present method of electing United States senators, so that they can be chosen in each state by direct vote of the people.

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

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

Which the house has adopted and your favorable consideration thereof is respectfully requested.

Very respectfully,
P. D. NORTON,
Chief Clerk.

PETITIONS AND COMMUNICATIONS.

Mr. Young presented the following telegram:

Valley City, N. D., Jan. 24. '07.

Senator Young,
Bismarck.

Commercial club Valley City requests you to present resolution in senate calling upon railroad commissioners to immediately investigate their situation in Fargo and Jamestown to determine why the fuel freight is not moving out of these towns. Valley City has several cars of coal on side tracks in Fargo. Some action needed today.

L. G. MOULTRIE,
Secretary.

Mr. Young moved the adoption of the following resolution:

Resolved by the Senate of North Dakota, That the telegram just read, from the Commercial club of Valley City, be, and the same is hereby, referred to the board of railway commissioners with the urgent request that the same receive immediate investigation and action.

Which motion prevailed, and
The resolution was adopted.

MOTIONS AND RESOLUTIONS.

Mr. Young moved the adoption by roll call of the following concurrent resolution, recommended to pass by the committee on woman's suffrage:

CONCURRENT RESOLUTION.

WHEREAS, It appears from investigation recently made by the senate of the United States, and otherwise, that polygamy still exists in certain places in the United States notwithstanding prohibitory statutes enacted by the several states thereof; and

WHEREAS, The practice of polygamy is generally condemned by the people of the United States and there is demand for the more effectual prohibition thereof by placing the subject under the federal jurisdiction and control, at the same time reserving to each state the right to make and enforce its own laws relating to marriage and divorce; now, therefore, be it

Resolved by the Senate of North Dakota, the House of Representatives Concurring, That application be, and is hereby made, to congress, under the provision of article 5 of the constitution of the United States, for the calling of a convention to propose an amendment to the constitution of the United States whereby polygamy and polygamous cohabitation shall be prohibited, and congress shall be given power to enforce such prohibition by appropriate legislation.

Resolved, further, That the legislature of all other states of the United States, now in session or when next convened, be, and they are hereby, respectfully requested to join in this application by the adoption of this or an equivalent resolution.

Resolved, further, That the secretary of state be, and he hereby is, directed to transmit copies of this application to the senate and house of representatives of the United States, and to the members of said bodies representing this state therein; also to transmit copies hereof to the legislatures of all other states of the United States.

The roll was called and there were ayes 39, nays none, absent and not voting 1.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sifton
Cashel	McArthur	Simpson
Crane	McDonald	Spoonheim
Dyste	McLean	Stade
Gilbert	Movius	Steele
Halliday	Palmer	Strom
Hanna	Pierce	Swenson
Johnson of McLean	Plain	Talcott
Johnson of Walsh	Purcell	Taylor
Kelly	Ramsett	Thatcher
Koffel	Regan	Turner
Kraabel	Rice	Wagner
Leutz	Sharpe	Young

Mr. LaMoure being absent and not voting.
So the resolution was adopted.

REPORT OF STANDING COMMITTEES

The committee on public health made the following report:

Mr. President:

Your committee on public health to whom was referred
Senate Bill No. 57,

A bill for an act to prevent the adulteration and misbranding of foods and beverages, the selling of adulterated and unwholesome foods and beverages, and providing for the proper labeling of all foods and beverages.

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

J. D. TAYLOR,
Chairman.

Mr. Taylor moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on warehousing, grain and grain grading made the following report:

Mr. President:

Your committee on warehousing, grain and grain grading to whom was referred concurrent resolution No. 82,

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

On page 3 of the printed resolution, after the words "building, local and terminal elevators," insert the words: "Be it further resolved that we favor a national grain, grading and inspection law that will be uniform in all the states, thus abolishing the special system in each state."

And when so amended recommend that the resolution be adopted.

J. H. DYSTE,
Chairman.

Mr. Dyste moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills to whom was referred

Senate Bill No. 33,

A bill for an act entitled, "An act to regulate the practice in appellate courts, as to the review of errors committed by trial courts in ruling upon demurrers to pleadings."

Have examined the same and find the same correctly engrossed.

GEORGE M. YOUNG,
Chairman.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills to whom was referred

Senate Bill No. 55,

A bill for an act to provide for the making official of certain county records.

Have examined the same and find the same correctly engrossed.

GEORGE M. YOUNG,
Chairman.

Mr. Crane moved

That the name of Anna O. Fangsrud be substituted for the name of Mary Ackerman as stenographer for the senators.

Which motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS.

Mr. Sifton introduced

Senate Bill No. 133.

A bill for an act to provide an appropriation for the current and contingent expenses for the state hospital for the insane at Jamestown.

Which was read the first time.

Mr. Hanna introduced

Senate Bill No. 134,

A bill for an act establishing and naming a state flower for the state of North Dakota.

Which was read the first time.

SECOND READING OF SENATE BILLS.

Senate Bill No. 89,

A bill for an act to provide for the maintenance of highways over which rural mail delivery routes are established.

Was read the second time, and

Referred to the committee on state affairs.

Senate Bill No. 97,

A bill for an act relating to practice on appeals in cases tried by a district court without a jury.

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 99,

A bill for an act to amend section 1531 of the Revised Codes relative to the election, qualification and duties of the state board of equalization.

Was read the second time, and

Referred to the committee on state affairs.

Senate Bill No. 101,

A bill for an act making an appropriation to the Dickinson experiment station located at the city of Dickinson in Stark county.

Was read the second time, and

Referred to the committee on appropriations.

Senate Bill No. 105,

A bill for an act making an appropriation for the erection of a building and greenhouse for the school of forestry located at Bottineau, Bottineau county, and for the proper furnishing and equipment of the same.

Was read the second time, and

Referred to the committee on appropriations.

Senate Bill No. 106,

A bill for an act to repeal sections numbered 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554 or article 20,

chapter 28 of the Revised Codes of 1905, relating to public administrator.

Was read the second time, and

Referred to the committee on state affairs.

Senate Bill No. 107,

A bill for an act to regulate the selling, offering or exposure of seeds for sale.

Was read the second time, and

Referred to the committee on agriculture.

Senate Bill No. 114,

A bill for an act entitled, "An act to amend section 10,381 of the Revised Code of 1905, relating to the manner of disposing of the product of the state binder twine plant."

Was read the second time, and

Referred to the committee on state affairs.

Senate Bill No. 116,

A bill for an act appropriating money for buildings, for repairs and for making improvements at the North Dakota agricultural college and experiment station at Fargo.

Was read the second time, and

Referred to the committee on appropriations.

Senate Bill No. 117,

A bill for an act appropriating money for the construction and equipment of an engineering building and for making improvements in the mechanical laboratories and shops of the North Dakota agricultural college.

Was read the second time, and

Referred to the committee on appropriations.

Senate Bill No. 120,

A bill for an act to repeal chapter 59 of the Session Laws of 1897 being section 5334 of the Revised Codes of 1905 in relation to the method of proof of written instruments and contracts to which there are one or more subscribing witnesses, and to re-enact the same.

Was read the second time, and

Referred to the committee on judiciary.

THIRD READING OF SENATE BILLS.

Senate Bill No. 31.

A bill for an act to amend section 9885 of the Revised Code of 1905 relating to arraignment.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 37, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McArthur	Sifton
Cashel	McDonald	Simpson
Crane	McLean	Spoonheim
Dyste	Movius	Stade
Gilbert	Palmer	Steele
Halliday	Pierce	Strom
Hanna	Plain	Swenson
Johnson of McLean	Purcell	Talcott
Johnson of Walsh	Ramsett	Taylor
Kelly	Regan	Turner
Koffel	Rice	Wagner
LaMoure	Sharpe	Young
Leutz		

Messrs. Kraabel, Little and Thatcher being absent and not voting.

Messrs. Kraabel, Little and Thatcher being excused.

So the bill passed and the title agreed to.

Senate Bill No. 33,

A bill for an act entitled, "An act to regulate the practice in appellate courts, as to the review of errors committed by trial courts in ruling upon demurrers to pleadings."

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 38, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Simpson
Cashel	McArthur	Spoonheim
Crane	McDonald	Stade
Dyste	McLean	Steele
Gilbert	Movius	Strom
Halliday	Palmer	Swenson
Hanna	Pierce	Talcott

Messrs.—	Messrs.—	Messrs.—
Johnson of McLean	Plain	Taylor
Johnson of Walsh	Purcell	Thatcher
Kelly	Ramsett	Turner
Koffel	Regan	Wagner
Kraabel	Sharpe	Young
LaMoure	Sifton	

Messrs. Little and Rice being absent and not voting.

Messrs. Little and Rice being excused.

So the bill passed and the title agreed to.

Senate Bill No. 48,

A bill for an act to repeal sections 395, 396, 397, 398 and 399 of the Revised Codes of 1905, relating to state weather bureau.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 39 ayes, nays none, absent and not voting 1.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sharpe
Cashel	Little	Sifton
Crane	McArthur	Simpson
Dyste	McDonald	Spoonheim
Gilbert	McLean	Stade
Halliday	Movius	Steele
Hanna	Palmer	Strom
Johnson of McLean	Pierce	Swenson
Johnson of Walsh	Plain	Talcott
Kelly	Purcell	Taylor
Koffel	Ramsett	Thatcher
Kraabel	Regan	Wagner
LaMoure	Rice	Young

Mr. Turner being absent and not voting.

Mr. Turner being excused.

So the bill passed and the title agreed to.

Senate Bill No. 55,

A bill for an act to provide for the making official of certain county records.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 39, nays none, absent and not voting 1.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sifton
Cashel	Little	Simpson
Crane	McArthur	Spoonheim
Dyste	McDonald	Stade
Gilbert	McLean	Steele
Halliday	Movius	Strom
Hanna	Palmer	Swenson
Johnson of McLean	Pierce	Talcott
Johnson of Walsh	Plain	Taylor
Kelly	Purcell	Thatcher
Koffel	Ramsett	Turner
Kraabel	Regan	Wagner
LaMoure	Sharpe	Young

Mr. Rice being absent and not voting.

Mr. Rice being excused.

So the bill passed and the title agreed to.

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

Mr. Simpson presented the following communication:

To the State Senate of North Dakota:

WHEREAS, Reports have been promiscuously circulated in the daily papers of the country that there exists a fuel and food famine in certain portions of North Dakota; and

WHEREAS, The supply of bills and journals does not equal the demand, and members are unable to secure the number required to meet the wants of their constituents; therefore, be it

WHEREAS, The undersigned commercial clubs, representing the undersigned cities in the western portion of North Dakota, on the Northern Pacific and Soo railways, comprising the territory included in the counties of Burleigh, Emmons, Kidder, McLean, Morton, Stark, Oliver, Billings, Dunn, Mercer, Bowman and Hettinger, after a thorough investigation of the facts, submit:

1. That there is absolutely no food or fuel famine in any portion of that part of North Dakota designated as the Missouri Slope and including the counties above named but, one the contrary, the entire country is abundantly supplied with native lignite coal exclusively used by the residents thereof, obtained from the mines easily accessible, which coal may be procured any day upon the streets of the respective towns in said territory and is brought in to market by farmers generally, and the people of this section of the country are independent of the railroads for their fuel supply.

2. That there is no food famine in any section of the country above named and no suffering is existing among the people. That there is no loss of live-stock in any portion of western North Dakota, so far as the investigations have extended. They have shown that it has been unnecessary to feed live-stock to any great extent, the same grazing on the ranges. Our investigations further disclose that there is absolutely no necessity for aid of any kind to

be extended to settlers of this section of the state, and that many of the reports put in circulation are without foundation in fact and an injustice to that section of the state involved.

MANDAN COMMERCIAL CLUB,
 DICKINSON COMMERCIAL CLUB,
 NEW SALEM COMMERCIAL CLUB,
 BEACH COMMERCIAL CLUB,
 MEDORA COMMERCIAL CLUB,
 RICHARDTON COMMERCIAL CLUB,
 WASHBURN COMMERCIAL CLUB,
 BISMARCK COMMERCIAL CLUB,
 HEBRON COMMERCIAL CLUB,
 SENTINEL BUTTE COMMERCIAL CLUB,
 TAYLOR COMMERCIAL CLUB,
 GLADSTONE COMMERCIAL CLUB,
 WILTON COMMERCIAL CLUB.

Mr. Simpson asked that the communication be printed in the journal, that one copy be sent to each senator and representative in congress, one copy to the Minneapolis Journal and to such other papers as deemed necessary.

Mr. Cashel moved

That the resolution be referred to the committee on judiciary, to report not later than three o'clock tomorrow.

Which motion prevailed.

Mr. Little moved

That the senate take a recess until the committee of the whole is ready to report.

Mr. Johnson moved

That Senate Bill No. 4 be placed upon its third reading and final passage.

Which motion prevailed.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills to whom was referred

Senate Bill No. 4,

A bill for an act relating to the qualifications of all state, county and city election officers.

Have examined the same and find the same correctly engrossed.

GEORGE M. YOUNG,
 Chairman.

Mr. Purcell moved

That Senate Bill No. 4 be referred to the committee of the whole.

Mr. Little rose to a point of order.

Mr. Pierce moved

That Senate Bill No. 4 as amended be further amended by striking out all that portion of the amended bill following the word member, where the same is used the second time in the report of the committee on state affairs as the same appears in the journal of the 16th day.

The question being on the amendment.

The roll was called and there were ayes 16, nays 24, absent and not voting none.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Movius	Simpson
Kelly	Palmer	Stade
Koffel	Pierce	Steele
Leutz	Purcell	Thatcher
McArthur	Sifton	Wagner
McLean		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Cashel	Kraabel	Sharpe
Crane	LaMoure	Spoonheim
Dyste	Little	Strom
Gilbert	McDonald	Swenson
Halliday	Plain	Talcott
Hanna	Ramsett	Taylor
Johnson of McLean	Regan	Turner
Johnson of Walsh	Rice	Young

So the amendment was lost.

Mr. Purcell moved

That Senate Bill No. 4 be re-referred to the committee on judiciary.

Which motion was lost.

Mr. Pierce moved that all that portion of the amended bill including and following the words "provided" in section one be stricken out.

Which motion prevailed and

The amendment was adopted.

Senate Bill No. 4,

A bill for an act relating to the qualifications of all state, county and city election officers.

Was read the third time.

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 36, nays 4, absent and not voting none.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Sharpe
Cashel	Leutz	Sifton
Crane	Little	Spoonheim
Dyste	McArthur	Steele
Gilbert	McDonald	Strom
Halliday	McLean	Swenson
Hanna	Palmer	Talcott
Johnson of McLean	Pierce	Taylor
Johnson of Walsh	Plain	Thatcher
Kelly	Pamsett	Turner
Koffel	Regan	Wagner
Kraabel	Rice	Young

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Movius	Simpson	Stade
Purcell		

So the bill passed and the title was agreed to.

Mr. Pierce gave notice that on the following day he would a move a reconsideration of the vote by which Senate Bill No. 4 was passed.

The oath was administered to Anna O. Fangsrud, as stenographer for the senators.

COMMITTEE OF THE WHOLE.

Mr. Little in the chair.

The senate reconvened.

The president presiding.

When the committee arose it made the following report:
Mr. President:

Your committee of the whole, which has had under consideration the Crane-Washburn contest case,

Beg leave to report progress, and ask leave to sit again.

C. B. LITTLE,
Chairman.

Mr. Talcott moved

That the committee take a recess till 10:30 o'clock a. m. to-morrow

Which motion prevailed.

Mr. Talcott moved

That the senate do now adjourn,

Which motion prevailed, and

The senate adjourned.

J. W. FOLEY,
Secretary.

NINETEENTH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 26, 1907.

The senate convened at 2 o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All members present.

REFERENCE OF THE JOURNAL.

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

Mr. President:

Your committee on revision and correction of the journal of the eighteenth day have carefully examined the same and find it correct.

J. D. TAYLOR,
Chairman.

Mr. Taylor moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 26, 1907.

Mr. President:

I have the honor to transmit herewith

House bill No. 17,

A bill for an act to amend section 2082 of the revised codes of 1905, relating to forest tree culture.

Also,

House bill No. 10,

A bill for an act to amend section 10401 of the revised codes of North Dakota for the year 1905, relating to commitments to the reform school.

Also,

House bill No. 21,

A bill for an act to amend section 5541 of the revised codes of 1895, being section 5541 of the revised codes of 1899, relating to property sold subject to redemption.

Also,

House Bill No. 59,

A bill for an act to provide for the satisfaction of liens and mortgages upon the property before the date of maturity, and for the discharge of the same by the laws now in force in the state of North Dakota.

Also,

House Bill No. 60,

A bill for an act to amend section 4036 of the Revised Codes of North Dakota, for 1905, relating to who may solemnize marriages and to marriage licenses.

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

Also the following

CONCURRENT RESOLUTION.

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

That a special committee of four members of the house and three of the senate be appointed for the purpose of considering all pending bills on reciprocal demurrage.

Which the house has adopted and your concurrence therein is requested.

Also,

I have the honor to inform you that the house has refused to concur in the senate concurrent resolution relating to polygamy.

CONCURRENT RESOLUTION.

WHEREAS, It appears from investigation recently made by the senate of the United States, and otherwise, that polygamy still exists in certain places in the United States notwithstanding prohibitory statutes enacted by the several states thereof; and

WHEREAS, The practice of polygamy is generally condemned by the people of the United States and there is demand for the more effectual prohibition thereof by placing the subject under the federal jurisdiction and control, at the same time reserving to each state the right to make and enforce its own laws relating to marriage and divorce; now, therefore, be it

Resolved by the Senate of North Dakota, the House of Representatives Concurring, That application be, and is hereby made, to congress, under the provision of article 5 of the constitution of the United States, for the calling of a convention to propose an amendment to the constitution of the United States whereby polygamy and polygamous cohabitation shall be prohibited, and congress shall be given power to enforce such prohibition by appropriate legislation.

Resolved, further, That the legislature of all other states of the United States, now in session or when next convened, be, and they are hereby, respectfully requested to join in this application by the adoption of this or an equivalent resolution.

Resolved, further, That the secretary of state be, and he hereby is, directed to transmit copies of this application to the senate and house of representatives of the United States, and to the members of said bodies representing this state therein; also to transmit copies hereof to the legislatures of all other states of the United States.

Respectfully,
P. D. NORTON,
Chief Clerk.

Mr. LaMoure moved

That the house concurrent resolution with reference to the appointment of a joint committee on reciprocal demurrage matters

Be referred to the committee on railroads.

Which motion prevailed.

Mr. LaMoure presented the following financial statement of state aid to high schools for the years 1905 and 1906:

Balance on hand January 1, 1905	\$	775.54
Appropriation for biennial period January 1, 1907		50,000.00
Total	\$	50,775.54

DISBURSEMENTS, 1905.

To classified high schools of the first class—		
Bismarck	\$	750.00
Cando		750.00
Carrington		750.00
Casselton		750.00
Devils Lake		750.00
Dickinson		750.00
Drayton		750.00
Fargo		750.00
Grafton		750.00
Grand Forks		750.00
Hillsboro		750.00
Jamestown		750.00
Lakota		750.00
Langdon		750.00
Larimore		750.00
Lidgerwood		750.00
Lisbon		750.00
Mandan		750.00
Mayville		750.00
Minot		750.00
Minto		750.00
Park River		750.00
St. Thomas		750.00
Valley City		750.00
Wahpeton		750.00
Total (25 schools)	\$	18,750.00
To classified high schools of the second class—		
Bathgate	\$	550.00
Cooperstown		550.00
Fairmount		550.00
Hope		550.00
Hunter		550.00
Oakes		550.00
Pembina		550.00
Williston		550.00
Bottineau		500.00
Caledonia		500.00
Cavalier		500.00
Ellendale		500.00
Enderlin		500.00
Hankinson		500.00
Harvey		500.00
LaMoure		500.00
Michigan City		500.00
Northwood		500.00
Rolla		500.00
Total (19 schools)		9,900.00
Total paid high schools	\$	28,650.00
Paid for marking papers	\$	438.63
Paid for clerical assistance		80.94
Paid for supplies		41.70
Paid for printing		120.00
Paid for expenses high school inspector, Webster Merrifield		163.75
Total		845.02
Total for 1905	\$	29,495.02

DISBURSEMENTS, 1906.

To classified high schools of the first class—		
Bismarck	\$	500.00
Cando		500.00
Carrington		500.00
Casselton		500.00
Cavalier		500.00
Cooperstown		500.00
Devils Lake		500.00
Dickinson		500.00
Drayton		500.00
Enderlin		500.00
Fargo		500.00
Grafton		500.00
Grand Forks		500.00
Hillsboro		500.00
Hope		500.00
Jamestown		500.00
Lakota		500.00
Langdon		500.00
Larimore		500.00
Lidgerwood		500.00
Lisbon		500.00
Mandan		500.00
Mayville		500.00
Minot		500.00
Minto		500.00
Park River		500.00
Pembina		500.00
St. Thomas		500.00
Valley City		500.00
Williston		500.00
Wahpeton		500.00
Total (31 schools)	\$	15,500.00
To classified high schools of the second class—		
Bathgate	\$	250.00
Bottineau		250.00
Caledonia		250.00
Ellendale		250.00
Fairmount		250.00
Harvey		250.00
Hankinson		250.00
Hunter		250.00
LaMoure		250.00
Michigan City		250.00
Minnewaukan		250.00
Northwood		250.00
Oakes		250.00
Rolla		250.00
Tower City		250.00
Total (15 schools)		3,750.00
Total paid high schools	\$	19,250.00
Paid for marking papers	\$	730.50
Paid for clerical assistance		40.00
Paid for supplies		71.59

DISBURSEMENTS, 1906—Continued.

Paid for printing	428.15	
Paid for expenses high school inspector, President Merrifield	138.96	
Total		1,409.20
Total for 1906	\$	20,659.20
Total receipts, including balance on hand January 1, 1905...	\$	50,775.54
Total expenditures for biennial period		50,154.22
Balance on hand January 1, 1907	\$	621.32

Applications of ten schools now pending.

Respectfully submitted,
W. L. STOCKWELL,
 Secretary.

REPORT OF STANDING COMMITTEES

The committee on mines and mining, to whom was referred the petition sent from the citizens of Crystal to Senator Halliday, has carefully considered the same and recommend that it be referred to the railroad commissioners for their consideration, and that a report of their action and the result thereof be made to the senate as speedily as possible.

K. S. RAMSETT,
 Chairman.

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

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills to whom was referred

Senate Bill No. 28,

A bill for an act to regulate the practice of pharmacy.

Have examined the same and find the same correctly engrossed.

GEORGE M. YOUNG,
 Chairman.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills to whom was referred

Senate Bill No. 47,

A bill for an act to amend section 241, chapter IV of the Revised Codes of 1905, relating to the duties of the State Historical Society of North Dakota, and to the publication of the same.

Have examined the same and find the same correctly engrossed.

GEORGE M. YOUNG,
Chairman.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills to whom was referred

Senate Bill No. 37,

A bill for an act amending sections one (1), two (2), and three (3), of chapter 24 of the Special Laws passed at the Sixteenth session of the legislative assembly of the territory of Dakota, approved March 10th, 1885, segregating from Burleigh county to Kidder county, townships 137, 138, 139, 140, 141, 142, 143 and 144, lying in range 74 west of the 5th P. M., and holding such townships not released from a just and equal proportion of the bonded indebtedness of said Burleigh county existing on said 10th day of March, 1885, and providing that said Kidder county shall assume and pay such proportion thereof, together with the interest thereon, any lapse of time or statute of limitations of actions to the contrary notwithstanding; and defining the manner of ascertaining the amount to be assumed and paid by such Kidder county to said Burleigh county, and designating such amount to be the same per centum of the bonded indebtedness of said Burleigh county existing March 10th, 1885, as the amount of the real property assessment in such townships bore to the entire real property assessment of such county for the year 1884, together with the

interest thereon computed to July 1st, 1907. And providing for the issue of six per cent interest bearing bonds in payment of the amount so found due and for the levying of a tax in such Kidder county each year to pay the interest on such bonds and the principal when due, and providing the method of compelling action under this act by an action or proceeding in court.

Have examined the same and find the same correctly engrossed.

GEORGE M. YOUNG,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Pierce moved

That the vote by which Senate Bill No. 4 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Simpson moved

That the house concurrent resolution in reference to constitutional convention with reference to election of United States senators by popular vote.

Be referred to the committee on judiciary.

Which motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS.

Mr. Sifton introduced

Senate Bill No. 135,

A bill for an act to provide for the erection of necessary additional buildings and other improvements at the state hospital for the insane at Jamestown, North Dakota, and for a deficit on buildings erected in the years 1905 and 1906 for the hospital for the insane at Jamestown, North Dakota.

Which was read the first time.

Mr. Thatcher introduced

Senate Bill No. 136,

A bill for an act to amend section 2625 of the Revised Codes of 1905, relative to fees for interpreters.

Which was read the first time.

Mr. Talcott introduced

Senate Bill No. 137,

A bill for an act relating to unauthorized wearing or use of badges, name, title of officers, insignia, ritual or ceremonies of certain orders and societies.

Which was read the first time.

Mr. Talcott introduced

Senate Bill No. 138,

A bill for an act to amend and re-enact section 2613 of the Revised Codes of 1905.

Which was read the first time.

Mr. Simpson asked unanimous consent to return to the Eighth order of business.

Mr. Simpson presented the following

CONCURRENT RESOLUTION.

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

That whereas reports have been promiscuously circulated in the various papers of the country that there exists a food and fuel famine in certain portions of North Dakota; and

WHEREAS, Various commercial clubs of several cities in this state, representing every portion thereof, have reported, after investigations, to the legislature that after a thorough investigation of the facts they find:

First, that there is absolutely no food or fuel famine in any portion of North Dakota, but on the contrary a large portion of the state, practically the entire western section thereof, is abundantly supplied with native lignite coal, used exclusively by the residents of that section of the state, and generally by residents of all portions of the state, and easily accessible. That said coal may be procured any day upon the streets of most towns and cities within the state, and the people in most parts of the state are independent of the railroads for their fuel supply, with the exception of a county or two dependent upon branch lines of railroads for service.

Second, that there is no food famine in any section of the state, and no suffering is existing among the people thereof, but on the contrary there is abundant provisions of every kind and nature for all the people of the state and in every portion thereof; that there is no loss of livestock in any portion of the state and, so far as the investigations have extended, they have shown that it was unnecessary to feed range livestock, including horses, cattle and sheep; but on the contrary such stock in a large area of the state have been and are now grazing on the open range, and in other portions of the state ample forage is provided for all stock.

That the investigations disclose that there has been, and now is, absolutely no necessity for aid of any kind to be extended to new settlers in the state; but on the contrary, all new settlers are comfortably housed and have abundance of food and fuel, and possess every appearance of present and permanent prosperity, and that contrary reports given circulation are without foundation and do great injustice to the state.

Mr. Simpson moved

That the resolution be adopted and that the secretary of the senate be requested to send copies to the daily papers of Minneapolis and St. Paul, to our representatives in congress and to the daily newspapers of this state.

Which motion prevailed.

SECOND READING OF SENATE BILLS.

Senate Bill No. 90,

A bill for an act to amend section 122 of the Revised Codes of 1905 of the state of North Dakota, relating to state treasurer's bond.

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 91,

A bill for an act making appropriation for improvements and furnishings for the state normal school at Mayville, and for the construction of a woman's dormitory for said school.

Was read the second time, and

Referred to the committee on appropriations.

Senate Bill No. 92,

A bill for an act entitled "An act regulating the granting of franchises, rights and privileges in and to the streets, highways, alleys and public places of incorporated cities of the state of North Dakota."

Was read the second time, and

Referred to the committee on cities and municipal corporations.

Senate Bill No. 93,

A bill for an act entitled, "An act to amend section 746 of the Revised Codes of 1905, relating to the amount of population of cities and villages in which registration of voters is required."

Was read the second time, and

Referred to the committee on elections.

Senate Bill No. 94,

A bill for an act for the reservation of lands for the preservation of the Fort Clark and Mandan village sites on certain school lands in Mercer county, North Dakota.

Was read the second time, and

Referred to the committee on public lands.

Senate Bill No. 95,

A bill for an act appropriating money from the state treasury, not otherwise appropriated, to compensate the clerk of the district court of Stark county, in this state, for the years 1905 and 1906, for services in connection with his office required by law to be by him performed for cases arising in unorganized territory attached to Stark county for judicial purposes.

Was read the second time, and

Referred to the committee on appropriations.

Senate Bill No. 98,

A bill for an act relating to the admission of students and courses of instruction at the university of North Dakota.

Was read the second time, and

Referred to the committee on education.

Senate Bill No. 100,

A bill for an act fixing the salaries and providing for the payment of necessary expenses for the judges of the district courts of the state of North Dakota.

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 103,

A bill for an act locating a state normal school at the city of Washburn, in the county of McLean.

Was read the second time, and

Referred to the committee on education.

Senate Bill No. 108,

A bill for an act to Provide an appropriation for the current and contingent expenses of the institution for feeble minded at Grafton, North Dakota.

Was read the second time, and

Referred to the committee on appropriations.

Senate Bill No. 109,

A bill for an act amending sections 6, 8 and 9 of chapter 108 of the laws of 1903, being sections 1165, 1167 and 1168 of the Revised Codes of 1905, and repealing chapter 76 of the Laws of 1905, in so far as the same applies to the institution for feeble minded.

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 110,

A bill for an act to provide for the better enforcement of the laws against the manufacture and sale of intoxicating liquors.

Was read the second time, and
Referred to the committee on temperance.

Senate Bill No. 113,

A bill for an act to amend section 140 of the Revised Codes of 1905, relating to the appointment and qualification of the state examiner.

Was read the second time, and
Referred to the committee on judiciary.

Senate Bill No. 115,

A bill for an act providing that nature study and elementary agriculture shall be taught in the public schools of North Dakota.

Was read the second time, and
Referred to the committee on education.

Senate Bill No. 118,

A bill making an appropriation for the purchase of a building, paying indebtedness on a machine shop, paying sewer assessment, making repairs on building, for equipment and furniture, for library, book cases and library furniture, and maintenance of school for two years, beginning January 1, 1907, for the North Dakota academy of science, located at Wahpeton, North Dakota.

Was read the second time, and
Referred to the committee on appropriations.

Senate Bill No. 119,

A bill for an act to repeal sections 2297, 2298 and 2299 of chapter 28 of the Political Code as compiled in the Revised Codes of North Dakota for 1905, and to re-enact sections 2300, 2301 and 2302 of said chapter 28 of the said Political Code of North Dakota as compiled in the Revised Codes of North Dakota for 1905.

Was read the second time, and
Referred to the committee on judiciary.

THIRD READING OF SENATE BILLS.

Senate Bill No. 47,

A bill for an act to amend section 241, chapter IV of the Revised Codes of 1905, relating to the duties of the State Historical Society of North Dakota, and to the publication of the same.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 35, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Sharpe
Cashel	Leutz	Simpson
Crane	Little	Spoonheim
Dyste	McArthur	Steele
Gilbert	McLean	Strom
Halliday	Movius	Swenson
Hanna	Palmer	Talcott
Johnson of McLean	Pierce	Taylor
Johnson of Walsh	Plain	Thatcher
Kelly	Purcell	Turner
Koffel	Ramsett	Young
Kraabel	Regan	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
McDonald	Sifton	Wagner
Rice	Stade	

So the bill passed and the title was agreed to.

Senate Bill No. 37,

A bill for an act amending sections one (1), two (2), and three (3), of chapter 24 of the Special Laws passed at the Sixteenth session of the legislative assembly of the territory of Dakota, approved March 10th, 1885, segregating from Burleigh county to Kidder county, townships 137, 138, 139, 140, 141, 142, 143 and 144, lying in range 74 west of the 5th P. M., and holding such townships not released from a just and equal proportion of the bonded indebtedness of said Burleigh county existing on said 10th day of March, 1885, and providing that said Kidder county shall assume and pay such proportion thereof, together with the interest thereon, any lapse of time or statute of limitations of actions to the contrary notwithstanding; and defining

the manner of ascertaining the amount to be assumed and paid by such Kidder county to said Burleigh county, and designating such amount to be the same per centum of the bonded indebtedness of said Burleigh county existing March 10th, 1885, as the amount of the real property assessment in such townships bore to the entire real property assessment of such county for the year 1884, together with the interest thereon computed to July 1st, 1907. And providing for the issue of six per cent interest bearing bonds in payment of the amount so found due and for the levying of a tax in such Kidder county each year to pay the interest on such bonds and the principal when due, and providing the method of compelling action under this act by an action or proceeding in court.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 29, nays 3, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Simpson
Cashel	McLean	Spoonheim
Crane	Movius	Steele
Dyste	Palmer	Talcott
Gilbert	Pierce	Taylor
Hanna	Plain	Thatcher
Johnson of McLean	Purcell	Turner
Johnson of Walsh	Ramsett	Wagner
Kelly	Rice	Young
Leutz	Sharpe	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Koffel	LaMoure	Stade

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Halliday	McDonald	Strom
Kraabel	Regan	Swenson
McArthur	Sifton	

Mr. Regan being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 28,

A bill for an act to regulate the practice of pharmacy.

Was read the third time.

Mr. Simpson moved

That Senate Bill No. 28 be recommitted to the committee on judiciary.

Which motion prevailed.

COURTESIES OF THE FLOOR.

The courtesies of the floor were extended to Hon. R. M. Pollock, Hon. Vernon Lovell, Fargo; F. H. Larson, Turtle Lake; L. C. Duchert, Carl Sorenson, Grand Forks; Miss Monica Sorley, Henry Berry, Ed. Jones, Fred Dewey, Sherman Stanfield, Doctor Morris, J. A. Ulberg.

The president administered the oath to A. C. Foster, clerk for the committee on penal institutions.

Mr. Little moved

That the senate take a recess until such time as the committee of the whole is ready to report.

Which motion prevailed

COMMITTEE OF THE WHOLE.

Mr. Little in the chair.

The senate reconvened.

The president presiding.

When the committee arose it made the following report:
Mr. President:

Your committee of the whole, which has had under consideration the Crane-Washburn contest case,

Beg leave to report progress, and ask leave to sit again.

C. B. LITTLE,

Chairman.

Mr. Purcell moved

That the committee of the whole take a recess to Monday at 10:30 a. m.

Mr. Hanna moved as a substitute that the committee of the whole take a recess to Tuesday at 10:30 a. m.

Which substitute motion prevailed, and

The committee took a recess to Tuesday at 10:30 a. m.

Mr. Sharpe moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

J. W. FOLEY,

Secretary.

TWENTY-FIRST DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 28, 1907.

The senate convened at 2 o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Hanna, Leutz, McDonald, Palmer, Sifton and Thatcher, who were excused.

REFERENCE OF THE JOURNAL.

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

Mr. President:

Your committee on revision and correction of the journal of the nineteenth day have carefully examined the same and find it correct.

J. D. TAYLOR,
Chairman.

Mr. Taylor moved

That the report be adopted,

Which motion prevailed and

The report of the committee was adopted.

GOVERNOR'S MESSAGES.

The president made the following reference to the governor's messages:

Agreeable to the suggestion that the recommendations of Governor Sarles and Governor Burke, in their respective messages, be referred to the proper committees for their consideration, I respectfully make the following assignments of their recommendations:

Governor Sarles' message—

Page 4, subject public printing, referred to the public printing committee. Portland exhibit, committee on appropriations.

Page 6, land department, public lands. Auditor's department, ways and means.

Page 7, treasurer's office, judiciary.

Page 8, department of agriculture and labor, committee on agriculture.

Page 9, miscellaneous and unorganized territory, judiciary. State board of control, appropriations.

Page 10, uniform marriage and divorce laws, temperance. Life insurance, insurance. Drainage, irrigation and drainage. State fairs, appropriations. Jamestown (Va.) exposition, state affairs.

Page 11, anti-trust laws, judiciary. University of North Dakota, education. Pure food, public health. Primary elections, elections.

Page 12, real estate mortgage foreclosure, judiciary. Mill tax change, appropriations. Reciprocal demurrage, railroads. State institutions, appropriations.

Page 13, militia, military affairs.

Page 14, prohibition, temperance.

Page 15, repeal, appropriations. Taxation, ways and means.

Governor Burke's message—

Page 3, primary election law, elections. Non-partisan judiciary and schools, judiciary.

Page 4, pure food law, public health. School laws, education.

Page 5, re-apportionment, committee on apportionment.

Page 6, public printing, committee on public printing. Anti-pass legislation, railroads.

Page 7, railroad regulations, railroads.

Page 8, car shortage, railroads. Railroad taxation, ways and means.

Page 9, uniform assessment, ways and means. State board of equalization, ways and means. Protection of game and fish, game and fish.

Page 10, jurisdiction of county court, judiciary. School fund, judiciary.

Page 11, drainage, irrigation and drainage. National guard, military affairs. Initiative and referendum, judiciary.

REPORT OF RAILROAD COMMISSIONERS.

The report of the railroad commissioners, made in pursuance of senate resolution of January 10 was filed.

Mr. Simpson moved

That the report of the railroad commissioners be printed and copies distributed among the members of legislative assembly.

Mr. Movius moved as an amendment to have 500 extra copies of the report printed and distributed over the state.
Which amended motion prevailed.

REPORT OF STANDING COMMITTEES

The committee on state affairs made the following report:
Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 83,

A bill for an act to repeal section 49 of the Revised Codes of 1905, being section 50 of the Revised Codes of 1895, being section 11, of chapter 119, of the Laws of 1890, and section 2282 of the Revised Codes of 1905, being section 1807 of the Revised Codes of 1895, as amended by chapter 125 of the Laws of 1899, relating to public printing.

Have had the same under consideration and recommend that the same be re-referred to the committee on public printing.

J. B. SHARPE,
Chairman.

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

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred
House joint resolution in relation to denatured alcohol,
Have had the same under consideration and recommend
that the same be amended as follows:

That the word "governor" in the last paragraph be stricken out and the words "secretary of state" be inserted.

And when so amended recommend the same do pass

J. B. SHARPE,
Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 120,

A bill for an act to repeal chapter 59 of the Session Laws of 1897 being section 5334 of the Revised Codes of 1905 in relation to the method of proof of written instruments and contracts to which there are one or more subscribing witnesses, and to re-enact the same.

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

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report be adopted,
Which motion prevailed, and
The report of the committee was adopted.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills to whom was referred

Senate Bill No. 63,

A bill for an act to prevent adulteration, misbranding and selling of adulterated and insufficiently labeled "Concentrated commercial feeding stuff," prescribing a penalty for the violation thereof, providing for the inspection, testing and analysis of said feeding stuffs; charging the North Dakota government agricultural experiment station with the duty thereof, and charging the state's attorney with the enforcement thereof.

Have examined the same and find the same correctly engrossed.

GEORGE M. YOUNG,
Chairman.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills to whom was referred

Senate Bill No. 80,

A bill for an act entitled: "An act defining the duties of district school boards in relation to the planting; cultivation and protection of trees and shrubs upon school house grounds.

Also,

Senate Bill No. 12,

A bill for an act to provide for securing further evidence in the enforcement of the prohibitory law.

Have examined the same and find the same correctly engrossed.

GEORGE M. YOUNG,
Chairman.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills to whom was referred

Senate Bill No. 77,

A bill for an act to amend section 5039 of the Revised Codes of 1905, relating to conveyances.

Have examined the same and find the same correctly engrossed.

GEORGE M. YOUNG,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Cashel moved the adoption of the following concurrent resolution, recommended to pass by the committee on warehousing, grain and grain grading:

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

WHEREAS, The Wisconsin grain grading and inspection law at Superior, Wisconsin, is the legally established market for the grains of this state, the state being represented by a commissioner on the board that regulates the same to whom it contributes a portion of his salary; and

WHEREAS, The operations of the law are now tied up in the courts and inoperative, being bitterly opposed by the railroads, elevators and boards of trade operating under the Minnesota grain grading and inspection law, thereby destroying competition to the great injury of the farmers of this state; and

WHEREAS, The Minnesota law is not satisfactory in its dockage and in allowing terminal elevators to doctor wheat by scouring and mixing inferior grades, thereby advancing the grades and shipping out a greater amount of higher grades of wheat than were taken in, thus making unnatural gains

for the elevators, and a corresponding loss to the grain growers, besides degrading the quality of our wheat in the markets of the world; and

WHEREAS, There are frequently losses to shippers through defective cars, being so either when loaded or by rough handling when in transit or in the terminal yards, causing numerous losses not accounted for; therefore, be it

Resolved, That this legislative assembly, composed of the representatives of the farmers and business interests of the state, believing that there should be free, open, competitive markets for our products and that we should receive just value therefor, do respectfully request and urge:

First, that all opposition be withdrawn from the establishment of an equitable grain grading and inspection law at Superior, Wisconsin, giving to us a competitive market.

Second, that the legislative assembly of the state of Minnesota be requested to amend its grain grading and inspection laws, establishing grain hospitals for customers only, and prohibiting terminal elevators from shipping out more grain of a given grade than was received in.

Third, that the legislative assembly of the state of Wisconsin be also requested to amend its grain grading and inspection laws to harmonize with the requests set forth in the second article of this resolution, and to prohibit a few persons from controlling the storage capacity of an elevator to the detriment of the many.

Fourth, that the suction draft be prohibited before grain is weighed and dockage taken, and that the value of the dockage be accounted for and paid to the owner of the grain from which it was taken.

Fifth, that a car inspection be established in each of these states to ascertain the exact condition of cars arriving, loaded with grain, and that all defective cars be specifically noted and reported to the head of the grain inspection department where they entered, and a duplicate notice thereof sent to the company to which the car belonged; and be it further

Resolved, That should we fail through these recommendations and requests to procure a redress of these grievances, we respectfully urge the grain growers of this state to co-operate for the purpose of building local and terminal elevators; and be it further

Resolved, That we favor a national grain grading and inspection law that will be uniform in all the states, thus abolishing the special system in each state; and be it further

Resolved, That the secretary of state be requested to send a copy of these resolutions to each of our representatives in both branches of congress, also one each to the secretary of state, the president of the senate and the speaker of the house of representatives of the states of Wisconsin and Minnesota, and to the presidents of the boards of trade of Superior, Wisconsin, and Duluth, Minnesota.

Which motion prevailed and
The resolution was adopted.

Mr. Rice offered the following

Concurrent resolution endorsing the action of President Theodore Roosevelt in discharging the colored troops at Brownsville, Texas, and recommending that the North Dakota senators and representatives in United States congress sustain the president in his action.

CONCURRENT RESOLUTION.

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

That the legislative assembly of the state of North Dakota heartily approve and endorse the action of Theodore Roosevelt, president of the United States of America, in discharging the colored troops at Brownsville, Texas. Be it further

Resolved, That we condemn all corporate and trust influences attempting to annoy or belittle the president of the United States for his said action. Be it further

Resolved, That we particularly condemn the action of all United States senators and congressmen who, as representatives of corporate and trust interests, attack the president of the United States for his said action in said matter. Be it further

Resolved, That we recommend that the senators and representatives in congress of the state of North Dakota support the president in his said action.

Mr. Regan moved

That the resolution be referred to the committee on judiciary.

Which motion prevailed.

Mr. Cashel offered the following

CONCURRENT RESOLUTION.

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

WHEREAS, The valley of the Red River of the North is by nature one of the best, if not the best, of the river valleys of the American continent, from an agricultural standpoint, but is at times, from a combination of conditions, so flooded both by the overflow of the Red river and its tributaries and by the run-off of the higher lands lying adjacent to and on both sides thereof, and the raising of crops adjacent to the river is to a certain extent uncertain and hazardous; and

WHEREAS, The people residing in the said valley are in the most urgent need of aid for the drainage of their lands in order that crop raising may be assured; and also of the regulation of the flow of the Red river for the purpose of insuring and improving its navigability and the prevention of overflow which results in great damage to life and property; and

WHEREAS, Numerous surveys and investigations of portions of this valley have been prosecuted in the past both in the United States and in Manitoba; and

WHEREAS, The officers of the United States agricultural department, in co-operation with the proper officers of the various states affected, are at the present time engaged in making a detailed study of the said valley in the United States, and the engineers of the public works department of Manitoba are also engaged in the study of the drainage conditions prevailing in the said valley in that province, all of which investigations and study are being carried on with the greatest possible speed consistent with careful study and the funds available; and

WHEREAS, There still remains much to be done before there can be a full and complete understanding of the situation; therefore, be it

Resolved, That liberal appropriations be made for the prosecution of these surveys by the departments of the government having the same in charge,

to the end that the data required for the proper drainage of the Red River valley and the regulation of the flow of the Red river may be secured. Be it further

Resolved, That we earnestly and urgently request the government of Canada and the congress of the United States to secure the appointment of an international commission as early as possible for the purpose of making a thorough investigation of the Red river and its tributaries with a view of regulating the flood flow thereof so as to prevent its overflow in the times of flood and improve navigation in periods of low water. Be it further

Resolved, That the extensive drainage projects now being carried on throughout the valley, and which will materially affect the volume of water in said river in the flood period, make it imperative that the flow of this river be regulated as far as possible with a view to meeting the conditions created by these improvements. Be it further

Resolved, From estimates made by the government engineers and local engineers it is apparent that the waters of the Red river can be controlled by the construction of a canal connecting Lake Traverse with the Big Stone lake, thereby lowering the water level of said Lake Traverse and turning the flow from its basin into the Minnesota river in flood time; and by the construction of a reservoir dam at Otter Tail lake; a reservoir dam at the foot of Red lake; a reservoir dam on the Sheyenne river at some feasible point, to retain the waters of its basin during flood periods; and a dam on the Pembina river, suitably located to control the floods of that stream which drains from a large area in Manitoba and North Dakota. By the construction of these dams and reservoirs the damage from overflow of the Red river would be averted and navigation materially improved in low stages of water. From investigations and estimates made by competent engineers, the proposed improvements can be constructed at a cost not to exceed five hundred thousand dollars. Be it further

Resolved, That the senators and representatives from the states of Minnesota, North and South Dakota be requested to use all earnest endeavors to have a joint commission appointed, and that an appropriation be made sufficient to defray the expenses thereof; and that the government of Canada be requested to co-operate in the appointment of such joint commission. Be it further

Resolved, That the legislative assembly of the states of Minnesota and South Dakota, the legislature of Manitoba, and the parliament of the Dominion of Canada be respectfully requested to consider these resolutions and to co-operate, through their representatives in their respective lawmaking bodies, in carrying out the object sought in these resolutions; and be it further

Resolved, That the secretary of state be instructed to forward certified copies of these resolutions, one each to the senators and representatives in congress of the three states named, the speaker of the legislature of Manitoba, the presiding officer of the Dominion parliament at Ottawa, Canada, and the secretary of war, Washington, D. C.

INTRODUCTION AND FIRST READING OF SENATE BILLS.

Mr. Thatcher introduced

Senate Bill No. 139,

A bill for an act to provide for the maintenance of the industrial school and school for manual training located at

Ellendale, and for making necessary improvements, and making an appropriation therefor.

Which was read the first time.

Mr. Spoonheim introduced

Senate Bill No. 140,

A bill for an act to create a permanent state board of equalization, and making an appropriation therefor.

Which was read the first time.

Mr. Young introduced

Senate Bill No. 141,

A bill for an act to repeal section 9238 of the Revised Codes of North Dakota of 1905, which section excepted from the provisions of chapter 53 of the Penal Code relative to trusts, pools, and combinations, agricultural products or live stock while in the hands of the producer or raiser.

Mr. Johnson of McLean introduced

Senate Bill No. 142,

A bill for an act to amend section 1504 of article 4, of chapter 20 of the Political Code entitled, "Revenue and taxation," as the same appears in the Revised Codes of North Dakota of 1905.

Which was read the first time.

Mr. Albright introduced

Senate Bill No. 143,

A bill for an act to amend section 472 of the Revised Codes of 1905 relating to the boundaries and terms of court in the Fourth judicial district of the state of North Dakota.

Which was read the first time.

Mr. Talcott introduced

Senate Bill No. 144,

A bill for an act to amend section 949 of the Revised Codes of 1905, relating to education.

Which was read the first time.

Mr. Talcott introduced

Senate Bill No. 145,

A bill for an act to amend section 998 of the Revised Codes of 1905.

Which was read the first time.

Mr. Rice introduced

Senate Bill No 146,

A bill for an act defining the practice in county courts having increased jurisdiction and all matters relating thereto; fixing the terms of court, compensation of judges and clerks and other officers of said courts and their duties. And repealing sections 8289 to 8319 inclusive, of the Revised Codes of 1905 of the state of North Dakota.

Which was read the first time.

SECOND READING OF SENATE BILLS.

Senate Bill No. 96,

A bill for an act to define the senatorial and representative districts of the state of North Dakota and prescribe the number of senators and representatives therein.

Was read the second time, and

Referred to the committee on apportionment.

Senate Bill No. 104,

A bill for an act making it unlawful for any corporation to use any of its money or property or any thing of value in political campaigns or for any political purpose, also making it unlawful to solicit or knowingly receive any such money, property or any thing of value and prescribing penalties therefor.

Was read the second time, and

Referred to the committee on elections.

Senate Bill No. 123,

A bill for "An act regulating fraternal beneficiary societies, orders or associations, establishing a standard mortality table therefor, requiring adequate rates with an actual accounting and distribution, providing for valuation of certificates, designating plans of insurance and beneficiaries and declaring any contract in conflict herewith void.

Was read the second time, and

Referred to the committee on insurance.

Senate Bill No. 124,

A bill for an act providing that in actions hereafter brought in the justice courts of this state, filing of an affidavit of the amount due, shall be considered as prima facie evidence of the indebtedness sued on.

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 129,

A bill for an act to amend and re-enact sections 1034, 1035, and 1036 of the Revised Codes of 1905, relating to education.

Was read the second time, and
Referred to the committee on education.

THIRD READING OF SENATE BILLS.

Senate Bill No. 12,

A bill for an act to provide for securing further evidence in the enforcement of the prohibitory law.

Was read the third time.

Mr. Simpson moved

That Senate Bill No. 12 be re-referred to the committee on judiciary.

Which motion prevailed.

Senate Bill No. 77,

A bill for an act to amend section 5039 of the Revised Codes of 1905, relating to conveyances.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 33, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Simpson
Cashel	McArthur	Spoonheim
Crane	McLean	Stade
Dyste	Movius	Steele
Halliday	Pierce	Strom
Johnson of McLean	Plain	Swenson
Johnson of Walsh	Purcell	Talcott
Kelly	Ramsett	Taylor
Koffel	Regan	Turner
Kraabel	Rice	Wagner
LaMoure	Sharpe	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gilbert	McDonald	Sifton
Hanna	Palmer	Thatcher
Leutz		

So the bill passed and the title was agreed to.

Senate Bill No. 80,

A bill for an act entitled: "An act defining the duties of district school boards in relation to the planting, cultivation and protection of trees and shrubs upon school house grounds.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 32, nays none, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Spoonheim
Cashel	McArthur	Stade
Crane	McLean	Steele
Dyste	Pierce	Strom
Halliday	Plain	Swenson
Johnson of McLean	Purcell	Talcott
Johnson of Walsh	Ramsett	Taylor
Kelly	Regan	Turner
Koffel	Rice	Wagner
Kraabel	Sharpe	Young
LaMoure	Simpson	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gilbert	McDonald	Sifton
Hanna	Movius	Thatcher
Leutz	Palmer	

So the bill passed and the title was agreed to.

Senate Bill No. 63,

A bill for an act to prevent adulteration, misbranding and selling of adulterated and insufficiently labeled "Concentrated commercial feeding stuff," prescribing a penalty for the violation thereof, providing for the inspection, testing and analysis of said feeding stuffs; charging the North Dakota government agricultural experiment station with the duty thereof, and charging the state's attorney with the enforcement thereof.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 33, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Simpson
Cashel	Little	Spoonheim
Crane	McArthur	Stade
Dyste	McLean	Steele
Gilbert	Movius	Strom
Halliday	Pierce	Swenson
Johnson of McLean	Plain	Talcott
Johnson of Walsh	Purcell	Taylor
Kelly	Ramsett	Turner
Koffel	Rice	Wagner
Kraabel	Sharpe	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hanna	Palmer	Sifton
Leutz	Regan	Thatcher
McDonald		

So the bill passed.

Mr. Young moved that the title of Senate Bill No. 63 be amended by changing the word "hereof" to "thereof."

Which motion prevailed.

FIRST AND SECOND READING OF HOUSE BILLS.

House bill No. 10,

A bill for an act to amend section 10401 of the revised codes of North Dakota for the year 1905, relating to commitments to the reform school.

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

House bill No. 17,

A bill for an act to amend section 2082 of the revised codes of 1905, relating to forest tree culture.

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

House bill No. 21,

A bill for an act to amend section 5541 of the revised codes of 1895, being section 5541 of the revised codes of 1899, relating to property sold subject to redemption.

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

House Bill No. 59,

A bill for an act to provide for the satisfaction of liens

and mortgages upon the property before the date of maturity, and for the discharge of the same by the laws now in force in the state of North Dakota.

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

House Bill No. 60,

A bill for an act to amend section 4036 of the Revised Codes of North Dakota, for 1905, relating to who may solemnize marriages and to marriage licenses.

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

The president administered the oath to Miss Tessie Henry, clerk of committee on enrolled and engrossed bills.

Mr. Little moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

J. W. FOLEY,
Secretary.

TWENTY-SECOND DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 29, 1907.

The senate convened at 2 o'clock.
The president presiding.
Prayer by the chaplain.
Roll call.

All members present except Mr. Thatcher who was excused.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 29, 1907.

Mr. President:

I have the honor to transmit herewith

House Bill No. 45,

A bill for a concurrent resolution amending the constitution of the state of North Dakota, relating to the investment of school funds.

Also,

House Bill No. 79,

A bill for an act to amend section 4610 of the Revised Codes of 1905, relating to building and loan associations.

Also,

House Bill No. 49,

A bill for an act to amend section 429 of chapter 6 of the Political Code of 1905, relating to vacancies in the board of county commissioners.

Also,

House Bill No. 54,

A bill for an act amending section 2439 of the Revised Codes of 1905 relating to county funds.

Also,

House bill No. 25,

A bill for an act making it unlawful for any person to solicit orders for the sale of intoxicating liquors in the state of North Dakota and providing a penalty therefor.

Also,

House Bill No. 81,

A bill for an act requiring bi-ennial reports to be made by the superintendents of sub-experiment stations.

Also,

House bill No. 36,

A bill for an act to amend section 2825 of the revised codes of North Dakota, of 1905, relating to extension of corporate limits of cities.

Also,

House Bill No. 43,

A bill for a concurrent resolution amending the constitution of the state of North Dakota, relating to railroad corporations and requiring them to maintain a public office or place in the state for the transaction of business.

Also,

House bill No. 34.

A bill for an act to amend section 4302 of the revised codes of North Dakota, of 1905, relating to stopping of trains at county seats.

Also,

House Bill No. 68,

A bill for an act to amend section 6130 of the Revised Codes of North Dakota for the year 1905, relating to liens on future interest.

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

Respectfully,

P. D. NORTON,
Chief Clerk.

REFERENCE OF THE JOURNAL.

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

Mr. President:

Your committee on revision and correction of the journal of the twenty-first day have carefully examined the same and find it correct.

J. D. TAYLOR,
Chairman.

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

REPORT OF STANDING COMMITTEES.

The committee on public printing made the following report:

Mr. President:

Your committee on public printing to whom was referred Senate Bill No. 83,

A bill for an act to repeal section 49 of the Revised Codes of 1905, being section 50 of the Revised Codes of 1895, being section 11, of chapter 119, of the Laws of 1890, and section 2282 of the Revised Codes of 1905, being section 1807 of the Revised Codes of 1895, as amended by chapter 125 of the Laws of 1899, relating to public printing.

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

C. W. PLAIN,
Chairman.

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

The committee on education made the following report:

Mr. President:

Your committee on education to whom was referred
Senate Bill No. 129,

A bill for an act to amend and re-enact sections 1034,
1035, and 1036 of the Revised Codes of 1905, relating to
education.

Have had the same under consideration and recommend
that the same be referred to the committee upon appropri-
ations with the recommendation that the same do pass.

F. S. TALCOTT,
Chairman.

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

The committee on cities and municipal corporations made
the following report:

Mr. President:

Your committee on cities and municipal corporations to
whom was referred

Senate Bill No. 24,

A bill for an act to amend section 1016 of the Revised
Codes of 1905, relating to report by city treasurer of re-
ceipts and disbursements of moneys of independent school
districts.

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

H. H. STEELE,
Chairman.

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

The committee on ways and means made the following report:

Mr. President:

Your committee on ways and means to whom was referred

Senate Bill No. 45,

A bill for an act defining and providing for the assessment of express companies.

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

After the word "state," in line 5, section 6, of the original bill, strike out the word "and" and insert in lieu thereof "but in case of any company failing to make or file said statement."

And when so amended recommend the same do pass.

A. T. KRAABEL,
Chairman.

Mr. Kraabel moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred

Senate Bill No. 65,

A bill for an act to amend section 1582 of the Revised Codes of 1905, relating to redemption from sale of real estate for taxes, time of payment of subsequent taxes, and rate of interest thereon.

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

J. B. SHARPE,
Chairman.

Mr. Sharpe moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 114,

A bill for an act entitled, "An act to amend section 10,381 of the Revised Code of 1905, relating to the manner of disposing of the product of the state binder twine plant."

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

J. B. SHARPE,
Chairman.

Mr. Sharpe moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on railroads made the following report:

Mr. President:

Your committee on railroads to whom was referred
Senate Bill No. 10,

A bill for an act requiring railroad companies to report all wrecks and casualties wherein any person is injured or killed, to the railroad commissioners.

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

In line 5 of printed bill, after the word "state," the words "come within knowledge of county" be inserted; and that section 5 be stricken out.

E. F. GILBERT,
Chairman.

Mr. Gilbert moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on railroads made the following report:

Mr. President:

Your committee on railroads to whom was referred
Senate Bill No. 40,

A bill for an act to promote the safety of employees and travelers upon railways by limiting the hours of service of employees thereon.

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

That after the enacting clause the bill be amended to read as follows:

SECTION 1. It shall be unlawful for any railroad, railroad corporation or common carrier, engaged in commerce, in whole or in part, within this state, or any of its officers, or agents within this state, to require or permit any employe engaged in or connected with the movement of any train within this state, in which commerce is hauled, to remain on duty more than eighteen consecutive hours, except when by casualty, storms, wrecks, wash-outs, snow blockades or any unavoidable delay arising from like causes, such employe is prevented from reaching his terminal; or to require or permit any such employe who has been on duty eighteen consecutive hours to go on any duty connected with the movement of any car, engine or train without having at least six hours for rest.

SEC. 2. Penalty for Violation.] Any such railroad, railroad corporation, common carrier or any of its officers or agents, violating any of the provisions of this act, shall be deemed guilty of misdemeanor, and shall upon conviction thereof in any court of the state of competent jurisdiction be subject to a fine of not more than one thousand dollars nor less than one hundred dollars for each offense.

SEC. 3. Jurisdiction.] Prosecutions for the violation of any of the provisions of this act may be instituted against the corporation offending by information filed or indictment found in the district court of any county of this state against any officer or agent thereof in the county in this state where such agent or officer shall have committed the offense charged.

SEC. 4. Judgment.] Judgment for fines imposed under the provisions of this act shall be entered by the court as in civil actions.

Enforced How.] Judgments entered under the provisions of this act may be enforced by execution as in civil actions.

SEC. 5. All acts or parts of acts in conflict with this act are hereby repealed.

And when so amended recommend the same do pass.

E. F. GILBERT,
Chairman.

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

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate bill No. 19.

A bill for an act to regulate transfer facilities at points where different railway lines cross or intersect and providing a penalty for the violation of the same.

Also,

Senate Bill No. 34,

A bill for an act to provide for the bulletining of the time of the arrival of passenger trains.

Also,

Senate Bill No. 57,

A bill for an act to prevent the adulteration and misbranding of foods and beverages, the selling of adulterated and unwholesome foods and beverages, and providing for the proper labeling of all foods and beverages.

Also,

Senate Bill No. 120,

A bill for an act to repeal chapter 59 of the Session Laws of 1897 being section 5334 of the Revised Codes of 1905 in relation to the method of proof of written instruments and contracts to which there are one or more subscribing witnesses, and to re-enact the same.

And find the same correctly engrossed.

GEORGE M. YOUNG,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Sharpe moved

That the senate concur in the house concurrent resolution with reference to denatured alcohol as amended by the senate.

Which motion prevailed.

The president referred the senate concurrent resolution with reference to drainage to the committee on irrigation and drainage.

Mr. Cashel moved

That some employee of the senate not otherwise engaged be assigned to take charge of the rooms of the historical society, to close same at night and open them at a proper hour in the morning.

Which motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS.

Mr. Sifton introduced

Senate Bill No. 147,

A bill for an act to amend sections 2661 and 2687 of chapter 30 of the Political Code of the state of North Dakota,

Revised Codes of 1905, relating to the number of aldermen in cities and the term of office of such aldermen.

Which was read the first time.

Mr. Sifton introduced

Senate Bill No 148,

A bill for an act entitled, "An act to amend section 2887 of the Political Code of the state of North Dakota, Revised Codes of 1905, relating to the powers of village marshals and the service of civil processes by them.

Which was read the first time.

Mr. Hanna introduced

Senate Bill No. 149,

A bill for an act to amend section 8542 of the Penal Code of the Revised Codes of 1905 of the state of North Dakota, relating to misdemeanors.

Which was read the first time.

Mr. Hanna introduced

Senate Bill No. 150,

A bill for an act to amend section 8346 of the Revised Codes of 1905 of the state of North Dakota relating to criminal jurisdiction.

Which was read the first time.

Senate Bill No. 151,

A bill for an act entitled "An act to prohibit unfair commercial discrimination between different sections, communities, or localities, or unfair competition, and providing penalties therefor.

Which was read the first time.

Mr. Taylor introduced

Senate Bill No. 152,

A bill for an act to provide for the safe keeping of documents and bonds required to be deposited in the office of the county auditor.

Which was read the first time.

SECOND READING OF SENATE BILLS.

Senate Bill No. 121,

A bill for an act amending and re-enacting section 36 of the Revised Codes of 1905.

Was read the second time, and

Referred to the committee on apportionment.

Senate Bill No. 125,

A bill for an act to amend section 638 of the Revised Codes relating to the conduct of elections.

Was read the second time, and
Referred to the committee on elections.

Senate Bill No 126,

A bill for an act to repeal section 7184 of the Revised Codes of North Dakota of 1905 and to amend section 8183 of the Revised Codes of North Dakota of 1905, relating to fees and compensation of executors and administrators.

Was read the second time, and
Referred to the committee on judiciary.

Senate Bill No. 127,

A bill for an act entitled: An act to reimburse judges of the supreme court for their actual and necessary expenses while absent from home engaged in the discharge of official duties.

Was read the second time, and
Referred to the committee on judiciary.

Senate Bill No. 128,

A bill for an act, providing for the surveying of lands and the establishing of corner posts and making a record thereof and requiring land owners to participate in such survey and to pay their proportion of the cost thereof.

Was read the second time, and
Referred to the committee on public lands.

Senate Bill No. 130,

A bill for an act to prevent the development and dissemination of the seeds of noxious weeds.

Was read the second time, and
Referred to the committee on agriculture.

Senate Bill No. 131,

A bill for an act to amend section 1597 of the Revised Code of 1905 of the state of North Dakota, relative to duty of county auditor.

Was read the second time, and
Referred to the committee on judiciary.

Senate Bill No. 132,

A bill for an act to provide for the making of permanent improvements at the Valley City state normal school, to assist in the maintenance thereof, and for other purposes, and making appropriations therefor.

Was read the second time, and

Referred to the committee on appropriations.

Senate Bill No. 133,

A bill for an act to provide an appropriation for the current and contingent expenses for the state hospital for the insane at Jamestown.

Was read the second time, and

Referred to the committee on appropriations.

Senate Bill No. 134,

A bill for an act establishing and naming a state flower for the state of North Dakota.

Was read the second time, and

Referred to the committee on education.

Senate Bill No. 135,

A bill for an act to provide for the erection of necessary additional buildings and other improvements at the state hospital for the insane at Jamestown, North Dakota, and for a deficit on buildings erected in the years 1905 and 1906 for the hospital for the insane at Jamestown, North Dakota.

Was read the second time, and

Referred to the committee on appropriations.

Senate Bill No. 136,

A bill for an act to amend section 2625 of the Revised Codes of 1905, relative to fees for interpreters.

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 137,

A bill for an act relating to unauthorized wearing or use of badges, name, title of officers, insignia, ritual or ceremonies of certain orders and societies.

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 138,

A bill for an act to amend and re-enact section 2613 of the Revised Codes of 1905.

Was read the second time, and
Referred to the committee on judiciary.

Senate Bill No. 142,

A bill for an act to amend section 1504 of article 4, of chapter 20 of the Political Code entitled, "Revenue and taxation," as the same appears in the Revised Codes of North Dakota of 1905.

Was read the second time, and
Referred to the committee on judiciary.

Senate Bill No. 145,

A bill for an act to amend section 998 of the Revised Codes of 1905.

Was read the second time, and
Referred to the committee on education.

THIRD READING OF SENATE BILLS.

Senate bill No. 19.

A bill for an act to regulate transfer facilities at points where different railway lines cross or intersect and providing a penalty for the violation of the same.

Was read the third time.

Mr. Pierce moved

That Senate Bill No. 19 be re-referred to the committee on judiciary.

Which motion prevailed.

Senate Bill No. 34,

A bill for an act to provide for the bulletining of the time of the arrival of passenger trains.

Was read the third time.

The question being on the final passage of the bill:

The roll was called and there were ayes 38, nays 1, absent and not voting 1.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sharpe
Cashel	Little	Sifton
Crane	McArthur	Simpson
Dyste	McDonald	Spoonheim
Gilbert	McLean	Stade
Halliday	Movius	Steele
Hanna	Palmer	Strom
Johnson of McLean	Pierce	Swenson
Johnson of Walsh	Plain	Talcott
Kelly	Purcell	Taylor
Koffel	Ramsett	Turner
Kraabel	Regan	Wagner
LaMoure	Rice	

Mr. Young voting in the negative.

Mr. Thatcher being excused.

So the bill passed and the title was agreed to.

Mr. Young explained his vote, and said:

One part of this act I don't understand very well, or at least it doesn't look exactly right to me. It provides that \$25 shall be the amount of the forfeit and that it must be recovered in a civil action prosecuted by the state's attorney. Now this means considerable extra work for the state's attorney. I don't suppose it costs the taxpayer anything more for the state's attorney, as he is paid by the year, but it costs something to impanel juries and keep them around the court house.

It costs a lot of money to keep up the general expenses of the court each day, and it seems to me that it would be poor policy to spend perhaps several hundred dollars in securing a judgment, the amount of expenses depending upon the length of the trial, and receive in return a judgment of \$25 plus about \$35 or \$40 of statutory costs. This would punish the people, the taxpayers, more than the railroads. In other words the forfeit provided for by the bill should be larger—sufficiently large to cover at least the probable cost of the litigation. In its present form I must vote "No."

Senate Bill No. 81,

A bill for an act making it a felony for any person who with intent to commit any crime breaks into or enters a building, and commits or attempts to commit a crime by the use of nitroglycerine, dynamite, gunpowder or any other high explosive, and providing a penalty therefor.

Was read the third time.

The question being on the final passage of the bill:

The roll was called and there were ayes 38, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sifton
Cashel	Little	Simpson
Crane	McArthur	Spoonheim
Dyste	McDonald	Stade
Gilbert	McLean	Steele
Halliday	Movius	Strom
Hanna	Palmer	Swenson
Johnson of McLean	Pierce	Talcott
Johnson of Walsh	Plain	Taylor
Kelly	Purcell	Turner
Koffel	Ramsett	Wagner
Kraabel	Regan	Young
LaMoure	Rice	

Messrs. Sharp and Thatcher being absent and not voting.
Mr. Thatcher being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 120,

A bill for an act to repeal chapter 59 of the Session Laws of 1897 being section 5334 of the Revised Codes of 1905 in relation to the method of proof of written instruments and contracts to which there are one or more subscribing witnesses, and to re-enact the same.

Was read the third time.

Mr. Purcell moved

That Senate Bill No. 120 be amended by inserting after the word "of" in line 6 of section 2 of the printed bill, the words "filing or."

Mr. Little moved

That Senate Bill No. 120 be re-referred to the committee on judiciary.

Which motion prevailed.

Senate Bill No. 57,

A bill for an act to prevent the adulteration and misbranding of foods and beverages, the selling of adulterated and unwholesome foods and beverages, and providing for the proper labeling of all foods and beverages.

Was read the third time.

Mr. LaMoure moved

That Senate Bill No. 57 be re-referred to the committee on judiciary, with especial reference to section 5 of the bill.
Which motion prevailed.

COMMITTEE OF THE WHOLE.

Mr. Little in the chair.

The senate reconvened.

The president presiding.

When the committee arose it made the following report:
Mr. President:

Your committee of the whole, which has had under consideration the Crane-Washburn contest case,

Beg to report progress, and ask leave to sit again Wednesday at 10:30 a. m.

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report of the committee be adopted,

Which motion prevailed and

The report of the committee was adopted.

The president administered the oath to Miss Carrie M. Morrish, stenographer for the senators.

Mr. Crane moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

J. W. FOLEY,
Secretary.

TWENTY-THIRD DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 30, 1907.

The senate convened at 2 o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Palmer and Thatcher,
who were excused.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 30, 1907.

Mr. President:

I have the honor to transmit herewith

House Bill No. 64,

A bill for an act providing for the revision and compilation of the school laws of the state of North Dakota and appropriate money therefor.

Also,

House Bill No 46,

A bill for an act amending section 1116 of the Revised Codes of 1895, being section 1410 of the Revised Codes of 1905, relating to the duties of road overseers.

Also,
House bill No. 18,

A bill for an act entitled an act providing for a maximum rate of fare to be charged and collected by railroads, railroad corporations and common carriers for the transportation of passengers and baggage, and prohibiting railroads, railroad corporations and common carriers from carrying any passengers free or at a less rate than is charged the general public, and providing a penalty therefor and making it unlawful for any person to ask for or accept any such free transportation, or transportation purchased at a less rate than that charged the public, and providing a penalty therefor.

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

Also,

I have the honor to inform you that the house has concurred in the senate amendment to house concurrent resolution relating to denatured alcohol.

Very respectfully,
P. D. NORTON,
Chief Clerk.

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

Mr. President:

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

After the words "Senate Bill No. 40" strike out the remainder of the two lines and insert the following:

The committee on railroads made the following report:

Mr. President:

Your committee on railroads to whom was referred Senate Bill No. 40,

A bill for an act to promote the safety of employees and travelers upon railways by limiting the hours of service of employees thereon.

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

That after the enacting clause the bill be amended to read as follows:

SECTION 1. It shall be unlawful for any railroad, railroad corporation or common carrier, engaged in commerce, in whole or in part, within this

state, or any of its officers, or agents within this state, to require or permit any employe engaged in or connected with the movement of any train within this state, in which commerce is hauled, to remain on duty more than eighteen consecutive hours, except when by casualty, storms, wrecks, wash-outs, snow blockades or any unavoidable delay arising from like causes, such employe is prevented from reaching his terminal; or to require or permit any such employe who has been on duty eighteen consecutive hours to go on any duty connected with the movement of any car, engine or train without having at least six hours for rest.

SEC. 2. Penalty for Violation.] Any such railroad, railroad corporation, common carrier or any of its officers or agents, violating any of the provisions of this act, shall be deemed guilty of misdemeanor, and shall upon conviction thereof in any court of the state of competent jurisdiction be subject to a fine of not more than one thousand dollars nor less than one hundred dollars for each offense.

SEC. 3. Jurisdiction.] Prosecutions for the violation of any of the provisions of this act may be instituted against the corporation offending by information filed or indictment found in the district court of any county of this state against any officer or agent thereof in the county in this state where such agent or officer shall have committed the offense charged.

SEC. 4. Judgment.] Judgment for fines imposed under the provisions of this act shall be entered by the court as in civil actions.

Enforced How.] Judgments entered under the provisions of this act may be enforced by execution as in civil actions.

SEC. 5. All acts or parts of acts in conflict with this act are hereby repealed.

And when so amended recommend the same do pass.

E. F. GILBERT,
Chairman.

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

And when so amended recommend that the same be approved.

J. D. TAYLOR,
Chairman.

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

PETITIONS AND COMMUNICATIONS.

Bismarck, N. D., January 30, 1907.

To the Senate of North Dakota:

GENTLEMEN: Herewith messages from the superintendent of the Northern Pacific railway, Jamestown, N. D., as to

what is being done by their company to keep roadway open and transport fuel etc., on their North Dakota lines.

Respectfully submitted, January 30, 1907.

BOARD RAILROAD COMMISSIONERS,

By C. C. HAMMOND, Secretary.

Bismarck, N. D., January 28, 1907.

A. M. Burt, Supt.,

Jamestown, North Dakota:

Is southwestern line open and has coal been delivered Lisbon? Reliably informed that you did not open road yesterday or make any attempt to do so. Advise, as Lisbon must have coal now.

C. C. HAMMOND,
Secretary.

Jamestown, N. D., January 28, 1907.

C. S. Deisem,

Bismarck:

Snow plow got through to Streeter 2:30 p. m. today, with train following having fuel for Jud, Gackle and Streeter. Hope to get another train into these points tonight. This plow has now been turned and working east towards Lisbon. May be able to get through to that point before morning.

A. M. BURT.

Jamestown, N. D., January 29, 1907.

C. C. Hammond,

Bismarck:

Southwestern line not open except west of LaMoure. A plow now going east from LaMoure. Line to Oakes opened yesterday. Hope to get to Lisbon this afternoon. Train with five cars to Lisbon coal following the plow.

A. M. BURT.

Jamestown, N. D., January 29, 1907.

C. S. Deisem,

Bismarck:

Situation 5 p. m. Line open to Streeter and Oakes. The snow plow working east from LaMoure finding very heavy

snow, and making slow progress out of Vernon 2:30 p. m., and hope to get to Lisbon tonight. Outfit working on the Casselton branch with rotary plow and all engines double crewed for continuance of service and hope to get through to Marion tomorrow night. Snow plow outfit lined up to go on the Cooperstown branch at 3 a. m. Rotary plow working on Devils Lake branch has been disabled and had to return to Jamestown for repairs. Hope to get started north again tomorrow morning and expect to line up a second outfit for opening the Sykeston branch by the following day. If rotary arrives Jamestown tonight will send a train as far as Carrington with fuel and supplies for intermediate points. Mr. Gilbert, [general superintendent] desires me to extend an invitation to a committee of the legislature at Bismarck to accompany one of our snow bucking expeditions if they desire to do so in order to see what is being done and become familiar with the conditions. If any of those gentlemen would care to do this I think we can make them reasonably comfortable and give them a good idea of what is being done for the situation. Will you kindly extend this invitation to as many as care to go up to a reasonable number.

A. M. BURT.

Jamestown, N. D., January 29, 1907.

C. S. Deisem,

Bismarck:

Following telegram, which is self explanatory, has been sent to agents north of Carrington: "On account of reports that have been sent out from stations of inactivity of the railway company begin advise that on January 25th a rotary snow plow was outfitted at Jamestown equipped with double crews on the rotary plow and on each of the following engines, and with a boarding outfit to take care of the men and thus enable them to work continuously night and day. This was started north with a fuel train following it and fair progress was made as far as Edmunds. At this point the rotary got somewhat in advance of the fuel train, and a strong northwest wind sprang up suddenly, drifting up the fuel train. In trying to get loose they broke in two and were unable to handle their train, but finally reached the rotary at Carrington with four cars, leaving the balance of their train blocking the main line

at Edmunds. Since that time it has stormed nearly continuously at Carrington until last night, making it impossible to turn the rotary on the Y there to get back to Edmunds and get the train out of the snow. Today the rotary had to return to Jamestown for repairs. Should probably reach Jamestown by midnight and we hope to get her started north again by noon tomorrow. This expedition was in charge of one of our oldest men, who has been in service on the division for twenty years, and everything was supplied to make the expedition a success. This plow was the first plow we had available for service on the Devils Lake branch. At the present time I confidently look to be able to deliver fuel to station north of Carrington by January 31st, should the weather hold good. The sending out of exaggerated means of conditions are not only injustice to the railway company, but are certainly a very bad advertisement for the state at large, and if continued will react on immigration the coming year. We want it understood that every possible effort is being made to relieve the situation and no effort whatever will be relaxed until the same is accomplished and we trust that the citizens will exercise forbearance and feel assured that nothing will be left undone.

A. M. BURT,

Jamestown, N. D., January 30, 1907.

C. S. Deisem,

Bismarck:

Russell plow working on Fargo & Southwestern reached Lisbon at 5 a. m., five cars following. Men are now resting and will leave Lisbon at noon for Fargo. Russell plow working north on Cooperstown branch. Rotary still working on Casselton branch, but progress slow. Hope to get through tomorrow. Am outfitting another expedition for Devils Lake branch with fifty men and rotary plow to leave here some time this afternoon. Hope to get expedition started for Sykeston branch by tomorrow. Outfit that arrived from the north report storm and snow conditions very bad and nearly impossible to make impression on the snow with rotary plow. A good many of the heavy cuts have to be broken down by hand before they can be thrown out.

A. M. BURT.

Mr. McArthur presented the following telegram:

West Hope, N. D., January 30, 1907.

D. McArthur,

Bismarck, N. D.:

Must have several cars coal immediately and six cars each week to prevent fatal results. Farmers burning hay racks and fence posts. Most business places closed; four thousand people tributary; no wood.

AUG. SOCIE, Mayor.

C. A. BAKER,

W. H. LACKEY,

J. F. MORRISON,

W. J. COOPER,

E. M. NELSON,

C. N. NORWOOD.

Mr. McArthur moved

That the telegram be referred to the railroad commissioners with request for immediate action.

Which motion prevailed.

REPORT OF STANDING COMMITTEES

The committee on education made the following report:

Mr. President:

Your committee on education to whom was referred

Senate Bill No. 134,

A bill for an act establishing and naming a state flower for the state of North Dakota.

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

F. S. TALCOTT,

Chairman.

Mr. Talcott moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on temperance made the following report:

Mr. President:

Your committee on temperance to whom was referred

Senate Bill No. 78,

A bill for an act to prohibit the soliciting of orders for

the purchase or sale for future delivery of intoxicating liquors to others than persons holding druggist' permits, and providing a penalty for a violation of the same.

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

H. H. STROM,
Chairman.

Mr. Strom moved

That the report be adopted,
Which motion prevailed, and

The report of the committee was adopted.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 27,

A bill for an act to amend section 155 of chapter 4 of the Political Code of the state of North Dakota, providing for the investment of moneys belonging to the permanent funds of the common schools, university, school of mines, reform school, agricultural college, school for the deaf and dumb, normal schools, and all other permanent funds derived from the sale of public lands or any other source beonging to the school divisions of the state.

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

In line 19 of printed bill strike out all after the word "commissioners" down to and including line 33, and insert in lieu thereof the following:

"The first mortgages on farm lands in this state shall be made only in the manner following, to wit:

First, The first mortgages on farm lands, and each of them, shall run for a period of time and not to exceed twelve (12) years, and that the funds so invested shall bear interest at the rate of five per cent per annum, payable annually to the county treasurer of the county in which such lands lie, as provided for in section 192 of the Revised Codes of 1905. For the first five years payments shall consist only of interest, paid annually and commencing with the sixth year, the interest shall be paid annually as above stated and the borrower shall have his option of paying ten per cent or any multiple of the principal at any interest paying date, and the interest when paid shall be covered into and become a part of the interest and income fund."

In line 35, after the word "state" strike out "and to persons who are actual residents thereof."

In line 38 strike out the word "two" and insert in lieu thereof the word "five."

Also amend the title of the bill by inserting after the words "North Dakota" the words "and all acts or acts amendatory thereof."

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

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred

House Concurrent Resolution and Senate Memorial relative to restraint of trade between dealers in coal and lumber,

Have had the same under consideration and recommend the following as a substitute:

WHEREAS, It is currently reported, generally understood and manifestly apparent that there is a combination in restraint of trade between dealers in coal, and the dealers in lumber in the state of North Dakota and elsewhere; and

WHEREAS, Said combination is now resulting in material injury to the people of the state of North Dakota in retarding the building and erection of homes and in exacting from the people of the state of North Dakota unjust tribute to this unlawful combination; now, therefore, be it

Resolved by the Senate, the House of Representatives Concurring, That the senators and representatives from this state now in congress of the United States are hereby requested to use their earnest endeavors and all honorable means to secure the repeal of the tariff on lumber and on coal now in existence between the United States and the provinces of Canada.

Resolved, further, That the secretary of state be and it is hereby made his duty to forward to his excellency, President Theodore Roosevelt and the Hon. H. C. Hansbrough, Hon. Porter J. McCumber, Hon. Thomas F. Marshall and Hon. A. J. Gronna duly certified copies of these resolutions.

And recommend the same do pass.

J. B. SHARPE,
Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 28,

A bill for an act to regulate the practice of pharmacy.

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

That on page 14 in line 8 of section 25 insert the words "and the simple household remedies" after the word "packages."

That on page 16 in line 5 of section 28 the word "poisons" and the comma

following it be stricken out and the word "poisonous" be inserted in lieu thereof.

And when so amended recommend the same do pass

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills to whom was referred

Senate Bill No. 83,

A bill for an act to repeal section 49 of the Revised Codes of 1905, being section 50 of the Revised Codes of 1895, being section 11, of chapter 119, of the Laws of 1890, and section 2282 of the Revised Codes of 1905, being section 1807 of the Revised Codes of 1895, as amended by chapter 125 of the Laws of 1899, relating to public printing.

Have carefully examined the same and find the same correctly engrossed.

GEORGE M. YOUNG,
Chairman.

REPORT OF COMMITTEE OF THE WHOLE.

The committee of the whole made the following report:

Mr. President:

Your committee of the whole, which has had under consideration the contest brought by E. D. Washburn against Maynard Crane, involving the seat as state senator from the Sixteenth senatorial district, after carefully considering the evidence brought to the attention of the committee, and hearing the arguments made on behalf of the contestant, E. D. Washburn, and the contestee, Maynard Crane, beg leave to report that we find Maynard Crane to have been elected as state senator and entitled to retain his seat in this body.

Your committee also reports the following resolutions:

Resolved, That the commendation to the fullest extent, and the hearty thanks of the committee of the whole is due, and is hereby extended, to Messrs. Lovell and Pollock, attorneys for the contestant and the member-

elect respectively in the contest case of Washburn vs. Crane, and for the clear, able and intelligent manner in which the issues were presented by them, and for their uniform gentlemanly professional and courteous treatment of, and assistance to, the members of this committee during its deliberations.

Resolved, further, That the adoption of this resolution be reported to the senate and printed in the journal.

Resolved, That the committee of the whole condemns as manifestly unfair, grossly inaccurate and untruthful, the published reports of the session of the senate on the 26th inst. and of the republican caucus of the same date, in the Bismarck correspondence of the Grand Forks Herald of the 27th.

Resolved, further, That the senate admonish representatives of the press that the repeated abuse of the privilege accorded them, if persisted in, must result in the curtailing of the same.

That the adoption of this resolution be reported to the senate and printed in the journal.

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report be adopted,

Roll call demanded.

The roll was called and there were ayes 30, nays 4, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sifton
Dyste	McDonald	Simpson
Gilbert	McLean	Stade
Hanna	Movius	Steele
Johnson of McLean	Pierce	Strom
Johnson of Walsh	Plain	Swenson
Koffel	Ramsett	Talcott
Kraabel	Regan	Taylor
LaMoure	Rice	Wagner
Leutz	Sharpe	Young

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Cashel	Halliday	Turner
Kelly	Purcell	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	Palmer	Thatcher
McArthur	Spoonheim	

Messrs McArthur, Spoonheim, Thatcher and Palmer being excused.

So the report was adopted.

Mr. Young explained his vote and said:

The main portion of this report is with reference to the

seating of Senator Crane and I am in favor of that. I wish to have it understood and I wish to have the records show that I am absolutely opposed to the remainder of the report and absolutely out of sympathy with it.

I vote "aye."

Mr. Cashel gave notice that on the following day he would move to reconsider the vote by which that portion of the resolution relating to the Grand Forks Herald and its correspondent was adopted.

Mr. Crane moved to reconsider the vote by which the report of the committee on state affairs recommending a substitute resolution regarding tariff on lumber and coal was adopted.

Which motion was lost.

Mr. Pierce moved

That Senate Bill No. 78 be referred to the attorney general for his opinion as to constitutionality and with request that his opinion be furnished the senate tomorrow.

Which motion prevailed.

Mr. Simpson moved

That House Bill No. 25 be referred, with Senate Bill No. 78, to the attorney general for his opinion as to its constitutionality.

Which motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS.

Mr. Leutz introduced

Senate Bill No. 153,

A bill for an act making appropriations for the current and contingent expenses of the state reform school of North Dakota, and for making permanent improvements thereto.

Which was read the first time.

Mr. Purcell introduced

Senate Bill No. 154,

A bill for an act entitled, An act to reimburse judges of the district court for their actual and necessary expenses while absent from home engaged in the discharge of official duties and while absent from home engaged in the discharge of the duties of a judge of the supreme court.

Which was read the first time.

Mr. Gilbert introduced

Senate Bill No. 155,

A bill for an act to amend section 317, Revised Code of 1905, relating to examinations and qualifications of practitioners of dentistry in this state.

Which was read the first time.

Mr. Hanna introduced

Senate Bill No. 156,

A bill for an act to amend section 8083 of the Revised Codes of 1905, relating to inventory and appraisement of the decedent's estate.

Which was read the first time.

Mr. Hanna introduced

Senate Bill No. 157,

A bill for an act to amend section 8087 of the Revised Codes of 1905, relating to the possession of the homestead after the death of either husband or wife.

Which was read the first time.

Mr. Sharpe introduced

Senate Bill No. 158,

A bill for an act to amend section 1172 of the Revised Codes of 1905, relating to the industrial school and school for manual training.

Which was read the first time.

THIRD READING OF SENATE BILLS.

Senate Bill No. 83,

A bill for an act to repeal section 49 of the Revised Codes of 1905, being section 50 of the Revised Codes of 1895, being section 11, of chapter 119, of the Laws of 1890, and section 2282 of the Revised Codes of 1905, being section 1807 of the Revised Codes of 1895, as amended by chapter 125 of the Laws of 1899, relating to public printing.

Was read the third time.

The question being on the final passage of the bill:

The roll was called and there were ayes 32, nays none; absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sifton
Cashel	McArthur	Spoonheim
Crane	McDonald	Stade
Gilbert	McLean	Steele
Halliday	Movius	Strom
Hanna	Plain	Talcott
Johnson of McLean	Purcell	Taylor
Johnson of Walsh	Ramsett	Turner
Kelly	Regan	Wagner
Koffel	Rice	Young
LaMoure	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Dyste	Palmer	Swenson
Kraabel	Pierce	Thatcher
Little	Simpson	

Messrs. Palmer and Thatcher being excused.
So the bill passed and the title was agreed to.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 30, 1907.

Mr. President:

I have the honor to inform you that the house has adopted the following concurrent resolution:

Resolved, that when the two houses adjourn Thursday they stand adjourned until Tuesday, February 5, 1907.

And your concurrence therein is respectfully requested.

Respectfully,

P. D. NORTON,
Chief Clerk.

Mr. Pierce moved

That consideration of the message from the house relating to adjournment be deferred until tomorrow.

Which motion prevailed.

FIRST AND SECOND READING OF HOUSE BILLS.

House bill No. 25,

A bill for an act making it unlawful for any person to

solicit orders for the sale of intoxicating liquors in the state of North Dakota and providing a penalty therefor.

Was read the first and second times, and
Referred to the committee on temperance.

House bill No. 34.

A bill for an act to amend section 4302 of the revised codes of North Dakota, of 1905, relating to stopping of trains at county seats.

Was read the first and second times, and
Referred to the committee on railroads.

House bill No. 36,

A bill for an act to amend section 2825 of the revised codes of North Dakota, of 1905, relating to extension of corporate limits of cities.

Was read the first and second times, and
Referred to the committee on cities and municipal corporations.

House Bill No. 43,

A bill for a concurrent resolution amending the constitution of the state of North Dakota, relating to railroad corporations and requiring them to maintain a public office or place in the state for the transaction of business.

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

House Bill No. 45,

A bill for a concurrent resolution amending the constitution of the state of North Dakota, relating to the investment of school funds.

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

House Bill No. 49,

A bill for an act to amend section 429 of chapter 6 of the Political Code of 1905, relating to vacancies in the board of county commissioners.

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

House Bill No. 54,

A bill for an act amending section 2439 of the Revised Codes of 1905 relating to county funds.

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 6130 of the Revised Codes of North Dakota for the year 1905, relating to liens on future interest.

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

House Bill No. 79,

A bill for an act to amend section 4610 of the Revised Codes of 1905, relating to building and loan associations.

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

House Bill No. 81,

A bill for an act requiring bi-ennial reports to be made by the superintendent of the Edgely sub-experiment station.

Was read the first and second times, and
Referred to the committee on ways and means.

Mr. Pierce moved to reconsider the vote by which action on the resolution relating to adjournment was defeated.

Which motion was lost.

COURTESIES OF THE FLOOR.

The courtesies of the floor were extended to H. L. Hausman, J. H. Kelley, Wm. Baxter, S. F. Crabbe, John A. Layne, Fred Ely, A. M. Iverson.

The president administered the oath to the following:

Miss Alys Patterson, clerk for committee on counties.

Miss Pearl A. Benson, clerk for committee on cities and municipal corporations.

Mr. Simpson moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

J. W. FOLEY,
Secretary.

TWENTY-FOURTH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 31, 1907.

The senate convened at 2 o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All members present except Mr. Palmer who was excused.

REFERENCE OF THE JOURNAL.

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

Mr. President:

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

On page 11 insert the name of "Halliday" as having voted in the negative.
And when so amended recommend the same do pass.

J. D. TAYLOR,
Chairman.

Mr. Taylor moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 31, 1907.

Mr. President:

I have the honor to transmit herewith
House Bill No. 42,

A bill for a concurrent resolution amending the state constitution for the selection of county superintendents.

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

Also,

I have the honor to inform you that the house has concurred in the senate concurrent resolution relating to grain grading and inspection.

CONCURRENT RESOLUTION.

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

WHEREAS, The Wisconsin grain grading and inspection law at Superior, Wisconsin, is the legally established market for the grains of this state, the state being represented by a commissioner on the board that regulates the same to whom it contributes a portion of his salary; and

WHEREAS, The operations of the law are now tied up in the courts and inoperative, being bitterly opposed by the railroads, elevators and boards of trade operating under the Minnesota grain grading and inspection law, thereby destroying competition to the great injury of the farmers of this state; and

WHEREAS, The Minnesota law is not satisfactory in its dockage and in allowing terminal elevators to doctor wheat by scouring and mixing inferior grades, thereby advancing the grades and shipping out a greater amount of higher grades of wheat than were taken in, thus making unnatural gains for the elevators, and a corresponding loss to the grain growers, besides degrading the quality of our wheat in the markets of the world; and

WHEREAS, There are frequently losses to shippers through defective cars, being so either when loaded or by rough handling when in transit or in the terminal yards, causing numerous losses not accounted for; therefore, be it

Resolved, That this legislative assembly, composed of the representatives of the farmers and business interests of the state, believing that there should be free, open, competitive markets for our products and that we should receive just value therefor, do respectfully request and urge:

First, that all opposition be withdrawn from the establishment of an equitable grain grading and inspection law at Superior, Wisconsin, giving to us a competitive market.

Second, that the legislative assembly of the state of Minnesota be requested to amend its grain grading and inspection laws, establishing grain hospitals

for customers only, and prohibiting terminal elevators from shipping out more grain of a given grade than was received in.

Third, that the legislative assembly of the state of Wisconsin be also requested to amend its grain grading and inspection laws to harmonize with the requests set forth in the second article of this resolution, and to prohibit a few persons from controlling the storage capacity of an elevator to the detriment of the many.

Fourth, that the suction draft be prohibited before grain is weighed and dockage taken, and that the value of the dockage be accounted for and paid to the owner of the grain from which it was taken.

Fifth, that a car inspection be established in each of these states to ascertain the exact condition of cars arriving, loaded with grain, and that all defective cars be specifically noted and reported to the head of the grain inspection department where they entered, and a duplicate notice thereof sent to the company to which the car belonged; and be it further

Resolved, That should we fail through these recommendations and requests to procure a redress of these grievances, we respectfully urge the grain growers of this state to co-operate for the purpose of building local and terminal elevators; and be it further

Resolved, That we favor a national grain grading and inspection law that will be uniform in all the states, thus abolishing the special system in each state; and be it further

Resolved, That the secretary of state be requested to send a copy of these resolutions to each of our representatives in both branches of congress, also one each to the secretary of state, the president of the senate and the speaker of the house of representatives of the states of Wisconsin and Minnesota, and to the presidents of the boards of trade of Superior, Wisconsin, and Duluth, Minnesota.

Very respectfully,

P. D. NORTON,

Chief Clerk.

PETITIONS AND COMMUNICATIONS.

The following communications were presented by the attorney general:

OFFICE OF ATTORNEY GENERAL
STATE OF NORTH DAKOTA

BISMARCK, January 31, 1907.

To the Senate of the State of North Dakota:

GENTLEMEN: In pursuance to the request of your honorable body for my opinion as to the constitutionality of Senate Bill No. 78 introduced by Mr. Pierce by request, I beg to submit the following:

First. Section 1 of this bill makes it unlawful for any person to knowingly solicit or procure from, or to aid in soliciting or procuring from any person within this state, not a druggist holding a permit, an order for intoxicating liquors to be used as a beverage in the state of North Da-

kota. The intent of the bill is to make it a crime to solicit or procure orders in this state for intoxicating liquors, and it is meant to cover cases of representatives of liquor houses from other states who come into this state and solicit orders for intoxicating liquors to be shipped from outside states.

Where orders are taken for intoxicating liquors in this state and are sent outside of the state to be filled and approved, as a matter of law, the sale of the liquor takes place in the state where the order is approved and shipment made.

The question is, therefore, whether this bill attempts to regulate a matter which is within the inherent police power of the state or whether it is contrary to section 8. article 1 of the Constitution of the United States, pertaining to the regulation of interstate commerce between the several states. Such laws as this have been attempted by several of the states, and the courts hold that such legislation is not within the police power of any individual state and that the same is contrary to the Constitution of the United States, and therefore void. I am therefore constrained to hold that the above bill, by its provisions, is unconstitutional, and if the legislative assembly should pass it, it could not be enforced. As sustaining my opinion, I cite the following cases:

Robbins vs. Taxing District No. 120, U. S. 494.

State vs. Hanaphy, 90 N. W. (Iowa) 601.

Leisy vs. Hardin, 135 U. S. 100.

Yours truly,

T. F. McCUE

Attorney General.

OFFICE OF ATTORNEY GENERAL
STATE OF NORTH DAKOTA

BISMARCK, January 31, 1907.

To the Senate of the State of North Dakota:

GENTLEMEN: In pursuance to the request of your honorable body for my opinion as to the legality of House Bill No. 25, I beg to submit the following:

First. Section 1 of the bill reads as follows: "It shall be unlawful for any person, firm or corporation, to solicit

orders for the sale or purchase of intoxicating liquors in the state of North Dakota." This bill makes it unlawful for any person to solicit orders for the sale of intoxicating liquors in this state. That is from the reading and construction of the section above quoted. In order for the subject matter to be unlawful, the sale must be made in this state.

It is my opinion that the above bill does not cover what its author intended, but however that may be, we must construe the language as we find it. Therefore, the bill would simply be a cumulative remedy, as the same is already covered by chapter 65 of the Penal Code, and under chapter 65 of the Penal Code, it is unlawful to sell intoxicating liquors in this state and any person, firm or corporation who solicits orders, aids or abets in the sale of intoxicating liquors in this state is an accessory to the crime, therein provided.

On the other hand in order to arrive at the intent of the legislature in passing the bill, that it was intended to cover cases where orders for intoxicating liquors were taken in this state, which orders were to be sent to some other state for approval, then the measure is unconstitutional as attempting to interfere with interstate commerce between the several states and is contrary to section 8, article 1 of the Constitution of the United States.

Yours truly,

T. F. McCUE,
Attorney General.

Mr. Pierce moved

That Senate Bill No. 78 and House Bill No. 25 be referred to the committee on judiciary.

Which motion prevailed

Mr. Young presented the following communication:

To the Honorable Senators and Representatives from the Fifteenth and Thirty-Eighth Legislative Districts:

GENTLEMEN: We respectfully request you to oppose the passage of any law for the extension of the time when the payment of taxes become delinquent, as we believe such extension is not warranted by the financial condition of the people of the state, and furthermore it would prove a very bad advertisement for the state.

ROBERT ANDERSON,
AND TWENTY-THREE OTHERS.

The following telegram was presented to the senate:

Jamestown, N. D., January 31, 1907.

C. S. Diesem,

Bismarck:

Following conditions this morning. Rotary working north on Devils Lake branch has passed Edmunds and certainly should be able to relieve New Rockford before tonight, possibly going as far as Cheyenne. Russell plow working on Cooperstown branch not yet into Dazey but hope to get through to Cooperstown today. Russell plow working on southwestern got between Buttzville and Sheldon last night; now working east and hope to be able to make it through today. All outfits striking large amount very heavy snow. Rotary disabled on Casselton branch had to be taken to Brainerd last night special for repairs. Hope to get her out again tonight.

A. M. BURT.

REPORT OF STANDING COMMITTEES

The committee on irrigation and drainage made the following report:

Mr. President:

Your committee on irrigation and drainage to whom was referred Concurrent Resolution No. 140,

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

J. L. CASHEL.

Chairman.

Mr. Cashel moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred Senate Bill No. 90,

A bill for an act to amend section 122 of the Revised Codes of 1905 of the state of North Dakota, relating to state treasurer's bond.

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

C. B. LITTLE.

Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 109,

A bill for an act amending sections 6, 8 and 9 of chapter 108 of the laws of 1903, being sections 1165, 1167 and 1168 of the Revised Codes of 1905, and repealing chapter 76 of the Laws of 1905, in so far as the same applies to the institution for feeble minded.

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

That on page 2 in line 7 of the printed bill the word "fifty" and also the number "50" following, be stricken out and the words "one hundred" be inserted in lieu thereof; that the words "when entering" be inserted after the word "dollars" in the same line.

That in page 2 in line 17 of the printed bill the word "fifty" and the number "50" following, be stricken out and the words "one hundred" be inserted in lieu thereof

And when so amended recommend the same do pass

C. B. LITTLE.

Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 137,

A bill for an act relating to unauthorized wearing or use of badges, name, title of officers, insignia, ritual or ceremonies of certain orders and societies.

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

That in the title the words "amending section 9245" be inserted after the word "act."

And when so amended recommend the same do pass.

C. B. LITTLE.

Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 138,

A bill for an act to amend and re-enact section 2613 of
the Revised Codes of 1905.

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

That in line 3 of the printed bill the word "five" be stricken out and the
word "four" be inserted in lieu thereof; that the word "and" in line 3 and
all following it down to and including the word "sessions" in line 7, be
stricken out and the words "including the time actually required in going
to and returning from the session of said board."

And when so amended recommend the same do pass.

C. B. LITTLE,
Chairman.

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

The committee on public lands made the following re-
port:

Mr. President:

Your committee on public lands to whom was referred
Senate Bill No. 94,

A bill for an act for the reservation of lands for the pres-
ervation of the Fort Clark and Mandan village sites on
certain school lands in Mercer county, North Dakota.

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

E. A. MOVIUS,
Chairman.

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

The committee on education made the following report:

Mr. President:

Your committee on education to whom was referred
Senate Bill No. 115,

A bill for an act providing that nature study and elementary agriculture shall be taught in the public schools of North Dakota.

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

That in section 1, after the word "after," "March" shall be stricken out and the word "September" be inserted in lieu thereof; and the word "public" after the word "the," in the first line of section 1, shall be stricken out and the word "rural" inserted in lieu thereof.

And that all of section 2 be stricken out.

And when so amended recommend that the same do pass.

F. S. TALCOTT,
Chairman.

A minority of the committee on education made the following report:

Mr. President:

A minority of your committee to whom was referred
Senate Bill No. 115,

A bill for an act providing that nature study and elementary agriculture shall be taught in the public schools of North Dakota.

Dissent from the majority of the committee and recommend that the same be indefinitely postponed.

ALEX. MACDONALD.
A. J. STADE.
C. D. RICE.

Mr. Talcott moved

That the majority report be adopted.

Mr. Regan objected to the consideration of the report, and the same went over to the following day.

The committee on railroads made the following report:

Mr. President:

Your committee on railroads to whom was referred:

Concurrent Resolution from the house relating to

That a special committee of four members of the house and three of the senate be appointed for the purpose of considering all pending bills on reciprocal demurrage.

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

That after the word "senate" and after the word "house" as they appear in the resolution, the words "railroad committee" be inserted.

And when so amended recommend the same do pass.

E. F. GILBERT,
Chairman.

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

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills to whom was referred

Senate Bill No. 134,

A bill for an act establishing and naming a state flower for the state of North Dakota.

Have examined the same and find the same correctly engrossed.

GEORGE M. YOUNG,
Chairman.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills to whom was referred

Senate Bill No. 24,

A bill for an act to amend section 1016 of the Revised Codes of 1905, relating to report by city treasurer of receipts and disbursements of moneys of independent school districts.

Have examined the same and find the same correctly engrossed.

GEORGE M. YOUNG,
Chairman.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills to whom was referred

Senate Bill No. 10,

A bill for an act requiring railroad companies to report all wrecks and casualties wherein any person is injured or **killed, to the railroad commissioners.**

Have examined the same and find the same correctly engrossed.

GEORGE M. YOUNG,
Chairman.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills to whom was referred

Senate Bill No. 114,

A bill for an act entitled, "An act to amend section 10,381 of the Revised Code of 1905, relating to the manner of disposing of the product of the state binder twine plant.'

Have examined the same and find the same correctly engrossed.

GEORGE M. YOUNG,
Chairman.

Mr. Sharpe moved

That the substitute resolution regarding tariff on lumber and fuel reported favorably by the committee on state affairs be adopted.

Which motion prevailed.

MOTIONS AND RESOLUTIONS.

The committee on education presented the following resolution:

WHEREAS. The creation and organization of numerous state educational institutions has resulted in the duplication, and in some instances of triplication, of school work, thereby resulting in additional expense to the state and some jealousy and friction between institutions; therefore, be it

Resolved, That the president of the university, the president of the agricultural college, the principals of the two state normal schools, the president

of the industrial and manual training school, the president of the academy of science and the principal of the recently established school of forestry are hereby requested to meet the senate committee of education at the earliest possible date, such date to be arranged by the chairman of said committee, for the purpose of reaching some definite conclusion relative to the courses of study and the proper field of work for each of said educational institutions.

Mr. Talcott moved

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

Mr. Rice moved

That the House Resolution relating to adjournment be amended by striking out the words "Tuesday, February 5," and inserting in lieu thereof the words "Thursday, February 7," and when so amended that the senate concur in the house resolution.

Which motion prevailed.

Mr. Cashel moved

That the Senate Concurrent Resolution with reference to drainage, reported favorably by the committee on irrigation and drainage be adopted.

Which motion prevailed and
The resolution was adopted.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,

BISMARCK, NORTH DAKOTA,

January 31, 1907.

Mr. President:

I have the honor to inform you that the house has concurred in the senate amendment to the house concurrent resolution regarding adjournment.

Very respectfully,

P. D. NORTON,

Chief Clerk.

INTRODUCTION AND FIRST READING OF SENATE BILLS.

Mr. Thatcher introduced

Senate Bill No. 159,

A bill for an act designed to define the powers and in-

crease the efficiency of the state normal and industrial school.

Which was read the first time.

Mr. Purcell introduced

Senate Bill No. 160,

A bill for an act to amend section 182 of the Revised Codes of 1905.

Which was read the first time.

Mr. Pierce introduced

Senate Bill No. 161,

A bill for an act to mend section 1484 of the Political Code Revised Codes of North Dakota 1905.

Which was read the first time.

Mr. Talcott introduced

Senate Bill No. 162,

A bill for an act to amend section 894 of the Revised Codes of 1905, relating to education.

Which was read the first time.

Mr. Talcott introduced

Senate Bill No. 163,

A bill for an act to amend sections 747, 778, 799, 819, 836, 847, 879, 892, 912 of the Revised Codes of 1905, relating to education.

Which was read the first time.

Mr. Young introduced

Senate Bill No. 164,

A bill for an act to amend section 6241 of the Revised Codes of 1905, being section 4792 of the Revised Codes of 1895, relating to the clerk's record of mechanic's liens.

Which was read the first time.

Mr. Sharpe introduced

Senate Bill No. 165,

A bill for an act to amend section 1934 of the Revised Code of 1905, relating to county commissioners vote on abolishing provisions of article 9, Revised Code of 1905, entitled Herd Law. How conducted) and repealing sections 1935, 1936 and 1937 Revised Code of 1905.

Which was read the first time.

Mr. Sharpe introduced

Senate Bill No. 166.

A bill for an act to amend sections 367 and 369 of the Revised Codes of 1905 relating to powers and duties of the commission of railroads.

Which was read the first time.

Mr. Sharpe introduced

Senate Bill No. 167,

A bill for an act to amend section 2245 relating to license. How obtained. Fee, how determined.

Which was read the first time.

Mr. Talcott introduced substitute for Senate Bill No. 145.

Senate Bill No. 168,

A bill for an act to amend sections 977 and 998 of the Revised Codes of 1905, relating to education.

Which was read the first time.

Mr. Rice, by request, introduced

Senate Bill No. 169,

A bill for an act to amend section 8149 of the Revised Codes of the state of North Dakota.

Which was read the first time.

Mr. Rice, by request, introduced

Senate Bill No. 170,

A bill for an act amending section 2016 of the Revised Codes of 1905 of the state of North Dakota relative to qualification of veterinarians.

Which was read the first time.

Mr. Little introduced

Senate Bill No. 171,

A bill for an act to regulate the investment of the funds and the real estate holdings of life insurance companies.

Which was read the first time.

Mr. Simpson introduced

Senate Bill No. 172,

A bill for an act establishing standard forms in which policies of life insurance may be issued in this state and in which policies of life insurance companies organized under the laws of this state may be issued; and regulating

the conditions and provisions to be contained in policies of life insurance companies that do not adopt such standard forms.

Which was read the first time.

Mr. Simpson introduced

Senate Bill No. 173,

A bill for an act relating to the salaries of officers and agents of life insurance companies.

Which was read the first time.

Mr. Sifton introduced

Senate Bill No. 174,

A bill for an act to prohibit the issuance of non-participating policies by certain life insurance companies.

Which was read the first time.

Mr. Sifton introduced

Senate Bill No. 175,

A bill for an act defining the status of persons soliciting life insurance.

Which was read the first time.

Mr. Sifton introduced

Senate Bill No. 176,

A bill for an act to prohibit misrepresentations by life insurance companies.

Which was read the first time.

Mr. Simpson introduced

Senate Bill No. 177,

A bill for an act relating to the annual reports of life insurance companies.

Which was read the first time.

Mr. Simpson introduced

Senate Bill No. 178,

A bill for an act prohibiting corporations or stock companies acting as agents or solicitors for life insurance companies.

Which was read the first time.

Mr. Simpson introduced

Senate Bill No. 179,

A bill for an act to prohibit discrimination by life in-

urance companies and providing penalties for violation thereof.

Which was read the first time.

COURTESIES OF THE FLOOR.

The courtesies of the floor were extended to E. J. Harrington. S. F. Crabbe. Alfred Zuger. Casper Winkler.

The president administered the oath to the following:

G. Allen, clerk for the committee on state library.

John Durkin, clerk for the committee on education.

Mr. Young moved

That the senate do now adjourn.

Which motion prevailed and

The senate adjourned.

J. W. FOLEY,
Secretary.

THIRTY-FIRST DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 7, 1907.

The senate convened at 2 o'clock, pursuant to adjournment.

The secretary called the senate to order.

Mr. Sharpe moved

That Mr. LaMoure act as president pro tem.

Which motion prevailed.

Prayer by the chaplain.

Mr. Little moved

That the roll call be dispensed with.

Which motion prevailed.

Mr. Sharpe moved

That all absent members be excused.

Which motion prevailed.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

Mr. Koffel presented a communication from twenty-five citizens of Esmond.

Mr. Koffel moved

That the communication from Esmond be referred to the railroad commissioners, with request that they immediately investigate the needs of this community.

Which motion prevailed.

Mr. Simpson moved

That the communication from Esmond be not printed in the journal.

Which motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE
BILLS.

Mr. Strom introduced

Senate Bill No. 180,

A bill for an act to amend section 9354, chapter 65 of the Penal Code, Revised Codes of State of North Dakota of 1905, relating to druggists' permits, and how the same may be obtained.

Which was read the first time.

Mr. Spoonheim introduced

Senate Bill No. 181,

A bill for an act to amend section 911 of the Revised Code of North Dakota for 1905, relating to notice of elections to vote bonds for school districts.

Which was read the first time.

Messrs. Strom and Koffel introduced

Senate Bill No. 182,

A bill for an act to amend section 4337 of the Revised Codes of the State of North Dakota of 1905, relating to the distribution of cars between shippers by railroad companies.

Which was read the first time.

Mr. Swenson introduced

Senate Bill No. 183,

A bill for an act regulating the retirement of capital stock in certain cases.

Which was read the first time.

Mr. Swenson introduced

Senate Bill No. 184,

A bill for an act to provide a method whereby assessment life insurance companies may be reincorporated as legal reserve life insurance companies.

Which was read the first time.

SECOND READING OF SENATE BILLS.

Senate Bill No. 139,

A bill for an act to provide for the maintenance of the industrial school and school for manual training located at

Ellendale, and for making necessary improvements, and making an appropriation therefor.

Was read the second time, and

Referred to the committee on appropriations.

Senate Bill No. 140,

A bill for an act to create a permanent state board of equalization, and making an appropriation therefor.

Was read the second time, and

Referred to the committee on appropriations.

Senate Bill No. 141,

A bill for an act to repeal section 9238 of the Revised Codes of North Dakota of 1905, which section excepted from the provisions of chapter 53 of the Penal Code relative to trusts, pools, and combinations, agricultural products or live stock while in the hands of the producer or raiser.

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 143,

A bill for an act to amend section 472 of the Revised Codes of 1905 relating to the boundaries and terms of court in the Fourth judicial district of the state of North Dakota.

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 144,

A bill for an act to amend section 949 of the Revised Codes of 1905, relating to education.

Was read the second time, and

Referred to the committee on education.

Senate Bill No 146,

A bill for an act defining the practice in county courts having increased jurisdiction and all matters relating thereto; fixing the terms of court, compensation of judges and clerks and other officers of said courts and their duties. And repealing sections 8289 to 8319 inclusive, of the Revised Codes of 1905 of the state of North Dakota.

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 147,

A bill for an act to amend sections 2661 and 2687 of chapter 30 of the Political Code of the state of North Dakota, Revised Codes of 1905, relating to the number of aldermen in cities and the term of office of such aldermen.

Was read the second time, and

Referred to the committee on cities and municipal corporations.

Senate Bill No 148,

A bill for an act entitled, "An act to amend section 2887 of the Political Code of the state of North Dakota, Revised Codes of 1905, relating to the powers of village marshals and the service of civil processes by them.

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 149,

A bill for an act to amend section 8542 of the Penal Code of the Revised Codes of 1905 of the state of North Dakota, relating to misdemeanors.

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 150,

A bill for an act to amend section 8346 of the Revised Codes of 1905 of the state of North Dakota relating to criminal jurisdiction.

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 151,

A bill for an act entitled "An act to prohibit unfair commercial discrimination between different sections, communities, or localities, or unfair competition, and providing penalties therefor.

Was read the second time, and

Referred to the committee on state affairs.

Senate Bill No. 152,

A bill for an act to provide for the safe keeping of documents and bonds required to be deposited in the office of the county auditor.

Was read the second time, and

Referred to the committee on state affairs.

Senate Bill No. 153,

A bill for an act making appropriations for the current and contingent expenses of the state reform school of North Dakota, and for making permanent improvements thereto.

Was read the second time, and

Referred to the committee on appropriations.

Senate Bill No. 154,

A bill for an act entitled, An act to reimburse judges of the district court for their actual and necessary expenses while absent from home engaged in the discharge of official duties and while absent from home engaged in the discharge of the duties of a judge of the supreme court.

Was read the second time, and

Referred to the committee on appropriations.

Senate Bill No. 155,

A bill for an act to amend section 317, Revised Code of 1905, relating to examinations and qualifications of practitioners of dentistry in this state.

Was read the second time, and

Referred to the committee on public health.

Senate Bill No. 156,

A bill for an act to amend section 8083 of the Revised Codes of 1905, relating to inventory and appraisement of the decedent's estate.

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 157,

A bill for an act to amend section 8087 of the Revised Codes of 1905, relating to the possession of the homestead after the death of either husband or wife.

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 158,

A bill for an act to amend section 1172 of the Revised Codes of 1905, relating to the industrial school and school for manual training.

Was read the second time, and

Referred to the committee on education.

Senate Bill No. 159,

A bill for an act designed to define the powers and increase the efficiency of the state normal and industrial school.

Was read the second time, and

Referred to the committee on education.

Senate Bill No. 160,

A bill for an act to amend section 182 of the Revised Codes of 1905.

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 161,

A bill for an act to amend section 1484 of the Political Code Revised Codes of North Dakota 1905.

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 162,

A bill for an act to amend section 894 of the Revised Codes of 1905, relating to education.

Was read the second time, and

Referred to the committee on education.

Senate Bill No. 163,

A bill for an act to amend sections 747, 778, 799, 819, 836, 847, 879, 892, 912 of the Revised Codes of 1905, relating to education.

Was read the second time, and

Referred to the committee on education.

Senate Bill No. 164,

A bill for an act to amend section 6241 of the Revised Codes of 1905, being section 4792 of the Revised Codes of 1895, relating to the clerk's record of mechanic's liens.

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 165,

A bill for an act to amend section 1934 of the Revised Code of 1905, relating to county commissioners vote on abolishing provisions of article 9, Revised Code of 1905,

entitled Herd Law. How conducted) and repealing sections 1935, 1936 and 1937 Revised Code of 1905.

Was read the second time, and

Referred to the committee on state affairs.

Senate Bill No. 166.

A bill for an act to amend sections 367 and 369 of the Revised Codes of 1905 relating to powers and duties of the commission of railroads.

Was read the second time, and

Referred to the committee on railroads.

Senate Bill No. 167,

A bill for an act to amend section 2245 relating to license. How obtained. Fee, how determined.

Was read the second time, and

Referred to the committee on railroads.

Senate Bill No. 168,

A bill for an act to amend sections 977 and 998 of the Revised Codes of 1905, relating to education.

Was read the second time, and

Referred to the committee on education.

Senate Bill No. 169,

A bill for an act to amend section 8149 of the Revised Codes of the state of North Dakota.

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 170,

A bill for an act amending section 2016 of the Revised Codes of 1905 of the state of North Dakota relative to qual-

Was read the second time, and

Referred to the committee on state affairs.

Senate Bill No. 171,

A bill for an act to regulate the investment of the funds and the real estate holdings of life insurance companies.

Was read the second time, and

Referred to the committee on insurance.

Senate Bill No. 172,

A bill for an act establishing standard forms in which policies of life insurance may be issued in this state and

in which policies of life insurance companies organized under the laws of this state may be issued; and regulating the conditions and provisions to be contained in policies of life insurance companies that do not adopt such standard forms.

Was read the second time, and
Referred to the committee on insurance.

Senate Bill No. 173,

A bill for an act relating to the salaries of officers and agents of life insurance companies.

Was read the second time, and
Referred to the committee on insurance.

Senate Bill No. 174,

A bill for an act to prohibit the issuance of non-participating policies by certain life insurance companies.

Was read the second time, and
Referred to the committee on insurance.

Senate Bill No. 175,

A bill for an act defining the status of persons soliciting life insurance.

Was read the second time, and
Referred to the committee on insurance.

Senate Bill No. 176,

A bill for an act to prohibit misrepresentations by life insurance companies.

Was read the second time, and
Referred to the committee on insurance.

Senate Bill No. 177,

A bill for an act relating to the annual reports of life insurance companies.

Was read the second time, and
Referred to the committee on insurance.

Senate Bill No. 178,

A bill for an act prohibiting corporations or stock companies acting as agents or solicitors for life insurance companies.

Was read the second time, and
Referred to the committee on insurance.

Senate Bill No. 179,

A bill for an act to prohibit discrimination by life insurance companies and providing penalties for violation thereof.

Was read the second time, and
Referred to the committee on insurance.

FIRST AND SECOND READING OF HOUSE BILLS.

House bill No. 18,

A bill for an act entitled an act providing for a maximum rate of fare to be charged and collected by railroads, railroad corporations and common carriers for the transportation of passengers and baggage, and prohibiting railroads, railroad corporations and common carriers from carrying any passengers free or at a less rate than is charged the general public, and providing a penalty therefor and making it unlawful for any person to ask for or accept any such free transportation, or transportation purchased at a less rate than that charged the public, and providing a penalty therefor.

Was read the first and second time, and
Referred to the committee on railroads.

House Bill No 46,

A bill for an act amending section 1116 of the Revised Codes of 1895, being section 1410 of the Revised Codes of 1905, relating to the duties of road overseers.

Was read the first and second time, and
Referred to the committee on highways, bridges and ferries.

House Bill No. 64,

A bill for an act providing for the revision and compilation of the school laws of the state of North Dakota and appropriate money therefor.

Was read the first and second time, and
Referred to the committee on appropriations.

House Bill No. 42,

A bill for a concurrent resolution amending the state constitution for the selection of county superintendents.

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

COURTESIES OF THE FLOOR.

The courtesies of the floor were extended to Asa Sargeant, A. A. Lindahl, S. H. Grondahl, Lars E. Foss.

Mr. Little moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

J. W. FOLEY,
Secretary.

THIRTY-SECOND DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 8, 1907.

The senate convened at 2 o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Dyste, Halliday, Johnson of McLean, Johnson of Walsh, Kelly, McArthur, McLean, Movius, Plain, Regan, Thatcher, who were excused.

REFERENCE OF THE JOURNAL.

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

Mr. President:

Your committee on revision and correction of the journal of the twenty-fourth day have carefully examined the same and find it correct.

J. D. TAYLOR,
Chairman.

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

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

Mr. President:

Your committee on revision and correction of the journal of the thirty-first day have carefully examined the same and find it correct.

J. D. TAYLOR,
Chairman.

Mr. Taylor moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

REPORT OF STANDING COMMITTEES

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary, to whom was referred Senate Bill No 126,

A bill for an act to repeal section 7184 of the Revised Codes of North Dakota of 1905 and to amend section 8183 of the Revised Codes of North Dakota of 1905, relating to fees and compensation of executors and administrators.

Have had the same under consideration and recommend that the same be indefinitely postponed.

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

And the further consideration of the bill was indefinitely postponed.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary, to whom was referred Senate Bill No. 100,

A bill for an act fixing the salaries and providing for the payment of necessary expenses for the judges of the district courts of the state of North Dakota.

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

That in line 5 of section 1 of the printed bill the word "duties" after the word "his" be stricken out and the word "office" be inserted in lieu thereof.

And when so amended recommend the same do pass.

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report be adopted,
Which motion prevailed, and
The report of the committee was adopted.

The committee on judiciary made the following report :

Mr. President :

Your committee on judiciary, to whom was referred
Senate Bill No. 136,

A bill for an act to amend section 2625 of the Revised Codes of 1905, relative to fees for interpreters.

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

That the words "and re-enact" be inserted in the title after the word "amend."

That in line 2 of section 1 the words "and re-enacted" be inserted after the word "amended."

And when so amended recommend the same do pass.

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report be adopted,
Which motion prevailed, and
The report of the committee was adopted.

The committee on judiciary made the following report :

Mr. President :

Your committee on judiciary, to whom was referred
Senate Bill No. 57,

A bill for an act to prevent the adulteration and misbranding of foods and beverages, the selling of adulterated and unwholesome foods and beverages, and providing for the proper labeling of all foods and beverages.

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

C. B. LITTLE,
Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary, to whom was referred
Senate Bill No. 73,

A bill for an act to amend section 4082 of the Revised
Codes of 1905, relating to separate and mutual rights and
liabilities of husband and wife.

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

C. B. LITTLE,
Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary, to whom was referred
Senate Bill No. 164,

A bill for an act to amend section 6241 of the Revised
Codes of 1905, being section 4792 of the Revised Codes of
1895, relating to the clerk's record of mechanic's liens.

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

C. B. LITTLE,
Chairman.

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

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 151,

A bill for an act entitled "An act to prohibit unfair com-
mercial discrimination between different sections, commu-

nities, or localities, or unfair competition, and providing penalties therefor.

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

In line 5 of section 2 of printed bill strike out the words "five hundred" and insert in lieu thereof the words "two hundred;" and strike out the word "or" in line 6 and all of lines 7 and 8.

In line 5 of section 5 of printed bill substitute the word "shall" for "may;" and in same line strike out the words "in his judgment."

And when so amended recommend the same do pass.

J. B. SHARPE,
Chairman.

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

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 152,

A bill for an act to provide for the safe keeping of documents and bonds required to be deposited in the office of the county auditor.

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

J. B. SHARPE,
Chairman.

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

Your committee on state affairs to whom was referred

Mr. President:

Senate Bill No. 165,

A bill for an act to amend section 1934 of the Revised Code of 1905, relating to county commissioners vote on abolishing provisions of article 9, Revised Code of 1905, entitled Herd Law. How conducted) and repealing sections 1935, 1936 and 1937 Revised Code of 1905.

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

J. B. SHARPE,
Chairman.

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

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills, to whom was referred

Senate Bill No. 28,

A bill for an act to regulate the practice of pharmacy:

Also,

Senate Bill No. 94,

A bill for an act for the reservation of lands for the preservation of the Fort Clark and Mandan village sites on certain school lands in Mercer county, North Dakota.

Also,

Senate Bill No. 137,

A bill for an act relating to unauthorized wearing or use of badges, name, title of officers, insignia, ritual or ceremonies of certain orders and societies.

Also,

Senate Bill No. 109,

A bill for an act amending sections 6, 8 and 9 of chapter 108 of the laws of 1903, being sections 1165, 1167 and 1168 of the Revised Codes of 1905, and repealing chapter 76 of the Laws of 1905, in so far as the same applies to the institution for feeble minded.

Also,

Senate Bill No. 65,

A bill for an act to amend section 1582 of the Revised Codes of 1905, relating to redemption from sale of real estate for taxes, time of payment of subsequent taxes, and rate of interest thereon.

Have carefully examined the same and find the same correctly engrossed.

GEORGE M. YOUNG,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Simpson offered the following:

CONCURRENT RESOLUTION.

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

That in the opinion of the Tenth legislative assembly the existing constitution is inadequate to the present as well as the ever increasing demands of the people for legislation affecting taxation of the franchises and other property of foreign corporations, and is deficient in providing a method by which legislation may be enacted compelling the corporations, foreign and domestic, to pay their fair proportion of taxes; therefore, be it

Resolved, That the question of calling a constitutional convention during the year 1909 be submitted by the secretary of state to the electors of the state at the general election to be held in November, 1908, that they may vote for or against calling a convention to revise the constitution of the state.

Mr. Simpson moved

That the resolution be referred to the committee on judiciary.

Which motion prevailed and

The resolution was so referred.

Mr. Rice offered the following:

CONCURRENT RESOLUTION.

Concurrent resolution indorsing that certain bill pending before congress forbidding the internal revenue department to issue liquor licenses in states where prohibition laws prevail, to anyone without proof that the applicant has complied with the laws of the state wherein the applicant resides. Be it

Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring, That the legislative assembly of this state heartily approve and indorse said bill. Be it further

Resolved, That we recommend the senators and representatives in congress of the state of North Dakota to support the said bill and use their utmost endeavors to secure the passage of the same.

INTRODUCTION AND FIRST READING OF SENATE BILLS.

Mr. Taylor introduced

Senate Bill No. 185,

A bill for an act appropriating money to provide for the maintenance of a public health laboratory in the medical department of the state university and school of mines at Grand Forks.

Which was read the first time.

Mr. Taylor introduced

Senate Bill No. 186,

A bill for an act making an appropriation for expenses

incurred in repairs made to the so-called main building at the state university and school of mines of North Dakota during the summer of 1906.

Which was read the first time.

Mr. Pierce introduced

Senate Bill No. 187,

A bill for an act to provide for the protection of purchasers at judicial or foreclosure sales of real estate in the payment of taxes, assessments, prior liens or insurance premiums becoming delinquent during the year of redemption.

Which was read the first time.

Mr. Koffel introduced

Senate Bill No. 188,

A bill for an act to amend section 9371 of the Revised Codes of 1905, of the state of North Dakota, providing for the state's attorney to prosecute persons for unlawful dealing in intoxicating liquors and bring suits upon bonds or undertakings forfeited and to recover fines, and penalties, and the creation of a special fund.

Which was read the first time.

Mr. Simpson introduced

Senate Bill No. 189,

A bill for an act providing that the amount of insurance written upon real property shall be taken conclusively to be the true value thereof.

Which was read the first time.

Mr. Swenson introduced

Senate Bill No. 190,

A bill for an act to amend section 928 of the Revised Code of North Dakota for 1905, relating to maximum rate of interest on call deposits.

Which was read the first time.

Mr. Talcott introduced

Senate Bill No. 191,

A bill for an act to amend section 832 of the Revised Codes of 1905, relating to education.

Which was read the first time.

Mr. Little introduced

Senate Bill No. 192,

A bill for an act regulating disbursements by life insurance companies.

Which was read the first time.

Mr. Steele introduced

Senate Bill No. 193,

A bill for an act to amend and re-enact section 7117 of the Revised Code of North Dakota of 1905, relating to exemptions.

Which was read the first time.

Mr. Turner introduced

Senate Bill No. 194,

A bill for an act providing for the giving of notice by merchants to their creditors before making sale of their entire stock of business.

Which was read the first time.

Mr. Hanna introduced

Senate Bill No. 195,

A bill for an act providing for the naming by the governor of the state of a board of grain commission, prescribing their duties and providing an appropriation therefor.

Which was read the first time.

Mr. Stade introduced

Senate Bill No. 196,

A bill for an act to amend section 4073 of the Revised Codes of the state of North Dakota of the revision of 1905, being chapter 78 of the Session Laws of 1899, relating to the granting of alimony in divorce cases.

Which was read the first time.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,

BISMARCK, NORTH DAKOTA,

February 8, 1907.

Mr. President:

I have the honor to inform you that the house has con-

curred in the senate substitute for house concurrent resolution regarding putting fuel and lumber on the free list.

Very respectfully,

P. D. NORTON,

Chief Clerk.

SECOND READING OF SENATE BILLS.

Senate Bill No. 180,

A bill for an act to amend section 9354, chapter 65 of the Penal Code, Revised Codes of State of North Dakota of 1905, relating to druggists' permits, and how the same may be obtained.

Was read the second time, and

Referred to the committee on temperance.

Senate Bill No. 181,

A bill for an act to amend section 911 of the Revised Code of North Dakota for 1905, relating to notice of elections to vote bonds for school districts.

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 183,

A bill for an act regulating the retirement of capital stock in certain cases.

Was read the second time, and

Referred to the committee on insurance.

Senate Bill No. 184,

A bill for an act to provide a method whereby assessment life insurance companies may be reincorporated as legal reserve life insurance companies.

Was read the second time, and

Referred to the committee on insurance.

THIRD READING OF SENATE BILLS.

Senate Bill No. 10,

A bill for an act requiring railroad companies to report all wrecks and casualties wherein any person is injured or killed, to the railroad commissioners.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 26, nays none, absent and not voting 14.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Palmer	Steele
Cashel	Pierce	Strom
Crane	Purcell	Swenson
Hanna	Ramsett	Talcott
Koffel	Rice	Taylor
Kraabel	Sharpe	Turner
Leutz	Simpson	Wagner
Little	Spoonheim	Young
McDonald	Stade	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Dyste	Kelly	Plain
Gilbert	LaMoure	Regan
Halliday	McArthur	Sifton
Johnson of McLean	McLean	Thatcher
Johnson of Walsh	Movius	

So the bill passed and the title was agreed to.

Senate Bill No. 24,

A bill for an act to amend section 1016 of the Revised Codes of 1905, relating to report by city treasurer of receipts and disbursements of moneys of independent school districts.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 26, nays none, absent and not voting 14.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McDonald	Stade
Cashel	Palmer	Steele
Crane	Pierce	Strom
Hanna	Purcell	Swenson
Koffel	Ramsett	Talcott
Kraabel	Rice	Taylor
LaMoure	Sharpe	Turner
Leutz	Simpson	Wagner
Little	Spoonheim	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Dyste	Kelly	Plain
Gilbert	McArthur	Regan
Halliday	McLean	Sifton
Johnson of McLean	Movius	Thatcher
Johnson of Walsh		

So the bill passed and the title was agreed to.

Senate Bill No. 40,

A bill for an act to promote the safety of employees and travelers upon railways by limiting the hours of service of employees thereon.

Was read the third time.

Mr. Simpson moved

That the bill be referred to the attorney general.

Mr. Purcell moved as an amendment

That Senate Bill No. 40 be referred to the committee on judiciary.

Mr. Spoonheim moved as an amendment to the amendment

That the bill be referred to the committee on railroads.

Which motion prevailed.

Senate Bill No. 65,

A bill for an act to amend section 1582 of the Revised Codes of 1905, relating to redemption from sale of real estate for taxes, time of payment of subsequent taxes, and rate of interest thereon.

Was read the third time.

Mr. Taylor moved

That the bill be amended by striking out in line 18 of page 2 of the printed bill the word "not."

Which motion prevailed, and

The bill was so amended.

Mr. Taylor moved

That Senate Bill No. 65 be referred to the committee on judiciary.

Which motion prevailed.

Senate Bill No. 94,

A bill for an act for the reservation of lands for the preservation of the Fort Clark and Mandan village sites on certain school lands in Mercer county, North Dakota.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 27, nays none; absent and not voting 13.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McDonald	Spoonheim
Cashel	Palmer	Stade
Crane	Pierce	Steele
Gilbert	Purcell	Swenson
Hanna	Ramsett	Talcott
Koffel	Rice	Taylor
Kraabel	Sharpe	Turner
LaMoure	Sifton	Wagner
Leutz	Simpson	Young
Little		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Dyste	Kelly	Plain
Halliday	McArthur	Regan
Johnson of McLean	McLean	Strom
Johnson of Walsh	Movius	Thatcher

So the bill passed and the title was agreed to.

Senate Bill No. 109,

A bill for an act amending sections 6, 8 and 9 of chapter 108 of the laws of 1903, being sections 1165, 1167 and 1168 of the Revised Codes of 1905, and repealing chapter 76 of the Laws of 1905, in so far as the same applies to the institution for feeble minded.

Was read the third time.

Mr. Cashel moved

That Senate Bill No. 109 be amended as follows:

In line 6, page 2, of the printed bill, following the words "shall pay" insert the word "semi."

Strike out in the engrossed bill the words "one hundred dollars" and insert in lieu thereof "fifty dollars."

Strike out in the engrossed bill the words "when entering," after the word "dollars."

And in line 18, page 2, of the printed bill, insert the word "semi" before the word "annually."

In the engrossed bill, at the end of section 2, strike out the words "one hundred dollars" and insert in lieu thereof the words "fifty dollars."

Which motion prevailed, and

The amendment was adopted.

The question being on the final passage of the bill.

The roll was called and there were ayes 29, nays none, absent and not voting 11.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McDonald	Stade
Cashel	Palmer	Steele

Messrs.—

Crane
Gilbert
Hanna
Koffel
Kraabel
LaMoure
Leutz
Little

Messrs.—

Pierce
Purcell
Ramsett
Rice
Sharpe
Sifton
Simpson
Spoonheim

Messrs.—

Strom
Swenson
Talcott
Taylor
Turner
Wagner
Young

Absent and not voting:

Messrs.—

Dyste
Halliday
Johnson of McLean
Johnson of Walsh

Messrs.—

Kelly
McArthur
McLean
Movius

Messrs.—

Plain
Regan
Thatcher

So the bill as amended passed and the title was agreed to.

Senate Bill No. 114,

A bill for an act entitled, "An act to amend section 10,381 of the Revised Code of 1905, relating to the manner of disposing of the product of the state binder twine plant."

Was read the third time.

Mr. Little moved

That Senate Bill No. 114 be recommitted to the judiciary committee.

Which motion prevailed.

Senate Bill No. 134,

A bill for an act establishing and naming a state flower for the state of North Dakota.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 28, nays none, absent and not voting 12.

Those who voted in the affirmative were:

Messrs.—

Albright
Cashel
Crane
Gilbert
Hanna
Koffel
Kraabel
LaMoure
Leutz
Little

Messrs.—

McDonald
Palmer
Purcell
Ramsett
Rice
Sharpe
Sifton
Simpson
Spoonheim

Messrs.—

Stade
Steele
Strom
Swenson
Talcott
Taylor
Turner
Wagner
Young

Absent and not voting :

Messrs.—	Messrs.—	Messrs.—
Dyste	Kelly	Pierce
Halliday	McArthur	Plain
Johnson of McLean	McLean	Regan
Johnson of Walsh	Movius	Thatcher

So the bill passed and the title was agreed to.

Senate Bill No. 137,

A bill for an act relating to unauthorized wearing or use of badges, name, title of officers, insignia, ritual or ceremonies of certain orders and societies.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 27, nays none; absent and not voting 13.

Those who voted in the affirmative were :

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Simpson
Cashel	McDonald	Spoonheim
Crane	Palmer	Stade
Gilbert	Pierce	Steele
Hanna	Purcell	Swenson
Koffel	Ramsett	Talcott
Kraabel	Rice	Turner
LaMoure	Sharpe	Wagner
Leutz	Sifton	Young

Absent and not voting :

Messrs.—	Messrs.—	Messrs.—
Dyste	McArthur	Regan
Halliday	McLean	Strom
Johnson of McLean	Movius	Taylor
Johnson of Walsh	Plain	Thatcher
Kelly		

Mr. Talcott moved

That the title of Senate Bill No. 137 be amended by inserting after the word "societies" the words "and the penalty provided therefor."

Which motion prevailed and

The amendment was adopted.

So the bill passed and the title as amended was agreed to.

Mr. LaMoure moved

That the senate do now adjourn,

Which motion prevailed, and

The senate adjourned.

J. W. FOLEY,
Secretary.

THIRTY-THIRD DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 9, 1907.

The senate convened at 2 o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Johnson of McLean, Kelly, LaMoure, McLean, Movius, Plain, Regan, Taylor, Thatcher, who were excused.

REFERENCE OF THE JOURNAL.

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

Mr. President:

Your committee on revision and correction of the journal of the thirty-second day have carefully examined the same and find the same correct.

C. D. RICE,
Chairman, pro tem.

Mr. Rice moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

The following communication was received from the board of railroad commissioners:

February 9, 1907.

To the Senate of the State of North Dakota:

GENTLEMEN: As directed by your honorable body of the 7th inst., the commission begs to submit the following report on the conditions at Esmond relative to the fuel and food shortage.

On February 5th, Secretary Hammond wired Superintendent Burt at Jamestown, "Maddox and Esmond entirely out of fuel. Must have fuel in tomorrow if at all possible," to which the following message was received from Supt. Burt on the 6th. "Conditions on this line this morning. Rotary plow working between Maddox and Oberon. Having very hard time with their engines on the plow. A relief train is leaving Carrington with 14 loads fuel for points north of there, including Oberon branch." Later wire same date from Supt. Burt. "P. m. train out of Carrington headed for Maddox and Esmond with three cars fuel." Later wire from Supt. Burt same date: "Rotary plow arrived at Esmond tonight," and on the 7th, Supt. Burt wired, "three cars fuel delivered at Maddox and Esmond. Road being entirely opened to Rodes."

It will therefore be observed that the commission secured relief for this station two days before your petition was filed.

Respectfully submitted,

C. S. DEISEM,

Pres. Board Railroad Com.

REPORT OF STANDING COMMITTEE.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred Senate Bill No. 143,

A bill for an act to amend section 472 of the Revised Codes of 1905 relating to the boundaries and terms of court in the Fourth judicial district of the state of North Dakota.

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

C. B. LITTLE,
Chairman.

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

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 89,

A bill for an act to provide for the maintenance of high-ways over which rural mail delivery routes are established.
Have had the same under consideration and recommend that the same do pass.

J. B. SHARPE,
Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 78,

A bill for an act to prohibit the soliciting of orders for the purchase or sale for future delivery of intoxicating liquors to others than persons holding druggist' permits, and providing a penalty for a violation of the same.

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

That in line 1 of the title the last three words after the word "the" be stricken out.

That in line 2 of the title the first word "for" be stricken out; that in line 2 of the title after the word "delivery" insert the words "without this state;" that in line 2 of the title the words after the word "to" down to and including the word "permits" in line 3 be stricken out and the words "be transported into this state, to be used or sold in violation of the laws thereof" be inserted in lieu thereof.

That in line 3 of the title the words after the word "for," including all in line 4 of the title, be stricken out and the words "its violation" be inserted in lieu thereof.

That in line 5 of section 1 the word "purchase" down to and including the word "or" in line 6 be stricken out and the words "at any place" be inserted in lieu thereof.

That in line 6 of section 1 the words beginning with the word "to" and all down to and including the word "codes" in line 8 be stricken out and the word "of" be inserted in lieu thereof.

That in line 9 of section 1 insert the following after the word "liquors:—" "Knowing or having reasonable cause to believe that if so delivered the same will be transported to this state and be used or sold therein in violation of the laws thereof."

And when so amended recommend the same do pass.

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on state affairs made the following report:—

Mr. President:

Your committee on state affairs to whom was referred
House bill No. 10,

A bill for an act to amend section 10401 of the revised codes of North Dakota for the year 1905, relating to commitments to the reform school.

Have had the same under consideration and recommend that the same be indefinitely postponed.

J. B. SHARPE,
Chairman.

Mr. Little moved

That the report be adopted,

Which motion prevailed and

The report of the committee was adopted, and

The further consideration of the bill was indefinitely postponed.

The committee on Education made the following report:

Mr. President:

Your committee on education to whom was referred
Senate Bill No. 144,

A bill for an act to amend section 949 of the Revised Codes of 1905, relating to education.

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

F. S. TALCOTT,
Chairman.

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

The committee on Education made the following report:

Mr. President:

Your committee on education to whom was referred
Senate Bill No. 162,

A bill for an act to amend section 894 of the Revised
Codes of 1905, relating to education.

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

F. S. TALCOTT,
Chairman.

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

The committee on Education made the following report:

Mr. President:

Your committee on education to whom was referred
Senate Bill No. 168,

A bill for an act to amend sections 977 and 998 of the
Revised Codes of 1905, relating to education.

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

F. S. TALCOTT,
Chairman.

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

The committee on engrossed and enrolled bills made the
following report:

Mr. President:

Your committee on engrossed and enrolled bills to whom
was referred

Senate Bill No. 136,

A bill for an act to amend section 2625 of the Revised
Codes of 1905, relative to fees for interpreters.

Also,

Senate Bill No. 76,

A bill for an act to amend section 4082 of the Revised Codes of 1905, relating to separate and mutual rights and liabilities of husband and wife.

Also,

Senate Bill No. 100,

A bill for an act fixing the salaries and providing for the payment of necessary expenses for the judges of the district courts of the state of North Dakota.

Also,

Senate Bill No. 138,

A bill for an act to amend and re-enact section 2613 of the Revised Codes of 1905.

Also,

Senate Bill No. 27,

A bill for an act to amend section 155 of chapter 4 of the Political Code of the state of North Dakota, providing for the investment of moneys belonging to the permanent funds of the common schools, university, school of mines, reform school, agricultural college, school for the deaf and dumb, normal schools, and all other permanent funds derived from the sale of public lands or any other source beonging to the school divisions of the state.

Have examined and find same correctly engrossed.

GEORGE M. YOUNG,

Chairman.

The committee on engrossed and enrolled bills made the following report:

Mr. President:

Your committee on engrossed and enrolled bills to whom was referred

Concurrent resolution relative to grain inspection,

Have examined the same and find the same correctly enrolled.

GEORGE M. YOUNG,

Chairman.

The secretary announced the president was about to sign concurrent resolution relating to grain inspection, and

The president signed the same in the presence of the senate.

Mr. Cashel moved

That Senate Bill No. 28 be recommitted to the committee on judiciary.

Which motion prevailed, and

The bill was so recommitted.

INTRODUCTION AND FIRST READING OF SENATE BILLS.

The committee on ways and means introduced

Senate Bill No. 197,

A bill for an act regulating the salaries of state officers, expenses, residence and penalty.

Which was read the first time.

The committee on ways and means introduced

Senate Bill No. 198,

A bill for an act designating the sheriff and his deputies of each county inspector and sealer of weights and measures, prescribing his powers, duties and compensation, defining the standard of weights and measures for the inspector and prescribing the penalties for the violation of this act.

Which was read the first time.

Mr. Simpson introduced

Senate Bill No. 199,

A bill for an act entitled, an act to provide for organizing counties from the unorganized territory in this state.

Which was read the first time.

Mr. Hanna introduced

Senate Bill No. 200,

A bill for an act concerning labor, and providing means for protecting the liberty, safety and health of laborers, providing for its enforcement by the department of agriculture and labor.

Which was read the first time.

Mr. Talcott introduced

Senate Bill No. 201,

A bill for an act to provide for the nonpartisan nomina-

tion and election of state superintendent of public instruction and county superintendent of schools.

Which was read the first time.

Mr. Simpson introduced

Senate Bill No. 202,

A bill for an act to repeal sections 2297 to 2321, both inclusive, of the Revised Codes of North Dakota for the year A. D. 1905, relating to organization of counties.

Which was read the first time.

Mr. McArthur introduced

Senate Bill No. 203,

A bill for an act to regulate the employment and occupation of railway telegraphers, and establishing a board of telegraph examiners.

Which was read the first time.

Mr. Koffel introduced

Senate Bill No. 204,

A bill for an act to amend section 1428 of the Revised Codes of 1905 of the state of North Dakota, providing for the payment and commutation of poll and road tax, and the manner of expending the same.

Which was read the first time.

Mr. Cashel introduced

Senate Bill No. 205,

A bill for an act entitled an act to amend sections 1819, 1820, 1821, 1822, 1823, 1827, 1828, 1831, 1832, 1835, 1840 and 1849 of the Revised Codes of 1905, the same being embraced in chapter 23 of the Political Code relating to drainage.

Which was read the first time.

Mr. Cashel introduced

Senate Bill No. 206,

A bill for an act defining a watercourse.

Which was read the first time.

Mr. Cashel introduced

Senate Bill No. 207,

A bill for an act creating a state library commission, defining its duties and providing for its maintenance.

Which was read the first time.

Mr. Cashel introduced

Senate Bill No. 208,

A bill for an act to regulate the selling, offering or exposure of seeds for sale.

Which was read the first time.

Mr. Talcott introduced

Senate Bill No. 209,

A bill for an act to amend section 1496 of the Revised Codes, 1905, relating to the assessment of personal property.

Which was read the first time.

Mr. Talcott introduced

Senate Bill No. 210,

A bill for an act taxing grain in elevators, warehouses and granaries at a fixed rate.

Which was read the first time.

Mr. Strom introduced

Senate Bill No. 211,

A bill for an act providing for the election of county surveyor and prescribing his duties, and the manner in which his records shall be kept, and authorizing the board of county commissioners and township surveyors to make surveys, and authorizing and prescribing the manner for the payment of the expenses incurred therein.

Which was read the first time.

Mr. Spoonheim introduced

Senate Bill No. 212,

A bill for an act to amend section 28 of the Revised Code of North Dakota of 1905, relating to legislative officers and employees and their compensation.

Which was read the first time.

SECOND READING OF SENATE BILLS.

Senate Bill No. 182,

A bill for an act to amend section 4337 of the Revised Codes of the State of North Dakota of 1905, relating to the distribution of cars between shippers by railroad companies.

Was read the second time, and

Referred to the committee on railroads.

Senate Bill No. 185,

A bill for an act appropriating money to provide for the maintenance of a public health laboratory in the medical department of the state university and school of mines at Grand Forks.

Was read the second time, and

Referred to the committee on appropriations.

Senate Bill No. 186,

A bill for an act making an appropriation for expenses incurred in repairs made to the so-called main building at the state university and school of mines of North Dakota during the summer of 1906.

Was read the second time, and

Referred to the committee on appropriations.

Senate Bill No. 187,

A bill for an act to provide for the protection of purchasers at judicial or foreclosure sales of real estate in the payment of taxes, assessments, prior liens or insurance premiums becoming delinquent during the year of redemption.

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 188,

A bill for an act to amend section 9371 of the Revised Codes of 1905, of the state of North Dakota, providing for the state's attorney to prosecute persons for unlawful dealing in intoxicating liquors and bring suits upon bonds or undertakings forfeited and to recover fines, and penalties, and the creation of a special fund.

Was read the second time, and

Referred to the committee on temperance.

Senate Bill No. 189,

A bill for an act providing that the amount of insurance written upon real property shall be taken conclusively to be the true value thereof.

Was read the second time, and

Referred to the committee on insurance.

Senate Bill No. 194,

A bill for an act providing for the giving of notice by merchants to their creditors before making sale of their entire stock of business.

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 196,

A bill for an act to amend section 4073 of the Revised Codes of the state of North Dakota of the revision of 1905, being chapter 78 of the Session Laws of 1899, relating to the granting of alimony in divorce cases.

Was read the second time, and

Referred to the committee on judiciary.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 9, 1907.

Mr. President:

I have the honor to transmit herewith the following

CONCURRENT RESOLUTION.

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

That a joint committee, consisting of three members of the house, of which the speaker shall be one, and two members of the senate, of which the lieutenant governor shall be a member, be appointed to arrange suitable services under the auspices of the Tenth legislative assembly in honor of the anniversary of the birth of Abraham Lincoln.

Which the house has adopted, and your concurrence therein is respectfully requested.

Also,

I have the honor to inform you that the house has concurred in the senate amendment to house concurrent resolution providing for the appointment of a special committee to consider the subject of reciprocal demurrage, and the speaker has appointed as such committee on the part of the house Messrs. White, Burgum, Murphy and Cunningham.

Very respectfully,

P. D. NORTON,
Chief Clerk.

Mr. Rice requested that concurrent resolution relating to indorsement of federal legislation regarding liquor tax stamps in states having prohibitory laws, be referred to the committee on temperance.

Which motion prevailed, and

The resolution was so referred.

THIRD READING OF SENATE BILLS.

Senate Bill No. 27,

A bill for an act to amend section 155 of chapter 4 of the Political Code of the state of North Dakota, providing for the investment of moneys belonging to the permanent funds of the common schools, university, school of mines, reform school, agricultural college, school for the deaf and dumb, normal schools, and all other permanent funds derived from the sale of public lands or any other source belonging to the school divisions of the state.

Was read the third time.

The question being on the final passage of the bill:

The roll was called and there were ayes 31, nays none, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Simpson
Cashel	McArthur	Spoonheim
Crane	McDonald	Stade
Dyste	Palmer	Steele
Gilbert	Pierce	Strom
Halliday	Purcell	Swenson
Hanna	Ramsett	Talcott
Johnson of Walsh	Rice	Turner
Koffel	Sharpe	Wagner
Kraabel	Sifton	Young
Leutz		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Johnson of McLean	McLean	Regan
Kelly	Movius	Taylor
LaMoure	Plain	Thatcher

Messrs. Johnson of McLean, Kelly, LaMoure, McLean, Movius, Plain, Regan, Taylor, Thatcher, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 57,

A bill for an act to prevent the adulteration and misbranding of foods and beverages, the selling of adulterated and unwholesome foods and beverages, and providing for the proper labeling of all foods and beverages.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 31, nays none, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Simpson
Cashel	McArthur	Spoonheim
Crane	McDonald	Stade
Dyste	Palmer	Steele
Gilbert	Pierce	Strom
Halliday	Purcell	Swenson
Hanna	Ramsett	Talcott
Johnson of Walsh	Rice	Turner
Koffel	Sharpe	Wagner
Kraabel	Sifton	Young
Leutz		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Johnson of McLean	McLean	Regan
Kelly	Movius	Taylor
LaMoure	Plain	Thatcher

Messrs. Johnson of McLean, Kelly, LaMoure, McLean, Movius, Plain, Regan, Taylor, Thatcher, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 76,

A bill for an act to amend section 4082 of the Revised Codes of 1905, relating to separate and mutual rights and liabilities of husband and wife.

Was read the third time.

The question being on the final passage of the bill:

The roll was called and there were ayes 29, nays 1, absent and not voting 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Spoonheim
Cashel	Little	Stade
Crane	Palmer	Steele
Dyste	Pierce	Strom
Gilbert	Purcell	Swenson
Halliday	Ramsett	Talcott
Hanna	Rice	Turner
Johnson of Walsh	Sharpe	Wagner
Koffel	Sifton	Young
Kraabel	Simpson	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Johnson of McLean	McLean	Regan
Kelly	Movius	Taylor
LaMoure	Plain	Thatcher
McArthur		

Mr. McDonald voting in the negative.

Messrs. Johnson of McLean, Kelly, LaMoure, McLean, Movius, Plain, Regan, Taylor, Thatcher, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 100,

A bill for an act fixing the salaries and providing for the payment of necessary expenses for the judges of the district courts of the state of North Dakota.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 29, nays 1, absent and not voting 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McArthur	Spoonheim
Cashel	McDonald	Stade
Crane	Palmer	Steele
Gilbert	Pierce	Strom
Halliday	Purcell	Swenson
Hanna	Ramsett	Talcott
Johnson of Walsh	Rice	Turner
Koffel	Sharpe	Wagner
Leutz	Sifton	Young
Little	Simpson	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Johnson of McLean	McLean	Regan
Kelly	Movius	Taylor
Kraabel	Plain	Thatcher
LaMoure		

Mr. Dyste voting in the negative.

Messrs. Johnson of McLean, Kelly, LaMoure, McLean, Movius, Plain, Regan, Taylor, Thatcher, being excused.

So the bill passed and the title was agreed to.

Mr. Simpson moved

That the vote by which Senate Bill No. 100 was passed be reconsidered and that the motion to reconsider be laid upon the table.

Which motion prevailed

Senate Bill No. 136,

A bill for an act to amend section 2625 of the Revised Codes of 1905, relative to fees for interpreters.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 29, nays none, absent and not voting 11.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McArthur	Spoonheim
Cashel	McDonald	Stade
Crane	Palmer	Steele
Dyste	Pierce	Strom
Gilbert	Purcell	Swenson
Halliday	Ramsett	Talcott
Johnson of Walsh	Rice	Turner
Koffel	Sharpe	Wagner
Leutz	Sifton	Young
Little	Simpson	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hanna	LaMoure	Regan
Johnson of McLean	McLean	Taylor
Kelly	Movius	Thatcher
Kraabel	Plain	

Messrs. Johnson of McLean, Kelly, LaMoure, McLean, Movius, Plain, Regan, Taylor, Thatcher, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 138,

A bill for an act to amend and re-enact section 2613 of the Revised Codes of 1905.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 28, nays 2, absent and not voting 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sifton
Cashel	McArthur	Simpson
Crane	McDonald	Spoonheim
Dyste	Palmer	Stade
Gilbert	Pierce	Swenson
Hanna	Purcell	Talcott
Johnson of Walsh	Ramsett	Turner
Koffel	Rice	Wagner
Kraabel	Sharpe	Young
Leutz		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Johnson of McLean	Movius	Steele
Kelly	Plain	Taylor
LaMoure	Regan	Thatcher
McLean		

Messrs. Halliday and Strom voting in the negative.

Messrs. Johnson of McLean, Kelly, LaMoure, McLean, Movius, Plain, Regan, Taylor, Thatcher, being excused.

Mr. Talcott moved

That the title of Senate Bill No. 138 be amended by inserting after the figures "1905" the words "relative to the compensation and expenses for county commissioners."

Which motion prevailed.

So the bill passed and the title as amended was agreed to.

Mr. Steele moved

That the senate do now concur in the house resolution relating to observing Lincoln's birthday.

Which motion prevailed, and

The president appointed Mr. Little as the second member of such senate committee.

COURTESIES OF THE FLOOR.

The courtesies of the floor were extended to Rev. J. G. Sailor, H. S. Oliver, J. D. Carroll, J. A. Kemp, Wm. D. McClintock.

The president administered the oath to

Miss Lena Selvig, clerk for the committee on banks and banking.

Mr. Talcott moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

J. W. FOLEY,
Secretary.

THIRTY-FIFTH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 11, 1907.

The senate convened at 2 o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Palmer, Plain and Sifton, who were excused.

REFERENCE OF THE JOURNAL.

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

Mr. President:

Your committee on revision and correction of the journal of the Thirty-third day have carefully examined the same and find it correct.

J. D. TAYLOR,
Chairman.

Mr. Taylor moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 11, 1907.

Mr. President:

I have the honor to transmit herewith
House Bill No. 52,

A bill for an act providing that whenever any court, in passing sentence on any person convicted of a misdemeanor, sentences such person to confinement in the court jail, the court shall, if in his opinion such person is capable of performing manual labor, sentence such person to confinement in the county jail at hard labor.

And

House Bill No. 90,

A bill for an act requiring elevator companies transacting business in this state, to return certificate of inspection and weigh-master's certificate of weight to local buyer.

House Bill No. 63,

A bill for an act prescribing a penalty for letting any building or portion of any building, knowingly, for the purpose of unlawful dealing in intoxicating liquors.

Also,

House Bill No. 138,

A bill for an act to amend section 850 of the Revised Codes of 1905 of the State of North Dakota, concerning report of treasurers of school districts.

Also,

House bill No. 11,

A bill for an act to amend section 1478 of the revised codes of 1895, being section 1854 of the revised codes of 1905 relating to residence of the poor.

Also,

House Bill No. 152,

A bill for an act entitled an act to amend section 469 of the Revised Codes of North Dakota of 1905, relating to the boundaries and terms of court in the First judicial district.

Also,

House Bill No. 92,

A bill for an act to amend sections 3063 and 3133 of the Revised Codes of the state of North Dakota of 1905, relat-

ing to the powers of electors and supervisors in organized townships.

Also,

House Bill No. 144,

A bill for an act providing a contingent fund for the use of the state's attorney for the payment of such expenses as are necessary and not otherwise provided for in securing evidence in criminal cases, and providing for the auditing and payment of such expenditures.

Also,

House Bill No. 162,

A bill for an act providing for placing dependent children under sixteen years of age in family homes when parents or custodians fail to support.

Also,

House bill No. 37,

A bill for an act to amend section 1348 of the revised codes of North Dakota, of 1905, relating to public roads.

Also,

House bill No. 32,

A bill for an act entitled an act to amend section 4064 of the revised code of 1899, being section 5511 of the revised code of 1905. Usury defined.

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

Also,

I have the honor to transmit herewith the following

CONCURRENT RESOLUTION.

WHEREAS, The honorable chairman of the rivers and harbors committee of the house of representatives is laboring under misapprehension or ill advice as to the volume of water therein, and the value of the Upper Missouri and Yellowstone rivers for navigation purposes; and

WHEREAS, The volume of traffic on both of the navigable streams north of the 46th parallel will continue to increase with the now rapidly increasing immigration and the wonderful development of the country tributary to said rivers, incident to the completion of the irrigation ditches along said rivers, now under construction by the United States; now, therefore, be it

Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring, That our senators and representatives are respectfully urged to secure proper recognition at the hands of congress and to have proper surveys made and adequate appropriations provided for the immediate snagging of the Upper Missouri and Yellowstone rivers, the dredging of shoal places, the removal of rocks from the channel, and the protection of the landing at the several important places, particularly at Rock Haven, Washburn, Mannheim, Expansion, Bismarck, Williston, Buford and Glendive.

Resolved, That a copy of these resolutions when passed be sent by the chief clerk of the house of representatives, to Hon. T. E. Burton, the chair-

man of the rivers and harbors committee of the house of representatives and to each of our senators and representatives in congress.

Which the house has adopted and your concurrence therein is respectfully requested.

Very respectfully

P. D. NORTON,
Chief Clerk.

REPORT OF STANDING COMMITTEES.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 65,

A bill for an act to amend section 1582 of the Revised Codes of 1905, relating to redemption from sale of real estate for taxes, time of payment of subsequent taxes, and rate of interest thereon.

Have had the same under consideration and recommend that the same be indefinitely postponed.

C. J. B. LITTLE,
Chairman.

Mr. Little moved

That the report be adopted,
Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The committee on railroads made the following report:

Mr. President:

Your committee on railroads to whom was referred
Senate Bill No. 167,

A bill for an act to amend section 2245 relating to license. How obtained. Fee, how determined.

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

That the title be amended so as to read as follows: "For an Act to Amend Section 2245 of the Revised Codes of 1905 of the State of North Dakota, Relating to Licensing of Public Warehouses."

That there be added after the enacting clause the following: "SECTION 1. That section 2245 be and the same is hereby amended to read as follows:"

And add the following before "a" in line 1 of the printed bill: "Sec. 2245. License, How Obtained. Fee, How Determined."

And when so amended recommend the same do pass.

E. F. GILBERT,
Chairman.

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

The committee on railroads made the following report:
 Mr. President:

Your committee on railroads to whom was referred
 House bill No. 18,

A bill for an act entitled an act providing for a maximum rate of fare to be charged and collected by railroads, railroad corporations and common carriers for the transportation of passengers and baggage, and prohibiting railroads, railroad corporations and common carriers from carrying any passengers free or at a less rate than is charged the general public, and providing a penalty therefor and making it unlawful for any person to ask for or accept any such free transportation, or transportation purchased at a less rate than that charged the public, and providing a penalty therefor.

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

Strike out all of section 1.

Section 4: after the word "gospel" the words "and person engaged wholly in charitable or religious work." Section 4 be further amended: in line 3 of the printed bill after the word "and" insert the words "salaried railway;" and in same line strike out the words "of the railroad granting the same."

That the title of the bill be amended by striking out all after the word "act" in first line to the word "prohibiting" in the fourth line.

And when so amended recommend the same do pass.

E. F. GILBERT,
 Chairman.

Mr. Gilbert moved
 That the report be adopted,
 Mr. Crane moved as a substitute
 That House Bill No. 18 be re-referred to the railroad committee.

Which motion prevailed, and
 The bill was so re-referred.

The committee on highways made the following report:
 Mr. President:

Your committee on highways to whom was referred
 House Bill No 46,

A bill for an act amending section 1116 of the Revised Codes of 1895, being section 1410 of the Revised Codes of 1905, relating to the duties of road overseers.

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

ALEX. MACDONALD,
Chairman.

Mr. Macdonald moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on elections made the following report:

Mr. President:

Your committee on elections to whom was referred

Senate Bill No. 1,

A bill for an act providing for the selection of candidates for election by popular vote and relating to their nomination and the perpetuation of political parties.

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

In line 8 of the printed bill, in section 2, strike out the words "presidential electors."

In section 2, in line 10, of the printed bill, after the word "officers" add the following: "Provided, however, the provisions of this act shall not be construed to include or provide for the nomination of presidential electors or delegates to national conventions. Such delegates to national conventions shall be nominated and elected, and presidential electors nominated, as now or hereafter may be provided for by the various state central committees."

On page 2 of the printed bill, in line 11 of section 2, after the word "herein" strike out "and delegates to national conventions." On page 2 of the printed bill, in section 3, in line 3 strike out the words "and presidential electors." On page 2 of the printed bill, in section 3, line 19, after the word "senator" strike out the words "or presidential electors."

On page 3 of the printed bill, in section 4, line 2, after the words "twenty days" insert the following: "And before four o'clock p. m. of the twentieth day."

On page 4 of the printed bill, in section 4, line 8, after the word "shall" insert the words "there be."

In line 9 of the same section after the word "names" strike out the words "be required" and add the following: "And provided further that the petitions of all candidates for members of the legislative assembly shall, in addition to the requirements hereinbefore provided, contain the following pledge, viz: I, the undersigned, a candidate for the office of member of the legislative assembly of the state of North Dakota, do obligate myself to the people of the state of North Dakota and to the people of my legislative district that during my term of office I will support and vote for that candidate for United States senator in congress, of the party of which I am a member, who has received the highest number of such party votes for that position at the primary election next preceding the election of United States senator in congress."

On page 4 of the printed bill, in line 13 and line 14, strike out the words "and shall declare that he intends to support the candidate named therein."

On page 4 of the printed bill, in line 18, after the word "aspires" add the word "except;" and in line 19 on page 4 add after the words "fifteen dollars" the following: "And in legislative districts having more than one

county the fee shall be equally divided between such counties and."

On page 8 of the printed bill, in section 10, in line 1, after the word "affiliated" the word "with."

On page 8, in line 29, change the word "affiliated" to the word "affiliates."

On page 8, in line 11, change the word "affiliated" to the word "affiliates."

On page 8 of the printed bill, section 11, line 1, strike out the following: "Where there is only one aspir-;" and on page 9, in section 11, strike out the following words in lines 2 and 3: "-ant. for an office by resignation or death in any of the offices to be nominated in this act," and insert on page 8, in section 11, in line 1, after the word "occur" the following: "In any of the offices for which nominations are made under this act by reason of resignation or death where there is only one aspirant for such office."

On page 9 of the printed bill strike out all of section 12 and insert the following in lieu thereof: "In section 12. If the total vote cast for any party candidate or candidates for any office for which nominations are herein provided for shall equal less than thirty per cent of the total number of votes cast for secretary of state of the political party, he or they represent at the last general election, no nomination shall be made in that party for such office, but if thirty per cent or more of such vote is cast and there is more than one candidate for any such office, the person receiving the highest number of votes shall be declared the nominee of such party for such office, provided further that where there is more than one person to be elected to the same office the persons to the number to be elected receiving the highest number of votes cast for such office shall be declared the nominees of the party for such offices."

On page 9 of the printed bill, in section 15, in line 4, after the words "on the" add the word "official."

On page 10 of the printed bill, section 15, in line 7, after the word "which" add the word "they."

On page 10 of the printed bill, section 15, line 10, strike out the word "tickets" and add the words "official ballots."

On page 11 of the printed bill, in section 17, in line 8, strike out the word "and" and after the figures "687" add the following: "688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699 and 700."

On page 15 of the printed bill, line 23, strike out the words "presidential electors."

On page 16 of the printed bill, in line 7 of section 24, strike out the words "presidential electors."

On page 18 of the printed bill, in section 29, line 1, after the word "when" add the following: "There is but one aspirant and." On the same page, section 29, line 1, strike out the word "any" and insert the word "such." On same page, section 29, line 2, strike out the word "on" and insert the word "and." On same page, section 29, line 5, after the word "composed" add the following: "And the member of the state central committee from that legislative district." On same page, section 29, line 6, of the printed bill, after the word "majority" insert the word "vote." On same page, section 29, line 6, strike out the words "the chairman" and insert the word "shall."

On page 19 of the printed bill, section 29, in line 9, strike out the words "should a nomination be made."

On page 23 of the printed bill strike out all of line 21 and all of line 22, and in line 23 strike out the words "tion for state,district and county officers."

And when so amended recommend the same do pass.

L. B. HANNA,
Chairman.

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

The committee on elections made the following report:

Mr. President:

Your committee on elections to whom was referred
Senate Bill No. 93,

A bill for an act entitled, "An act to amend section 746
of the Revised Codes of 1905, relating to the amount of
population of cities and villages in which registration of
voters is required."

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

L. B. HANNA,
Chairman.

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

The committee on education made the following report:

Mr. President:

Your committee on education to whom was referred
Senate Bill No. 86,

A bill for an act to amend sections 838, 839, 840, 841 and
842, chapter 9 of the Political Code of the state of North
Dakota, Revised Codes of 1905, relating to education.

Have had the same under consideration and recommend
that the same be re-referred to the committee on appropri-
ations.

F. S. TALCOTT,
Chairman.

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

The committee on education made the following report:

Mr. President:

Your committee on education to whom was referred
Senate Bill No. 163,

A bill for an act to amend sections 747, 778, 799, 819,
836, 847, 879, 892, 912 of the Revised Codes of 1905, relating
to education.

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

The words "one year of which shall have been in this state" shall be added after the word "teaching" in line 9, page 2, of section 778; and on line 13, page 2 of section 778, after the word "equivalent" all that portion reading "provided, however, that no part of this section shall be construed to affect any person now holding the office of county superintendent" be stricken out.

On page 3, line 7 of section 819, after the word "no" the word "relatives" shall be stricken out and the word "relative" be inserted in lieu thereof; and after the word "of," same section, page and line, the words "any member of" shall be inserted.

On page 4 of section 831, line 18, the figures "701" shall be stricken out and the figures "829" inserted in lieu thereof; and in line 22 of same section the words "one thousand" after the word "than" shall be stricken out and the words "twelve hundred" inserted in lieu thereof; and the figures (\$1,000) after the word "dollars" be stricken out and the figures (\$1,200) be inserted in lieu thereof. And the figures "704" after the word "section" in line 25 be stricken out and the figures "832" be inserted in lieu thereof.

And on page 5, section 847, line 20, the word "further," after the word "provided," be stricken out, and that portion after the word "that" which reads "it shall be the duty of the county superintendent" be stricken out and the words "the county superintendent shall have the right" be inserted in lieu thereof. And after the word "district," line 27, the following to be added: "Provided further that it shall be mandatory upon the county superintendent to withhold the apportionment of state and county tuition funds from any district which has not maintained school for a period of at least four months in each school in said district or otherwise provided school facilities for the pupils of that district for the school year preceding such apportionment."

And on page 6, section 879, line 7, the word "record," after the word "must," be stricken out and the word "exhibit" be inserted in lieu thereof; and in line 8 the word "with," after the word "certificate," be stricken out and the word "to" inserted in lieu thereof.

And on page 8, line 35, section 892, the word "hundred" be stricken out; and in section 912, line 7, the word "seven," after the word "exceeding," be stricken out and the word "five" be inserted in lieu thereof.

And when so amended recommend the same do pass.

F. S. TALCOTT,
Chairman.

Mr. Talcott moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 113,

A bill for an act to amend section 140 of the Revised Codes of 1905, relating to the appointment and qualification of the state examiner.

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

C. B. LITTLE,
Chairman.

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

The committee on judiciary made the following report:
Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 28,

A bill for an act to regulate the practice of pharmacy.

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

That on page 4, in section 6, in line 6 of the printed bill, the words after the word "intemperance" down to and including the word "poisons," in line 10, on page 5, be stricken out and the words "or who is addicted to any drug habit" be inserted in lieu thereof.

That on page 11, in section 16, line 5, the words following the word "residence" down to and including the word "in" in line 6 be stricken out. That on page 11, in line 9, the words after the word "year" down to and including the word "in" in line 10 be stricken out.

And when so amended recommend the same do pass.

C. B. LITTLE,
Chairman.

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

The committee on railroads made the following report:

Mr. President:

Your committee on railroads to whom was referred
Senate Bill No. 40,

A bill for an act to promote the safety of employees and travelers upon railways by limiting the hours of service of employees thereon.

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

That the title be amended by adding after the word "thereon" the following: "And making the violation thereof a misdemeanor, providing a punishment therefor, requiring railroad commissioners to investigate the same and notify the attorney general thereof whose duty it shall be to prosecute the same; and that all after the enacting clause be stricken out and the following be inserted in lieu thereof:

"SECTION 1. It shall be unlawful for any railroad, railroad corporation, or common carrier, engaged in commerce in whole or in part within this

state, or any of its officers or agents, to require or permit any employe engaged in or connected with the movement of any train in which commerce is hauled within the state, or to require or permit any employe engaged in or connected with the movement of any train carrying freight or passengers within the state, to remain on duty more than sixteen consecutive hours, except when by casualty, storms, wrecks, washouts, snow blockades or any unavoidable delay arising from like causes he is prevented from reaching his terminal; or to require or permit any such employe who has been on duty sixteen consecutive hours to go on any duty without having at least eight hours' rest.

"SEC. 2. Any such railroad, railroad corporation, common carrier, or any of its officers or agents, violating any of the provisions of this act shall be deemed guilty of misdemeanor and shall, upon conviction thereof in any district court of the state of competent jurisdiction, be subject to a fine of not less than one hundred dollars nor more than one thousand dollars for each offense; and it shall be the duty of the railroad commissioners to fully investigate all cases of any violation of this act and said railroad commissioners shall forthwith notify the attorney general of such violation thereof as may come to their knowledge, and it shall be the duty of the attorney general to prosecute or cause to be prosecuted all violations thereof.

"SEC. 3. All acts or parts of acts in conflict with this act are hereby repealed."

Mr. Gilbert moved

That the report of the committee be adopted,

Which motion prevailed and

The report of the committee was adopted.

The committee on temperance made the following report:

Mr. President:

Your committee on temperance to whom was referred

Concurrent resolution for the indorsement of federal legislation to prohibit issuance of liquor licenses in states having prohibition laws.

Have had the same under consideration and recommend that the same be amended by adding the following:

"Resolved, further, That the secretary of state be, and he hereby is, directed to transmit copies of this resolution to the senate and house of representatives of the United States, and to the members of said bodies representing this state."

And when so amended recommend the same do pass.

H. H. STROM,
Chairman.

Mr. Strom moved

That the report be adopted,

Which motion prevailed and

The report of the committee was adopted.

The committee on engrossed and enrolled bills made the following report:

Mr. President:

Your committee on engrossed and enrolled bills to whom was referred

Senate Bill No. 90,

A bill for an act to amend section 122 of the Revised Codes of 1905 of the state of North Dakota, relating to state treasurer's bond.

Also,

Senate Bill No. 45,

A bill for an act defining and providing for the assessment of express companies.

Also,

Senate Bill No. 151,

A bill for an act entitled "An act to prohibit unfair commercial discrimination between different sections, communities, or localities, or unfair competition, and providing penalties therefor.

Also,

Senate Bill No. 78,

A bill for an act to prohibit the soliciting of orders for the purchase or sale for future delivery of intoxicating liquors to others than persons holding druggist' permits, and providing a penalty for a violation of the same.

Also,

Senate Bill No. 168,

A bill for an act to amend sections 977 and 998 of the Revised Codes of 1905, relating to education.

Also,

Senate Bill No. 89,

A bill for an act to provide for the maintenance of highways over which rural mail delivery routes are established.

Also,

Senate Bill No. 144,

A bill for an act to amend section 949 of the Revised Codes of 1905, relating to education.

Have examined and find same correctly engrossed.

GEORGE M. YOUNG,
Chairman.

Mr. Talcott moved

That the majority report on Senate Bill No. 115 be adopted.

Mr. McDonald moved as a substitute

That the minority report be adopted.

Which substitute motion prevailed, and

The further consideration of Senate Bill No. 115 was indefinitely postponed.

MOTIONS AND RESOLUTIONS.

Mr. Hanna moved

That the secretary of the senate be instructed to have printed 1,000 copies of Senate Bill No. 1 as amended by the committee on elections.

Which motion prevailed.

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

CONCURRENT RESOLUTION.

WHEREAS, The warden of the state penitentiary in his annual report has recommended the enlargement of the twine and cordage plant and has proposed that the sinking fund be used for this purpose; therefore, be it

Resolved, That a committee consisting of two members from the senate and three from the house be appointed to ascertain if such enlargement is deemed advisable and what funds, if any, should be appropriated for that purpose.

Which motion prevailed, and

The resolution was adopted, and

The president of the senate appointed as members of such committee Messrs. Little and Regan.

Seenate Bill No. 166 was recalled from the committee on education and referred to the committee on appropriations.

The secretary announced the president was about to sign concurrent resolution relating to denatured alcohol, and concurrent resolution relating to tariff on lumber and coal, and the president signed the same in the presence of the senate.

The president announced as the senate committee of the joint committee on reciprocal demurrage Messrs. Gilbert, Regan and Palmer.

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

WHEREAS, Since it is claimed by interested parties that the present oil law excludes the sale of certain Kansas and other western oils, and that it does not afford in all directions adequate protection against the sale of certain low-grade oils in North Dakota; therefore, be it

Resolved, That the state chemist of the agricultural experiment station, who is authorized under the oil law to make certain chemical and photometric tests, be required to present to the state senate and house of representatives of this state with such facts as he has ascertained with regard to the photometric test for all oils thus far examined, and also the chemical data secured in connection with such examination.

Resolved, further, That the secretary of the senate shall notify the state chemist of the passage of this resolution and ask him to report to this legislative assembly.

Which motion prevailed, and

The resolution was adopted.

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

Resolved, That a special committee of three attorneys be appointed from this body who, in connection with the attorney general, shall investigate and determine if a law can in their opinion be legally enacted assessing for taxation sleeping car companies, telegraph companies, telephone companies, packing companies and such other companies as evade just taxation. That if such committee conclude that these companies can be assessed for taxation that it prepare and have introduced a bill for that purpose.

Which motion prevailed, and
The resolution was adopted.

INTRODUCTION AND FIRST READING OF SENATE BILLS.

Mr. Purcell (by request) introduced
Senate Bill No. 213,

A bill for an act to amend section 9921 of the Revised Codes of the state of North Dakota.

Which was read the first time.

Mr. Purcell (by request) introduced
Senate Bill No. 214,

A bill for an act to amend section 9929 of the Revised Codes of the state of North Dakota.

Which was read the first time.

Mr. Kraabel introduced
House Bill No. 215,

A bill for an act requiring the party in charge of a state institution to make an inventory of property therein.

Which was read the first time.

Mr. Kraabel introduced
Senate Bill No. 216,

A bill for an act to amend sections 1287 and 1288 of the Revised Codes of 1905 relative to insurance of public buildings.

Which was read the first time.

Mr. Leutz introduced
Senate Bill No. 217,

A bill for an act to provide for the establishment and maintenance of county training schools for teachers.

Which was read the first time.

Mr. Rice introduced
Senate Bill No. 218,

Concurrent resolution for an act locating a state normal school at the city of Towner, in the county of McHenry.

Which was read the first time.

Mr. Wagner introduced

Senate Bill No. 219,

A bill for an act to provide for the payment of necessary expenses for the governor of the state of North Dakota.

Which was read the first time.

Mr. Simpson introduced

Senate Bill No. 220,

A bill for an act to amend and re-enact section 2442 of the Revised Codes of North Dakota for the year 1905 relating to the designating of county depositories.

Which was read the first time.

Mr. Young introduced

Senate Bill No. 221,

A bill for an act entitled an act concerning artesian wells and the regulation and acquirement of rights to the use of water therefrom.

Which was read the first time.

Mr. McDonald introduced

Senate Bill No. 222,

A bill for an act to provide for the immediate registration of all births and deaths throughout the state of North Dakota, by means of certificates of births and deaths, and burial or removal permits; to establish a bureau of vital statistics at the capitol of the state; and to insure the thorough organization and efficiency of the registration of vital statistics throughout the state on the standard forms recommended by the United States bureau of the census and the American Public Health Association; and making an appropriation for establishing and maintaining such a bureau and providing certain penalties.

Which was read the first time.

SECOND READING OF SENATE BILLS.

Senate Bill No. 190,

A bill for an act to amend section 928 of the Revised Code of North Dakota for 1905, relating to maximum rate of interest on call deposits.

Was read the second time, and

Referred to the committee on banks and banking.

Senate Bill No. 191,

A bill for an act to amend section 832 of the Revised Codes of 1905, relating to education.

Was read the second time, and

Referred to the committee on education.

Senate Bill No. 192,

A bill for an act regulating disbursements by life insurance companies.

Was read the second time, and

Referred to the committee on insurance.

Senate Bill No. 193,

A bill for an act to amend and re-enact section 7117 of the Revised Code of North Dakota of 1905, relating to exemptions.

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 195,

A bill for an act providing for the naming by the governor of the state of a board of grain commission, prescribing their duties and providing an appropriation therefor.

Was read the second time, and

Referred to the committee on appropriations.

Senate Bill No. 202,

A bill for an act to repeal sections 2297 to 2321, both inclusive, of the Revised Codes of North Dakota for the year A. D. 1905, relating to organization of counties.

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 204,

A bill for an act to amend section 1428 of the Revised Codes of 1905 of the state of North Dakota, providing for the payment and commutation of poll and road tax, and the manner of expending the same.

Was read the second time, and

Referred to the committee on state affairs.

Senate Bill No. 206,

A bill for an act defining a watercourse.

Was read the second time, and

Referred to the committee on irrigation and drainage.

Senate Bill No. 210,

A bill for an act taxing grain in elevators, warehouses and granaries at a fixed rate.

Was read the second time, and

Referred to the committee on ways and means.

THIRD READING OF SENATE BILLS.

Senate Bill No. 45,

A bill for an act defining and providing for the assessment of express companies.

Was read the third time.

Mr. Simpson moved to amend Senate Bill No. 45 as follows:

After the word "credit" in line 8 of section 5 of the printed bill strike out the words "of such funds as the laws of the state provide" and insert in lieu thereof the following: "of the school funds."

Which motion prevailed, and

The amendment was adopted.

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 36, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—

Albright
Cashel
Crane
Dyste
Gilbert
Halliday
Hanna
Johnson of McLean
Johnson of Walsh
Kelly
Koffel
Kraabel

Messrs.—

LaMoure
Leutz
Little
McArthur
McDonald
McLean
Movius
Pierce
Purcell
Ramsett
Regan
Rice

Messrs.—

Simpson
Spoonheim
Stade
Steele
Strom
Swenson
Talcott
Taylor
Thatcher
Turner
Wagner
Young

Absent and not voting:

Messrs.—

Palmer
Plain

Messrs.—

Sharpe

Messrs.—

Sifton

Messrs. Palmer, Plain and Sifton being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 78,

A bill for an act to prohibit the soliciting of orders for the purchase or sale for future delivery of intoxicating liquors to others than persons holding druggist' permits, and providing a penalty for a violation of the same.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were ayes 33, nays 1, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kraabel	Spoonheim
Cashel	LaMoure	Stade
Crane	Leutz	Steele
Dyste	Little	Strom
Gilbert	McArthur	Swenson
Halliday	McDonald	Talcott
Hanna	McLean	Taylor
Johnson of McLean	Movius	Thatcher
Johnson of Walsh	Ramsett	Turner
Kelly	Regan	Wagner
Koffel	Rice	Young
Absent and not voting:		
Messrs.—	Messrs.—	Messrs.—
Palmer	Plain	Sharpe
Pierce	Purcell	Sifton

Mr. Simpson voted in the negative.

Messrs. Palmer, Plain and Sifton being excused.

Mr. Simpson explained his vote on Senate Bill No. 78 and said:

In view of the fact that this bill is evidently going to be adopted by practically a unanimous vote, in casting my vote upon it I wish to state briefly my reasons. When this bill first came up in the senate I was under the impression that it was unconstitutional, and made some investigations along that line which confirmed my impression. It was referred to the attorney general who, I understand, gave his opinion that the bill is not a constitutional one, and, believing that opinion is given in good faith and that it represents correctly the legal phases provided for in the bill, I cannot consistently vote for it, in violation of the plain provisions of the constitution which I have sworn to protect and defend, and solely and for that reason I vote no.

Senate Bill No. 89,

A bill for an act to provide for the maintenance of high-ways over which rural mail delivery routes are established.

Was read the third time.

Mr. Little moved

That Senate Bill No. 89 be recommitted.

Which motion prevailed, and

Senate Bill No. 89 was so recommitted.

Mr. Little moved

That Senate Bill No. 90 be recommitted.

Which motion prevailed.

Senate Bill No. 144,

A bill for an act to amend section 949 of the Revised Codes of 1905, relating to education.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were ayes 34, nays none; absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Simpson
Cashel	Little	Spoonheim
Crane	McArthur	Stade
Dyste	McDonald	Strom
Gilbert	McLean	Swenson
Hanna	Movius	Talcott
Johnson of McLean	Pierce	Taylor
Johnson of Walsh	Purcell	Thatcher
Kelly	Ramsett	Turner
Koffel	Regan	Wagner
Kraabel	Rice	Young
LaMoure		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Halliday	Plain	Sifton
Palmer	Sharpe	Steele

Messrs. Palmer, Plain and Sifton being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 151,

A bill for an act entitled "An act to prohibit unfair commercial discrimination between different sections, communities, or localities, or unfair competition, and providing penalties therefor.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were ayes 32, nays none, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Spoonheim
Cashel	Leutz	Stade
Crane	Little	Strom
Dyste	McArthur	Swenson
Gilbert	McDonald	Talcott
Halliday	McLean	Taylor
Hanna	Purcell	Thatcher
Johnson of McLean	Ramsett	Turner
Johnson of Walsh	Regan	Wagner
Kelly	Rice	Young
Koffel	Simpson	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Kraabel	Pierce.	Sifton
Movius	Plain	Steele
Palmer	Sharpe	

Messrs. Palmer, Plain and Sifton being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 168,

A bill for an act to amend sections 977 and 998 of the Revised Codes of 1905, relating to education.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were ayes 31, nays 1, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kraabel	Spoonheim
Cashel	Leutz	Stade
Crane	Little	Strom
Dyste	McDonald	Swenson
Gilbert	McLean	Talcott
Halliday	Purcell	Taylor
Hanna	Ramsett	Thatcher
Johnson of McLean	Regan	Turner
Johnson of Walsh	Rice	Wagner
Kelly	Simpson	Young
Koffel		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
McArthur	Pierce	Sifton
Movius	Plain	Steele
Palmer	Sharpe	

Mr. LaMoure voted in the negative.

Messrs. Palmer, Plain and Sifton being excused.

So the bill passed and the title was agreed to.

COURTESIES OF THE FLOOR.

The courtesies of the floor were extended to D. M. Holmes, J. Nelson Kelly, Webster Merrifield, Nels Larson, J. W. Walker, Carl Adams, Theo. G. Nelson, Dr. F. M. Burrows, F. W. Frœmke, L. N. Tarson, C. J. Traxler, Maj. J. H. Fraine, Alex McDonald, John Mirehouse.

Mr. Young moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

J. W. FOLEY,
Secretary.

THIRTY-SIXTH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA.
February 12, 1907.

The senate convened at 2 o'clock.
The president presiding.
Prayer by the chaplain.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 12, 1907.

Mr. President:

I have the honor to inform you that the house is now ready to meet the senate in joint session for the purpose of observing Lincoln's birthday.

Very respectfully,

P. D. NORTON,
Chief Clerk.

Mr. Cashel moved

That the senate now proceed to meet with the house for the purpose of observing Lincoln's birthday with appropriate exercises.

AFTER THE JOINT SESSION.

The senate reconvened.

Mr. Little moved

That the senate do now adjourn,

Which motion prevailed, and

The senate adjourned.

J. W. FOLEY,
Secretary.

THIRTY-SEVENTH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 13, 1907.

The senate convened at 2 o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All members present except Mr. Palmer who was excused.

REFERENCE OF THE JOURNAL.

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

Mr. President:

Your committee on revision and correction of the journal of the thirty-fifth day have carefully examined the same and find it correct.

J. D. TAYLOR,
Chairman.

Mr. Taylor moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

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

Mr. President:

Your committee on revision and correction of the journal

of the thirty-sixth day have carefully examined the same and find it correct.

J. D. TAYLOR,
Chairman.

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

The president announced the appointment of Mr. La-Moure as a member of the joint committee to inquire into the feasibility of enlarging the capacity of the state twine plant, in place of Mr. Regan.

REPORT OF STANDING COMMITTEES.

The committee on education made the following report:
Mr. President:

Your committee on education to whom was referred
Senate Bill No. 191,

A bill for an act to amend section 832 of the Revised Codes of 1905, relating to education.

Have had the same under consideration and recommend that the same be indefinitely postponed.

F. S. TALCOTT,
Chairman.

Mr. Talcott moved
That the report be adopted,
Which motion prevailed, and
The report of the committee was adopted.
And the further consideration of the bill was indefinitely postponed.

The committee on banks and banking made the following report:

Mr. President:

Your committee on banks and banking to whom was referred

Senate Bill No. 190,

A bill for an act to amend section 928 of the Revised Code of North Dakota for 1905, relating to maximum rate of interest on call deposits.

Have had the same under consideration and recommend that the same be indefinitely postponed.

ED. PIERCE,
Chairman.

Mr. Pierce moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

And the further consideration of the bill was indefinitely postponed.

The committee on banks and banking made the following report:

Mr. President:

Your committee on banks and banking to whom was referred

Senate Bill No. 79,

A bill for an act entitled: "An act to amend section 1508 of the Revised Codes 1905 relating to the assessment of bank stock, where and at what valuation listed."

Have had the same under consideration and recommend that the same be indefinitely postponed.

ED. PIERCE,
Chairman.

Mr. Pierce moved

That the report be adopted,

The report of the committee was adopted.

And the further consideration of the bill was indefinitely postponed.

The committee on irrigation and drainage made the following report:

Mr. President:

Your committee on irrigation and drainage to whom was referred

Senate Bill No. 206,

A bill for an act defining a watercourse.

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

J. L. CASHEL,
Chairman.

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

The committee on temperance made the following report:

Mr. President:

Your committee on temperance to whom was referred
 Senate Bill No. 102,

A bill for an act to prohibit the manufacture and sale
 of cigarettes, cigarette paper or wrappers, or substitute
 therefor, and providing a penalty for the violation thereof.

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

In line 16 of the printed bill strike out the word "more" and insert the
 word "less" in lieu thereof; also strike out the word "less" and insert the
 word "more;" also strike out the word "five" and insert in the word "fifty;"
 and strike out all of line 17 after the word "dollars;" and the word "days;"
 in line 18; in line 19 strike out the word "more" and insert the word "less;"
 and the words "five hundred" and insert the words "twenty-five;" also
 strike out the words "less" and insert the word "more" in lieu thereof;
 also strike out all of line 20 and the words "nor less than thirty days"
 in line 21.

H. H. STROM,
 Chairman.

Mr. Spoonheim moved
 That the bill be re-referred to committee on temperance
 Which motion prevailed, and
 The bill was so re-referred.

The committee on temperance made the following report:

Mr. President:

Your committee on temperance to whom was referred
 Senate Bill No. 180,

A bill for an act to amend section 9354, chapter 65 of the
 Penal Code, Revised Codes of State of North Dakota of
 1905, relating to druggists' permits, and how the same may
 be obtained.

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

H. H. STROM,
 Chairman.

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

A majority of the committee on railroads made the following report:

Mr. President:

Your committee on railroads to whom was referred
Senate Bill No. 112,

A bill for an act to regulate the transportation of persons by common carriers operating railroads within or through the state of North Dakota, and furnishing and use of free transportation.

Have had the same under consideration and recommend that the same be indefinitely postponed.

E. F. GILBERT,
Chairman.

A minority of the committee on railroads made the following report:

Mr. President:

A minority of your committee on railroads to whom was referred

Senate Bill No. 112,

A bill for an act to regulate the transportation of persons by common carriers operating railroads within or through the state of North Dakota, and furnishing and use of free transportation.

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

That the title be amended by striking out all after the word "act" and inserting in lieu thereof the following: "Making it unlawful for any railroad company, express company, sleeping car company, telegraph company, telephone company, or any public service corporation or any officer, agent or representative thereof, to issue, give or offer any free ticket, free pass, telegraph or telephone frank, express frank, or other privilege to any state official, elective or appointive, legislator or judge, and it shall be, and is hereby declared to be, unlawful for any such state official, legislator or judge, to accept, use or attempt to use the same."

And that all after the enacting clause be stricken out and the following inserted in lieu thereof:

"SECTION 1. It shall be unlawful for any railroad company, express company, sleeping car company, telegraph company, telephone company, or any public service corporation doing business in the state of North Dakota, or any officer, agent or representative thereof, to issue, give or offer, directly or indirectly, any free ticket, free pass, telegraph or telephone frank, express frank, or other privilege to any state official, elective or appointive, legislator or judge, and it shall be, and is hereby declared to be, unlawful for any such state official, legislator or judge, to accept, use or attempt to use the same.

"SEC. 2. Any corporation, company or person violating any of the aforesaid provisions, shall be deemed guilty of a misdemeanor, and upon conviction

tion shall be punished by a fine of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) for each offense.

"SEC. 3. Emergency.] Whereas it is desirable that the abuses existing under present laws on this subject should cease at as early a date as possible, therefore it is hereby declared that an emergency exists, and this act shall take effect immediately upon its passage and approval."

And when so amended recommend the same do pass.

ED. PIERCE,
For the minority.

Mr. Gilbert, moved

That the majority report be adopted,

Mr. Crane moved as a substitute

That Senate Bill No. 112, with Senate Bill No. 23, be referred to the committee of the whole to be considered Friday, Feb. 15, 1907, or at such time as the president of the senate shall designate.

Roll call was demanded.

The roll was called and there were ayes 21, nays 18, absent and not voting 1.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sifton
Cashel	McDonald	Simpson
Crane	McLean	Steele
Hanna	Movius	Talcott
Koffel	Pierce	Taylor
LaMoure	Purcell	Thatcher
Leutz	Rice	Wagner

Those voting in the negative were:

Messrs.—	Messrs.—	Messrs.—
Dyste	Kraabel	Spoonheim
Gilbert	McArthur	Stade
Halliday	Plain	Strom
Johnson of McLean	Ramsett	Swenson
Johnson of Walsh	Regan	Turner
Kelly	Sharpe	Young

Mr. Palmer being excused.

So the motion prevailed and Senate Bills 112 and 23 were referred to the committee of the whole.

The committee on railroads made the following report:

Mr. President:

Your committee on railroads to whom was referred Senate bill No. 23.

A bill for an act making it unlawful for any railroad company, express company, sleeping car company, telegraph company, telephone company, or any corporation, or any

agent or representative thereof to issue, give or offer any **free ticket, free pass, telegraph or telephone frank, express frank, or other privilege to any person or persons at rates less than charged the public, and making it unlawful for any person to ask for or accept from any railroad company, express company, sleeping car company, telegraph company, telephone company, or any corporation, or from any officer, agent or representative thereof, or use in any manner or for any purpose any free ticket, free pass, telegraph or telephone frank, express or other privilege at rates less than charged the public, and prescribing penalties therefor.**

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

That in the third line of the title of the bill, after the word "any" as it first appears, the word "public service" be inserted.

In line 9, after the word "any," that the words "public service" be inserted.

In line 3 of the printed bill, section 1, after the word "any" as it first appears, that "public service" be inserted; and the word "any" as it appears the second time in the same line be stricken out.

In line 3 of section 2, after the word "any," that "public service" be inserted.

In line 4 of section 2 the word "any" be stricken out.

In line 1 of section 3 that after the word "or" the word "salaried" be inserted.

That in line 2 of section 3 that the letters "mem-" be stricken out.

That all of line 3 and the words "board of railroad commissioners" in line 4 be stricken out.

That after the word "commissioner" in line 4 the words "ministers of the gospel" be inserted.

In lines 14 and 15 the words "and boards of managers of such homes" be stricken out.

In line 21 after the word "and" the word "salaried" be inserted.

In line 22 and line 23, after the word "families" in line 22, the words "nor to prohibit the giving of half-fare permits to ministers of the gospel" be stricken out.

And when so amended recommend the same do pass.

E. F. GILBERT,
Chairman.

The committee on insurance made the following report:
Mr. President:

Your committee on insurance to whom was referred
Senate Bill No. 52,

A bill for an act regulating life insurance companies and prohibiting the diversion of funds for political purposes.

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

L. A. SIMPSON,
Chairman.

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

The committee on insurance made the following report:

Mr. President:

Your committee on insurance to whom was referred
Senate Bill No. 42,

A bill for an act to regulate the consolidation and reinsurance of domestic insurance companies transacting business of life, accident or health insurance.

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

By striking out word "daily" in line 3, page 2, of the original bill, and adding after the word "petition" in line 4, page 2, of the original bill, the following: "And in one daily newspaper published at the capital of the state."

And when so amended recommend the same do pass.

L. A. SIMPSON,
Chairman.

Mr. Simpson moved
That the report be adopted.
Which motion prevailed.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills to whom was referred

Senate Bill No. 143,

A bill for an act to amend section 472 of the Revised Codes of 1905 relating to the boundaries and terms of court in the Fourth judicial district of the state of North Dakota.

Also,

Senate Bill No. 164,

A bill for an act to amend section 6241 of the Revised Codes of 1905, being section 4792 of the Revised Codes of 1895, relating to the clerk's record of mechanic's liens.

Have carefully examined the same and find the same correctly engrossed.

GEORGE M. YOUNG,
Chairman.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills to whom was referred

Senate Bill No. 1,

A bill for an act providing for the selection of candidates for election by popular vote and relating to their nomination and the perpetuation of political parties.

Also,

Senate Bill No. 40,

A bill for an act to promote the safety of employees and travelers upon railways by limiting the hours of service of employees thereon.

Have carefully examined the same and find the same correctly engrossed.

GEORGE M. YOUNG,
Chairman.

The president announced as the committee to investigate the drafting of a law covering taxation of such companies as may evade just taxation: Messrs. Young, Simpson and Pierce.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 13, 1907.

Mr. President:

I have the honor to transmit herewith

House Bill No. 182,

A bill for an act entitled, "An act to amend sections 466 and 467 of chapter 7 of the Political Code of the state of North Dakota providing for the distribution of supreme court reports."

Also,

House Bill No. 40,

A bill for an act to amend section 6173 of the Revised Codes of 1905 of the state of North Dakota.

Also,

House bill No. 12.

A bill for an act providing for the opening, grading, improving and vacating of streets, alleys, etc., in incorporated villages.

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

Also,

I have the honor to transmit herewith

Senate Bill No. 31,

A bill for an act to amend section 9885 of the Revised Code of 1905 relating to arraignment.

Also,

Senate Bill No. 81,

A bill for an act making it a felony for any person who with intent to commit any crime breaks into or enters a building, and commits or attempts to commit a crime by the use of nitroglycerine, dynamite, gunpowder or any other high explosive, and providing a penalty therefor.

Which the house has passed unchanged.

Also,

Senate Bill No. 29,

A bill for an act to amend section 7252 of the Revised Code of 1905, relating to examination of an adverse party.

Which the house has amended as follows:

Strike out the word "the," being the last word in line 10 of the printed bill, and substitute the word "that" in lieu thereof.

And passed as amended.

Also,

I have the honor to inform you that the house has concurred in the senate concurrent resolution providing for the appointment of a committee to examine the advisability of enlarging the twine plant.

WHEREAS, The warden of the state penitentiary in his annual report has recommended the enlargement of the twine and cordage plant and has proposed that the sinking fund be used for this purpose; therefore, be it

Resolved, That a committee consisting of two members from the senate and three from the house be appointed to ascertain if such enlargement is deemed advisable and what funds, if any, should be appropriated for that purpose.

And the speaker has appointed as such committee on the part of the house Messrs. O. P. N. Anderson, Haugen and Griffith.

Very respectfully,

P. D. NORTON,
Chief Clerk.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the governor:

GOVERNOR'S OFFICE, NORTH DAKOTA,
BISMARCK, February 13, 1907.

To the Senate and the House of Representatives:

You now have before you appropriation bills amounting in the aggregate to more than two millions of dollars and there are still other appropriation bills to follow, one of which will be an appropriation for the maintenance of the capitol, which is, of course, an absolute necessity, and in addition thereto some of the educational institutions of this state in 1891 and in 1901 issued bonds in the sum of \$160,000 which, under the decision of the supreme court in the case of Board of University and School Lands vs. McMillan, is indirectly declared unconstitutional; that is, bonds attempted to be issued under a similar law passed in 1903 and declared unconstitutional. All but about \$55,000 worth of such bonds have been purchased by the board of university and school lands and a sinking fund was created from the interest and income of the state institution lands for the purpose of paying the interest on such outstanding bonds as follows: State university and school of mines, \$9,407; agricultural college, \$9,407.40; industrial school, \$3,708.32; reform school, \$3,762.96; soldiers' home, \$2,622.20.

In the case of Board of University and School Lands vs. McMillan the court held that while such bonds were issued by the institutions it was in fact a state debt and it necessarily follows that the state will be obliged to pay the debt and to pay into the different funds of the public institutions such amounts as were diverted from said institutions in the purchasing of said bonds and in the creation of a sinking fund, and it will be further necessary to appropriate money to redeem the outstanding illegal bonds not purchased by the board of university and school lands and which amount to about \$55,000, so that in addition to the support and maintenance of the different public institutions you have before you the question of the appropriation of money to take up the outstanding illegal bonds and moneys diverted from the funds of the different public institutions of the state. There is, perhaps, no immediate necessity for the payment of the funds of the different institutions used for the purchase of such bonds, but in this connection I will call your attention to section 11 of the Enabling Act, which provides that the proceeds of the sale of lands granted for educational purposes shall constitute a permanent school fund, the interest of which only shall be expended in the support of said schools, and that under the decision referred to the supreme court in construing this section holds "that such proceeds constitute a permanent trust fund, the interest and

income of which alone may be used by the state, and that only for the support of such schools as are designated by the Enabling Act of the constitution and to the maintenance of the permanent school fund, to the faithful administration of which trust the faith and the honor of the state is pledged."

Under section 154 of the constitution "the income and interest of the common school fund shall be faithfully used and applied each year for the benefit of the common schools of the state and no part of the fund shall ever be diverted even temporarily from this purpose or used for any other purpose whatever than the maintenance of the common schools * * * and if any portion be not expended then it shall be added to and become a part of the school fund;" and section 159 of the constitution, which relates to the other educational institutions, provides that "the proceeds of all such lands and other property received from any source shall be and remain perpetual funds, the interest and income of which, together with the rents of all such lands as remain unsold, shall be inviolably appropriated and applied to the specific objects of the original grants or gifts." This relates back to section 11 of the Enabling Act before referred to, which provides that the proceeds of the sale of such land shall constitute a permanent school fund, the interest of which only can be expended in the support of said schools; and section 159 further provides that such fund, that is, the fund arising from the proceeds of the sale of such public lands shall be deemed a trust fund held by the state and the state shall make good all losses thereof. The provisions of the constitution are mandatory and there is a moral obligation on the part of the legislature to comply with the provisions of the constitution that I have called your attention to.

In view of the conditions which I have presented, I earnestly recommend that you take such action as in your judgment the emergency and the constitution of your state demand, and that you in making your appropriations be careful to keep within the income of the state and not throw the responsibility upon the executive. The state institutions which we have must be maintained, but under the conditions which I have called your attention to, the legislative assembly should be careful about incurring new liabilities.

Respectfully,

JOHN BURKE,

Governor.

MOTIONS AND RESOLUTIONS.

Mr. Talcott moved

That Senate Bill 112 and Senate Bill 23 and the proposed bill to be introduced by him today be printed as amended and be placed upon the senators' desks tomorrow.

Which motion prevailed.

Mr. Crane moved

That hereafter the secretary of the senate be instructed to place upon the members' desks a memoranda showing the numbers of the bills as reported from the various committees.

Which motion prevailed.

Mr. Strom moved

That the senate adopt the concurrent resolution reported from the committee on temperance relating to approval of federal legislation regarding liquor tax stamps.

Which motion prevailed, and

The concurrent resolution was adopted.

Mr. Little moved

That the rules be suspended and that Senate Bill No. 1 be placed on third reading and final passage.

Mr. Cashel moved as a substitute

That Senate Bill No. 1 be laid over until tomorrow.

Which substitute motion was lost,

And the original motion prevailed.

Senate Bill No. 1,

A bill for an act providing for the selection of candidates for election by popular vote and relating to their nomination and the perpetuation of political parties.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 37, nays 1, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Simpson
Cashel	Little	Spoonheim
Crane	McDonald	Stade
Dyste	McLean	Steele
Gilbert	Movius	Strom
Halliday	Pierce	Swenson
Hanna	Plain	Talcott
Johnson of McLean	Ramsett	Taylor
Johnson of Walsh	Regan	Thatcher
Kelly	Rice	Turner
Koffel	Sharpe	Wagner
Kraabel	Sifton	Young
LaMoure		

Mr. Purcell voted in the negative.

Mr. Palmer absent and not voting.

Messrs. Palmer and McArthur being excused.

So the bill passed and the title was agreed to.

Mr. Koffel explained his vote and said:

I wish to explain my vote. I have always been in favor of a primary election bill and therefore I vote aye; but there are several features in the bill that I object to, especially part of the amendments, and therefore should like to have had more time to consider the same after the amendments had been made.

Mr. McArthur said:

I would like to be excused from voting on this bill as I have not had sufficient time to consider the matter and therefore am not in position to vote intelligently on the measure.

Mr. Young moved

That the vote by which Senate Bill No. 1 was passed be reconsidered and that the motion to reconsider lie on the table.

Which motion prevailed.

Mr. Young moved

That a recess of five minutes be taken,
Which motion prevailed.

AFTER RECESS.

FIRST AND SECOND READING OF SENATE BILLS.

Mr. Leutz introduced

Senate Bill No. 223,

A bill for an act to amend section 2979 of the Revised Codes of 1905, authorizing certain cities to issue bonds for the construction of waterworks.

Which was read the first and second times and

Referred to the committee on cities and municipal corporations.

Mr. Leutz introduced

Senate Bill No. 224,

A bill for an act providing for the placing of the inmates of the reform school of the state of North Dakota under the guardianship and control of the board of trustees of said reform school.

Which was read the first and second times and

Referred to the committee on state affairs.

Mr. Leutz introduced

Senate Bill No. 225,

A bill for an act making it a misdemeanor to fraudulently connect wires or instruments with electric wires or altering meters for the purpose of evading payment for electric current.

Which was read the first and second times and

Referred to the committee on cities and municipal corporations.

Mr. Leutz introduced

Senate Bill No. 226,

A bill for an act for paroling inmates of the reform school.
Which was read the first and second times and
Referred to the committee on state affairs.

Mr. Leutz introduced

Senate Bill No. 227,

A concurrent resolution amending the constitution of the
state of North Dakota, relating to changing the name of the
state reform school.

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

Mr. Leutz introduced

Senate Bill No. 228,

A bill for an act to amend section 4449 of the Revised
Codes of 1905, authorizing the transaction of hail insurance
business in this state, by mutual companies, having not less
than \$25,000 net assets and making hail insurance premiums
or liabilities a lien upon the insured property; and also to
repeal sections 4447, 4448, 4450, 4452-4453-4454 of the Re-
vised Codes of 1905.

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

Mr. Little introduced

Senate Bill No. 229,

A bill for an act amending sections 1278 and 1279 of the
Revised Codes of North Dakota.

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

Mr. Pierce introduced

Senate Bill No. 230,

A bill for an act regulating railroad passenger rates.
Which was read the first and second times and
Referred to the committee on railroads.

Mr. Hanna introduced

Senate Bill No. 231,

A bill for an act to provide an annual contingency fund,
to be placed at the disposal of the commissioner of insur-
ance.

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

Mr. Taylor introduced

Senate Bill No. 232,

A bill for an act authorizing cities incorporated under the laws of this state to regulate and fix the rates to be charged by persons, firms or corporations furnishing water, light, or other public service or utility to such cities and the inhabitants thereof.

Which was read the first and second times and

Referred to the committee on cities and municipal corporations.

The committee on judiciary introduced

Senate Bill No. 233,

A bill for an act making it unlawful for boards of trustees, commissioners, directors, regents, person or persons having control or management of the state institutions of North Dakota to expend amounts in excess of appropriation, providing for monthly reports to the governor and repealing section 1283 of the Revised Codes of the state of North Dakota of 1905.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Talcott introduced

Senate Bill No. 234,

A bill for an act to regulate, restrain, and prohibit the soliciting, giving, issuing, and accepting of free passes, free tickets, franks and other free privileges, and to prevent discrimination in the issuing and selling of tickets, passes, franks, and other privileges.

Which was read the first and second times and

Referred to the committee of the whole for consideration Friday, Feb. 15.

Mr. Talcott introduced

Senate Bill No. 235,

A bill for an act to establish the live stock sanitary board of North Dakota and to provide for the suppression and control of dangerous, contagious and infectious diseases of domestic animals.

Which was read the first and second times and

Referred to the committee on agriculture.

Mr. Wagner introduced

Senate Bill No. 236,

A bill for an act regulating the duties of keepers of slaughter houses, power and duties of county boards of health, and providing a penalty for the violation thereof.

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

Mr. Swanson introduced

Senate Bill No. 237,

A bill for an act to create the North Dakota state board of horticulture, to prescribe its powers and duties, and to appropriate money therefor.

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

Mr. Stade introduced

Senate Bill No. 238,

A bill for an act to punish public officials, their assistants, deputies, clerks, and employees of such officers, and all persons who attempt improperly to influence such officers, clerks, etc., and providing for their punishment, and declaring an emergency.

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

Mr. Stade introduced

Senate Bill No. 239,

A bill for an act entitled "An act to prohibit the publication of the names of the persons by whom bills are introduced in the legislative assembly, while the same is in session."

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

Mr. Strom introduced

Senate Bill No. 240,

A bill for an act to divide the state of North Dakota into two (2) congressional districts, and defining the boundaries of each of said congressional districts of the state of North Dakota.

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

Mr. LaMoure introduced

Senate Bill No. 241,

A bill for an act to prohibit the manufacture, sale or use of adulterated cigarettes and prohibiting the use of tobacco by minor persons and by all minor pupils of public schools, and providing penalties therefor.

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

Mr. LaMoure introduced

Senate Bill No. 242,

A bill for an act making an appropriation to pay the interest due in the years 1907 and 1908 upon certain so-called institution bonds now held in the permanent school fund of the state.

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

Mr. LaMoure introduced

Senate Bill No. 243,

A bill for an act to reimburse the person or persons who advanced certain sums of money for the use and benefit of the state normal school at Mayville, the state normal school at Valley City and the industrial school at Ellendale, to provide for the interest on the said sums and making an appropriation therefor.

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

Mr. LaMoure introduced

Senate Bill No. 244,

A bill for an act prescribing the duties and authority of the commissioners of public printing, and making an appropriation for public printing and binding.

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

Mr. LaMoure introduced

Senate Bill No. 245,

A bill for an act to amend section 393 of the Revised Codes of 1905, providing for an appropriation for supplies for the capitol building, executive mansion and the public grounds and parks connected therewith and for necessary repairs upon the capitol building and executive mansion.

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

Mr. LaMoure introduced

Senate Bill No. 246,

A bill for an act making an appropriation to pay the deficiency in the appropriation for the maintenance of the capitol for the years 1905 and 1906.

Which was read the first and second times and

Referred to the committee on appropriations.

Mr. Johnson of McLean introduced

Senate Bill No. 247,

A bill for an act to amend section 7598 of the Code of 1905, relating to the law of eminent domain.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Movius introduced

Senate Bill No. 248,

A bill for an act to amend section 6146 of the Revised Codes of 1905 of the state of North Dakota, relating to extinction of liens.

Which was read the first and second time, and

Referred to the committee on judiciary.

Mr. Movius introduced

Senate Bill No. 249,

A bill for an act to amend section 2928 of the Revised Codes of the state of North Dakota for 1905, relating to establishing permanent corners in cities and towns.

Which was read the first and second times and

Referred to the committee on cities and municipal corporations.

Mr. Movius introduced

Senate Bill No. 250,

A bill for an act to amend section 2771 of the Revised Codes of 1905, regulating sewers.

Which was read the first and second times and

Referred to the committee on cities and municipal corporations.

SECOND READING OF SENATE BILLS.

Senate Bill No. 197,

A bill for an act regulating the salaries of state officers, expenses, residence and penalty.

Was read the second time, and

Referred to the committee on state affairs.

Senate Bill No. 198,

A bill for an act designating the sheriff and his deputies of each county inspector and sealer of weights and measures, prescribing his powers, duties and compensation, defining the standard of weights and measures for the inspector and prescribing the penalties for the violation of this act.

Was read the second time, and
Referred to the committee on ways and means.

Senate Bill No. 199,

A bill for an act entitled, an act to provide for organizing counties from the unorganized territory in this state.

Was read the second time, and
Referred to the committee on judiciary.

Senate Bill No. 200,

A bill for an act concerning labor, and providing means for protecting the liberty, safety and health of laborers, providing for its enforcement by the department of agriculture and labor.

Was read the second time, and
Referred to the committee on judiciary.

Senate Bill No. 205,

A bill for an act entitled an act to amend sections 1819, 1820, 1821, 1822, 1823, 1827, 1828, 1831, 1832, 1835, 1840 and 1849 of the Revised Codes of 1905, the same being embraced in chapter 23 of the Political Code relating to drainage.

Was read the second time, and
Referred to the committee on irrigation and drainage.

Senate Bill No. 208,

A bill for an act to regulate the selling, offering or exposure of seeds for sale.

Was read the second time, and
Referred to the committee on agriculture.

Senate Bill No. 209,

A bill for an act to amend section 1496 of the Revised Codes, 1905, relating to the assessment of personal property.

Was read the second time, and
Referred to the committee on state affairs.

Senate Bill No. 211,

A bill for an act providing for the election of county surveyor and prescribing his duties, and the manner in which his records shall be kept, and authorizing the board of county commissioners and township surveyors to make surveys, and authorizing and prescribing the manner for the payment of the expenses incurred therein.

Was read the second time, and

Referred to the committee on state affairs.

Senate Bill No. 212,

A bill for an act to amend section 28 of the Revised Code of North Dakota of 1905, relating to legislative officers and employees and their compensation.

Was read the second time, and

Referred to the committee on state affairs.

Senate Bill No. 213,

A bill for an act to amend section 9921 of the Revised Codes of the state of North Dakota.

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 216,

A bill for an act to amend sections 1287 and 1288 of the Revised Codes of 1905 relative to insurance of public buildings.

Was read the second time, and

Referred to the committee on state affairs.

Senate Bill No. 219,

A bill for an act to provide for the payment of necessary expenses for the governor of the state of North Dakota.

Was read the second time, and

Referred to the committee on appropriations.

Senate Bill No. 220,

A bill for an act to amend and re-enact section 2442 of the Revised Codes of North Dakota for the year 1905 relating to the designating of county depositories.

Was read the second time, and

Referred to the committee on state affairs.

COURTESIES OF THE FLOOR.

The courtesies of the floor were extended to Dr. L. B. Baldwin, Dr. E. A. Pray, W. H. Thomas, F. A. Wilson,

Grant S. Hager, J. A. Painter, F. W. Cathro, W. R. McIntosh, C. Gleason, P. A. Lowe, Chas. A. Murphy, E. E. Cole, Mr. Kern, Mr. Webb, Mr. Perry, H. R. Hartman, Walter R. Reed, T. D. Hinebaugh, John S. Watson, J. H. Worst, J. B. Eaton.

Mr. Rice moved

That Senate Bill No. 163 be re-referred to the committee on education.

Which motion prevailed, and
The bill was so re-referred.

Mr. Simpson moved

That the senate do now adjourn.

Which motion prevailed, and
The senate adjourned.

J. W. FOLEY,
Secretary.

THIRTY-EIGHTH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 14, 1907.

The senate convened at 2 o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All members present except Mr. Halliday who was excused.

REFERENCE OF THE JOURNAL.

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

Mr. President:

Your committee on revision and correction of the journal of the thirty-seventh day have carefully examined the same and find it correct.

J. D. TAYLOR,
Chairman.

Mr. Taylor moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

Mr. Crane offered the following communication:

SHERBROOKE, NORTH DAKOTA,
February 1, 1907.

To the Senate and House of Representatives of the State of North Dakota; Assembled:

The undersigned, citizens of Sherbrooke and vicinity, Steele county, North Dakota, do hereby most earnestly protest against liquor sellers, or their solicitors visiting our state and respectfully petition your honorable body to pass a law prohibiting such liquor sellers, or their agents from soliciting sales of intoxicating liquors in our state, and providing an adequate penalty for the violation of the same.

R. J. STILL,
AND TWENTY OTHERS.

REPORT OF STANDING COMMITTEES.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred Senate Bill No. 161,

A bill for an act to amend section 1484 of the Political Code Revised Codes of North Dakota 1905.

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

On page 2, in line 22, of the printed bill, insert after the word "hospitals" the words "under the control of religious or charitable societies."

And when so amended recommend the same do pass.

C. B. LITTLE,
Chairman.

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

The committee on judiciary made the following report:
Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 187,

A bill for an act to provide for the protection of purchasers at judicial or foreclosure sales of real estate in the payment of taxes, assessments, prior liens or insurance premiums becoming delinquent during the year of redemption.

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

On page 1, in section 1, in line 3 of the printed bill, insert after the second word "sales" the words "or his successors in interest."

And when so amended recommend the same do pass

C. B. LITTLE,
Chairman.

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

The committee on judiciary made the following report:
Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 120,

A bill for an act to repeal chapter 59 of the Session Laws of 1897 being section 5334 of the Revised Codes of 1905 in relation to the method of proof of written instruments and contracts to which there are one or more subscribing witnesses, and to re-enact the same.

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

On page 1, in section 2, in line 6 of the printed bill, insert the words "filing or" after the word "of."

And when so amended recommend the same do pass.

C. B. LITTLE,
Chairman.

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

The committee on judiciary made the following report:
Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 114,

A bill for an act entitled, "An act to amend section 10,381 of the Revised Code of 1905, relating to the manner of disposing of the product of the state binder twine plant."

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

All after the enacting clause of the printed bill be stricken out and the following be inserted in lieu thereof:

"SECTION 1. Amendment.] That section 10381 of the Revised Code of 1905 be amended to read as follows, viz:

"Sec. 10381. Product of the Plant, How Disposed of.] The product of said twine and cordage plant shall be disposed of under the direction of the board of trustees of said penitentiary, under regulations to be prescribed by them, subject only to the following restrictions, viz: The board of trustees at a regular or special meeting held not later than February in each year, shall fix prices at which the product of the plant shall be sold during the ensuing season, such prices to be based on the cost of the product and the demand for it; prices for carload lots may, in their discretion, be fixed at not more than one-half cent per pound under prices for small lots. The product shall be sold only to those living in the state, and intending, or agreeing, to sell it for use in the state, except that it shall be lawful at any time after June first of any year to sell a part of such product outside of the state, if for any reason at that time, in the judgment of the said board, it becomes necessary to do so to protect the interests of the state. The price of the product of the plant so established as above provided, shall continue to be the price for the season, unless it shall become evident to the board that the price so established is such that it will prevent the sale of the product, or such that the state will not receive a fair price, based on the market value of like product, in which case the change in price can be made at any regular or special meeting of said board thereafter held.

"Sec. 2. Emergency.] An emergency exists in that it is of great importance that this amendment shall be in effect for the present season; therefore, this act shall be in force from and after its passage and approval.

And when so amended recommend the same do pass.

C. B. LITTLE,
Chairman.

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

The committee on judiciary made the following report:
Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 22,
A bill for an act concerning land titles.

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

All after the enacting clause of the printed bill be stricken out and the following inserted in lieu thereof:

Section 1. The owner of any estate or interest in land in this state whether legal or equitable, may apply as hereinafter mentioned to have the title of said land registered. The application may be made by the applicant personally, or by an agent thereunto lawfully authorized in writing, which authority shall be executed and acknowledged in the same manner and form as is now required as to a deed, and shall be recorded in the office of the register of deeds before the making of the application by such agent. A corporation may apply in its own behalf or by its authorized agent, an infant or any other person under disability by his legal guardian. Tenants in common shall join in the application. The person in whose behalf the application is made shall be named as applicant plaintiff.

Section 2. It shall not be an objection to bringing land under this act that the estate or interest of the applicant is subject to any outstanding lesser estate, mortgage, lien or charge, but no mortgage, lien, charge or lesser estate than a fee simple shall be registered unless the estate in fee simple to the same land is registered.

Section 3. No title derived through sale for any tax assessment shall be entitled to be registered.

Section 4. The application shall be in writing and shall be signed and verified by the oath of the applicant, or signed and verified by the oath of the agent authorized to act in that behalf. It shall set forth substantially:

A. The name and place of residence of the applicant, and if the application is by one acting in behalf of another, the name and place of residence and capacity of the person so acting.

B. Whether the applicant (except in the case of a corporation) is married or not, and if married, the name and residence of the husband or wife. Age of applicant.

C. The description of the land.

D. The applicant's estate or interest in the same, and whether the same is subject to an estate of homestead.

E. The names of all persons or parties as appear of record to have any title, claim, estate, lien or interest in the lands described in the application for registration.

F. Whether the land is occupied or unoccupied, and if occupied by any other person than the applicant, the name and postoffice address of each occupant, and what estate or interest he has or claims in the land.

G. Whether the land is subject to any lien or incumbrance, and, if any, give the nature and amount of the same, and if recorded, the book and the page of the record; also give the name and postoffice address of each holder thereof.

H. Whether any other person has any estate or claims any interest in the land, in law or equity, in possession, remainder, reversion or expectancy, and if any, set forth the name and postoffice address of every such person and the nature of his estate or claim.

I. In case it is desired to settle or establish boundary lines, the names and postoffice addresses of all the owners of the adjoining lands that may be affected thereby, so far as he is able, upon diligent inquiry, to ascertain the same.

J. If the application is on behalf of a minor, the age of such minor shall be stated. If the application is by a husband or wife, the other

shall by endorsement thereon acknowledged, as in the case of deeds or by a separate instrument acknowledged in the same way, signify his or her assent to the registration as prayed.

K. When the place of residence of any person whose residence is required to be given is unknown, it may be so stated if the applicant will also state that upon diligent inquiry he has been unable to ascertain the same.

L. The form of application may be, with appropriate changes, as follows:

FORM OF APPLICATION FOR INITIAL REGISTRATION OF TITLE TO LAND.

State of North Dakota, County of—ss.

To the judge of the district court of county, North Dakota:

I hereby make application to have registered the title to the land hereinafter described, and do solemnly swear that the answers to the questions herewith, and the statements herein contained are true to the best of my knowledge and belief.

(1st) Name of applicant, age years. Residence (Number, street or township). Married to (name of husband or wife). Residence (Number, street or township).

(2d) Application made by, acting as (owner, agent or attorney). Residence..... (number, street or township).

(3d) Description of real estate is as follows: ; estate or interest therein is and subject to homestead.

(4th) The land is occupied by (names of occupants) whose address is (number, street or township) and address The estate, interest or claim of occupant is

(5th) Liens and incumbrances on the land Name of holder or owner thereof Postoffice address Amount of claim, \$..... Recorded, book....., page.....

(6th) Other person...., firm or corporation having or claiming any estate, interest or claim in law or equity, in possession, remainder, reversion or expectancy, in said lands are: Names

Character of estate, interest or claim is.....

(7th) Other facts connected with this land are

(8th) Therefore the applicant prays the court to find and declare the title or interest of the applicant in said land and decree the same, and order the registrar of titles to register the same, and to grant such oher and further relief as shall be according to equity.

..... (Applicant's signature)

By

..... (Agent, attorney, administrator or guardian)

Subscribed and sworn to before me the above named
as (owner, attorney or agent) this day
of, A. D. 190....

I hereby assent to the registration of the above described real estate as
prayed for by, who is my (hus-
band or wife).

.....
(Husband or wife's signature)

State of North Dakota, County of—ss.

I,, a, in and for said county
in the state aforesaid, do hereby certify that, per-
sonally known to me to be the same person whose name is subscribed to
the foregoing assent, appeared before me this day in person and acknowl-
edged the said assent as free and voluntary act for the uses and
purposes therein set forth.

Given under my hand and seal this day of
A. D. 19....

Section 5. Any number of contiguous and adjoining pieces of land
in the same county and owned by the same person, and in the same right,
or any number of pieces of property in the same county having the same
chain of title and belonging to the same person, may be included in one
application.

Section 6. The application may be amended only by supplemental state-
ment in writing, signed and verified as in the case of original application.

Section 7. The application for registration shall be made to the district
court in the county where the land is situated, or to the district court
in the county to which it is attached for judicial purposes. Said court
shall have power to inquire into the condition of the title to and any
interest in the land, and any lien or incumbrance thereon, and to make all
orders, judgments and decrees as may be necessary to determine, estab-
lish and declare the title or interest, legal or equitable, as against all per-
sons, known or unknown, and all liens and incumbrances thereon, whether
existing by law, contract, judgment, mortgage, trust deed or otherwise,
and to declare the priority as between the same, and to remove all clouds
from the title, and for that purpose the said court shall always be open,
and such orders, judgments and decrees may be made and entered as
well in vacation as in term time.

Section 8. Registers of deeds in the several counties in this state shall
be registrars of titles in their respective counties. Their deputies shall
be deputy registrars. All acts performed by registrars and deputy regis-
trars under this law shall be performed under rules and instructions estab-
lished and given by the district court having jurisdiction of the county
in which they act.

Section 9. Every register of deeds shall, before entering upon his duty
as registrar of titles, give a bond with sufficient sureties, to be approved
by the clerk of the district court, payable to the state of North Dakota,
in the penal sum of twenty-five thousand dollars (\$25,000), conditioned
for the faithful discharge of his duties, and to deliver up all papers, books,
records and other property belonging to the county or appertaining to
his office as registrar of titles, whole, safe and undefaced, when lawfully
required so to do; said bond shall be filed in the office of the secretary
of state, and a copy thereof shall be filed and entered upon the records
of the district court in the county wherein the register of deeds shall
hold his office.

Section 10. Deputy registrars shall perform any and all duties of
registrar in the name of the registrar, and acts of such deputies shall be

held to be the acts of the registrar, and in the case of the death of the registrar or his removal from office, the vacancy shall be filled in the same manner as is now provided by law for filling such vacancy in the office of the register of deeds. The person so appointed to fill such vacancy shall file a bond and be vested with the same powers as the registrar whose office he is appointed to fill.

Section 11. No registrar or deputy registrar shall practice as an attorney or counselor-at-law, nor while in office be in partnership with any attorney or counsellor-at-law so practicing.

Section 12. The registrar shall be liable for any neglect, mistake or omission of the duties of his office when occasioned by a deputy registrar, in the same manner as for his own personal neglect, mistake or omission.

Section 13. The judges of the district court in and for the judicial districts for which they are elected or appointed shall appoint one or more competent attorneys in each county within their district to be examiner of titles and legal advisers of the registrars, and such examiner of titles shall hold office subject to the will and discretion of the judges of the district in which they are so appointed. The compensation of examiners of titles and legal advisers of the registrar in each county shall be fixed by the judges of the district court in and for the district in which the county is situated, and shall be paid in the same manner as the compensation of other county employes is paid.

Section 14. If the applicant is not a resident of the state of North Dakota he shall record in the office of the register of deeds in and for the county wherein the land is situated a written agreement, duly acknowledged, appointing an agent residing in the state, giving his name in full and postoffice address, and shall therein agree that the service of any legal process in proceedings under or growing out of the application shall be of the same legal effect when made on said agent as if made on the applicant within the state. If the agent so appointed dies or removes from the state, the applicant shall at once make another appointment in like manner, and if he fails so to do the court may dismiss the application. In subsequent applications made by the same applicant, he may refer to said written authority, so recorded, provided the agreement or authority is sufficiently general to cover the case or cases in which any application is filed.

Section 15. The application shall be filed in the office of the clerk of the court, to whom the application is made, and the clerk shall docket the same in a book to be kept for that purpose, which shall be known as the "land registration docket." The application shall be entitled (name of applicant), application to have registered the title to (here insert description to the land), plaintiff, against (here insert the names of all persons named in the application as being in possession of the premises, or as having any lien, incumbrance, right, title or interest in the land, and the names of all persons who shall be found by the report of the examiner hereinafter provided for to be in possession or to have any lien, incumbrance, right, title or interest in the land), also all other persons or parties unknown, claiming any right, title, estate, lien or interest in the real estate described in the application herein, defendants. All orders, judgments and decrees of the court in the case shall be minuted in such docket. All final orders or decrees shall be recorded and proper reference made thereto in such docket. The applicant shall file with the said clerk, at the time the application is filed, or as soon thereafter as is practicable, an abstract of title made and certified to by a legally qualified and bonded abstractor, except in counties where there are no bonded abstractors, abstracts shall be furnished by the register of deeds, satisfactory to the examiner who is to examine the title.

Section 16. At the time of the filing of the application in the office of the clerk of the court, a duplicate of the said application shall be filed in the office of the register of deeds, which copy shall be recorded and indexed by the register of deeds, with the records of deeds.

Section 17. Immediately after the filing of the abstract of title, the court shall enter an order referring the application to an examiner of titles, who shall proceed to examine into the title and into the truth of the matter set forth in the application, and particularly whether the land is occupied, the nature of the occupation, if occupied, and by what right, and also, as to all judgments against applicant or those through whom he claims title, which may be a lien upon the lands described in the application. He shall search the record and investigate all the facts brought to his notice and file in the case a report thereon, including with it a certificate of his opinion upon the title. The clerk of the court shall give notice to the applicant of the filing of such report. If the opinion of the examiner is adverse to the applicant, he shall be allowed by the court a reasonable time in which to elect to proceed further or to withdraw his application. The election shall be made in writing and filed with the clerk of the court.

Section 18. If, in the opinion of the examiner, the applicant has a title, as alleged, and proper for registration, or, if the applicant, after an adverse opinion of the examiner, elects to proceed further, the clerk of the court shall, immediately upon the filing of the examiner's opinion or the applicant's election, as the case may be, issue a summons substantially in the form hereinafter provided for. The summons shall be issued by the order of the court and attested by the clerk of the court. Whenever, in the opinion of the examiner, the state of North Dakota has any interest in or claim upon the land, he shall state the nature and character thereof in his report, and in all cases where the examiner reports that the state has, or may have, some interest in or claim upon the land, it shall be joined as a party in said proceedings and named in the summons as a party thereto, in order that its interest or claim may be defined, protected and preserved. The summons shall be served upon the state by delivering a copy thereof to the attorney general, who shall appear in the proceedings and represent the state therein. The judgment and decree rendered in said proceedings shall adjudicate and determine the interest of the state in said land and its claim upon or against the same.

Section 19. The applicant shall be known as applicant plaintiff. All persons named in the application or found by the report of the examiner as being in possession of the premises, or as having of record any lien, incumbrance, right, title or interest in the land, and all other persons who shall be designated as follows, viz.: "All other persons or parties unknown claiming any right, title, estate, lien or interest in the real estate described in the application herein," shall be and shall be known as defendants.

Section 20. The summons shall be directed to the defendants and require them to appear and answer the application of the applicant plaintiff within thirty days after the service of the summons, exclusive of the day of service; and said summons shall be served as is now provided for the service of summons in civil actions in the district court of this state, except as herein otherwise provided. The summons shall be served upon non-resident defendants and upon "all such unknown persons or parties," defendant, by publishing said summons in a newspaper printed and published in the county where the application is filed (if there is no such newspaper in the county, then a newspaper printed and published at the capital of the state), once in each week for six consecutive weeks, and such service by publication shall be deemed complete at the end of the forty-second day from and including the first publication.

Section 20a. The clerk of the court shall also, within thirty days after the first publication, send a copy thereof by mail to such defendants who are not residents of the state, whose place of address is known or stated in the application and whose appearance is not entered and who are not in person served with a summons. The certificate of the clerk that he had sent such notice, in pursuance of this action, shall be conclusive evidence thereof. Other or further notice of the application for registration may be given in such manner and to such person as the court or any judge thereof may direct.

Section 20b. The summons shall be served at the expense of the applicant, and proof of the service thereof shall be made as proof of service is made in civil actions.

Section 20c. The summons provided for in section 20 shall be in the form following, to-wit:

SUMMONS ON APPLICATION FOR REGISTRATION OF LAND.

State of North Dakota, In District Court,
County of—ss. Judicial District.

(Name of applicant), applicant to have registered the land described as follows: (description of land) applicant plaintiff,

Versus

(Names of all defendants) and all other persons or parties unknown, claiming any right, title, estate, lien or interest in the real estate described in the application herein defendants.
The State of North Dakota to the above named defendants:

You are hereby summoned and required to answer the application of the applicant plaintiff in the above entitled application for registration, and to file a copy of your answer to the said application in the office of the clerk of said court, in said county, within thirty days after the service of this summons upon you, exclusive of the day of such service; and if you fail to answer the said application within the time aforesaid, the applicant plaintiff in this action will apply to the court for the relief demanded in the application herein.

Witness,, clerk of said court, and the seal thereof, at, in said county, this day of, A. D. 190....

(Seal)

Clerk.

Section 21. The court shall appoint a disinterested person to act as guardian ad litem for minors and other persons under disability, and for all persons not in being who may appear to have an interest in the land. The compensation of the guardian shall be determined by the court, and paid as part of the expenses of the court.

Section 22. Any person claiming an interest, whether named in the summons or not, may appear and file an answer within the time named in the summons, or within such further time as may be allowed by the court. The answers shall state all objections to the application, and shall set forth the interest claimed by the party filing the same, and shall be signed and sworn to by him or by some person in his behalf.

Sec. 23. If no person appears and answers within the time named in the summons, or allowed by the court, the court may at once, upon the motion of the applicant, no reason to the contrary appearing, upon satisfactory proof of the applicant's right thereto, make its order and decree confirming the title of the applicant and ordering registration of the same. By the description in the summons, "all other persons unknown, claiming any right, title, estate, lien, or interest in the real estate described in the application herein," all the world are made parties defendant, and shall be included by the default and order.

The court shall not be bound by the report of the examiner of title, but may require other or further proof.

Sec. 24. If in any case an appearance is entered and answer filed, the cause shall be set down for hearing on motion of either party, but a default and order shall first be entered against all persons who do not appear and answer in the manner provided in the preceding section. The court may refer the cause or any part thereof to one of the examiners of title, as referee, to hear the parties and their evidence, and make report thereon to the court. His report shall have the same weight as that of a referee appointed by the district court under the laws of this state now in force and relating to the appointment, duties and powers of referees.

Sec. 25. The court may order such other or further hearing of the cause before the court or before the examiner of titles after the filing of the report of the examiner, referred to in the last preceding section, and require such other or further proof by either of the parties to the cause as to the court shall seem meet and proper.

Sec. 26. If in any case, after hearing, the court finds that the applicant has no title proper for registration, a decree shall be entered dismissing the application, and such decree may be ordered to be without prejudice.

The applicant may dismiss his application at any time before the final decree, upon such terms as shall be fixed by the court, upon motion to dismiss duly made to the court.

Sec. 27. If the court, after hearing, finds that the applicant has title, whether as stated in his application or otherwise, proper for registration, a decree of confirmation of title and registration shall be entered. Every decree of registration shall bind the land, and quiet the title thereto, except as herein otherwise provided, and shall be forever binding and conclusive upon all persons, whether mentioned by name in the application or included in "all other persons or parties unknown claiming any right, title, estate, lien or interest in the real estate described in the application herein," such decree shall not be opened by reason of the absence, infancy or other disability of any person affected thereby, nor by any proceeding at law or in equity for reversing judgments or decrees, except as herein especially provided.

An appeal may be taken to the supreme court within the same time, upon like notice, terms and conditions as are now provided for the taking of appeals from the district court to the supreme court in civil actions.

Sec. 28. Any person having an interest or lien upon the land who has not been actually served with process or notified of the filing of the application or the pendency thereof, may at any time within one year after the entry of such decree, and not afterwards, appear and file his sworn answer to such application in like manner as hereinbefore prescribed for making answer; provided, however, that such person had no notice or information of the filing of such application or the pendency of the proceeding during the pendency thereof or until within three months of the time of the filing of such answer, which facts shall be made to appear before answering by the affidavit of the person answering or the affidavit of some one in his behalf having knowledge of the facts, and provided, also, that no innocent purchaser for value has acquired an interest. If there is any such purchaser the decree of registration shall not be opened, but shall remain in full force and effect forever, subject only to the right of appeal hereinbefore provided, but any person aggrieved by such decree in any case may pursue his remedy by action of tort against the applicant or any other person for fraud in procuring the decree. Upon the filing of such answer, and not less than thirty days' notice having been given to the applicant, and to such other interested parties as the court may order, in such manner as shall be directed by the court, the court shall proceed to review the case, and if the court is satisfied that the order or decree ought

to be opened an order shall be entered to that effect, and the court shall proceed to review the proceedings and make such order in the case as shall be according to equity in the premises. An appeal may be allowed in this case, as well as from all other decrees affecting any registered title within a like time and in a like manner as in the case of an original decree under this act, and not otherwise.

Section 29. No person shall commence any proceeding for the recovery of lands or any interest, right, lien or demand upon the same, adverse to the title or interest as found, ordered or decreed in the decree of registration, unless within one year after the entry of the order or decree; this section shall be construed as giving such right of action to such person only as shall not, because of some irregularity, insufficiency or for some other cause, be bound and concluded by such order or decree.

Section 30. Every person receiving a certificate of title in pursuance of a decree of registration, and every subsequent purchaser of registered land who takes a certificate of title for value and in good faith, shall hold the same free from all incumbrances except only such estates, mortgages, liens, charges and interest as may be noted in the last certificate of title in the registrar's office, and except any of the following rights or incumbrances subsisting, namely:

1. Liens, claims or rights arising or existing under the laws or the constitution of the United States, which the statutes of this state cannot require to appear of record in the registry.

2. Any tax or special assessment for which a sale of the land has not been had at the date of the certificate of title.

3. Any lease for a period not exceeding five years, when there is actual occupation of the premises under the lease. The term "lease" shall include a verbal letting for a term of one year.

4. All public highways embraced in the description of the lands included in the certificates shall be deemed to be excluded from the certificates.

5. Such right of appeal or right to appeal and contest the application as is allowed by this act.

Section 31. Every decree of registration shall bear the date of the year, day, hour and minute of its entry, and shall be signed by one of the judges of the district court. It shall state whether the owner is married or unmarried, and if married, the name of husband or wife; if the owner is under disability it shall state the nature of the disability, and if a minor, shall state his age. It shall contain a description of the land as finally determined by the court, and shall set forth the estate of the owner, and also in such manner as to show their relative priority, all particular estates, mortgages, easements, liens, attachments and other incumbrances, including rights of husband and wife, if any, to which the land or the owner's estate is subject, and shall contain any other matter properly to be determined by the court in pursuance of this act. The decree shall be stated in a convenient form for transcription upon the certificate of title, to be made as hereinafter mentioned by the registrar of titles. Immediately upon the filing of the decree of registration, the clerk shall file a certified copy thereof in the office of the registrar of titles.

Section 32. Any person who shall take by conveyance, attachment, judgment, lien or otherwise any right, title or interest in the land subsequent to the filing of a copy of the application for registration in the office of the register of deeds, shall at once appear and answer as a party defendant in the proceedings for registration, and the right, title or interest of such persons shall be subject to the order or decree of the court.

Section 33. The obtaining of a decree of registration and receiving of a certificate of title shall be deemed as an agreement running with the

land and binding upon the applicant and the successors in title that the land shall be and forever remain registered land, and subject to the provisions of this act, and of all acts in the amendment thereof. All dealings with the land or any estate or interest therein after the same has been brought under this act, and all liens, incumbrances and charges upon the same shall be made only subject to the terms of this act.

Section 34. No title to registered land in derogation of that of the registered owner shall be acquired by prescription or adverse possession.

Section 35. Immediately upon the filing of a decree of registration in the office of the registrar of titles, the registrar shall proceed to register the title or interest pursuant to the terms of the decree in the manner herein provided. The registrar shall keep a book known as the "Register of Titles," wherein he shall enter all first and subsequent original certificates of title by binding or recording them therein in the order of their numbers, consecutively, beginning with number one, with appropriate blanks for entry of memorials and notations allowed by this act. Each certificate, with such blanks, shall constitute a separate folium of such book. All memorials and notations that may be entered upon the register shall be entered upon the folium whereon the last certificate of title of the land to which they relate is entered. The term certificate of title used in this act shall be deemed to include all memorials and notations thereon.

Section 36. The certificate of registration shall contain the name of the owner, a description of the land and of the estate of the owner, and shall by memorial or notation contain a description of all incumbrances, liens and interests to which the estate of the owner is subject; it shall state the residence of the owner, and if a minor, give his age; if under disability, it shall state the nature of the disability; it shall state whether married or not, and if married, the name of the husband or wife; in case of a trust, condition or limitation it shall state the trust, condition or limitation, as the case may be; and shall contain and conform in respect to all statements to the certified copy of the decree of registration filed with the registrar of titles, as hereinbefore provided; and shall be in form substantially as follows:

First Certificate of Title Pursuant to the Order of the District Court,
.....Judicial District, in the County of
State of North Dakota.
County of

Registration.

This is to certify that of..... is now the owner of an estate (describe the estate) of, and in (describe the land), subject to the incumbrances, liens and interests noted by the memorial under-written or indorsed hereon, subject to the exceptions and qualifications mentioned in the thirty-first section of "the act concerning land titles," in the general laws of the state of North Dakota for the year 19.... (Here note all statements provided herein to appear upon the certificates.)

In witness thereof I have hereunto subscribed my hand and affixed the seal of my office this.....day ofA. D. 19.... (Seal)

Registrar of Titles.

Section 37. The registrar shall at the time that he enters his original certificate of title make an exact duplicate thereof, but putting on it the words, "Owner's duplicate certificate of ownership," and deliver the same to the owner or to his attorney duly authorized. For the purpose of preserving evidence of the signature and handwriting of the owner in his office, it shall be the duty of the registrar to take from the owner, in every case where it is practicable so to do, his receipt for the certificate of title, which shall be signed by the owner in person. Such receipt, when signed and delivered in the registrar's office, shall be witnessed by the registrar

or deputy registrar. If such receipt is signed elsewhere, it shall be witnessed and acknowledged in the same manner as is now provided for witnessing an acknowledgment of deeds. When so signed, such receipt shall be prima facie evidence of the genuineness of such signature.

Section 38. Where two, three or more persons are registered owners, as tenants in common or otherwise, one owner's duplicate certificate can be issued for the entirety, or a separate duplicate owner's certificate may be issued to each owner for his undivided share.

Section 39. All certificates subsequent to the first shall be in like form, except that they shall be entitled, "Transfer from No. (the number of the next previous certificate relating to the same land)," and shall also contain the words, "Originally registered." (date, folium and page of registry)."

Section 40. A registered owner holding one duplicate certificate for several distinct parcels of land may surrender it and take out several certificates for portions thereof. A registered owner holding several duplicate certificates for several distinct parcels of land may surrender them and take out a single duplicate certificate for all said parcels, or several certificates for different portions thereof. Such exchange of certificates, however, shall only be made by the order of the court upon petition therefor duly made by the owner. An owner of registered land who shall subdivide such land into lots shall file with the registrar of titles a plat of said land so subdivided in the same manner and subject to the same rules of law and restriction as is provided for platting land that is not registered.

Section 41. The certificate of title shall relate back to and take effect as of the date of the decree of registration.

Section 42. The original certificate in the registration book, any copy thereof duly certified under the signature of the registrar of titles or his deputy, and authenticated by his seal, and also the owner's duplicate certificate, shall be received as evidence in all the courts of this state, and shall be conclusive as to all matter contained therein except so far as is otherwise provided in this act. In case of a variance between the owner's duplicate certificate and the original certificate, the original shall prevail.

Section 43. The registrar of titles, under the direction of the court, shall make and keep indexes of all applications and of all certified copies and decrees of registration and certificates of titles, and shall also index and file in classified order all papers and instruments filed in his office relating to applications and to registered titles. The registrar shall also, under the direction of the court, prepare and keep forms of indexes and registration and entry books.

The court shall prepare and adopt convenient forms of certificates of titles, and also general forms of memorials or notations to be used by the registrars of titles in registering the common forms of conveyances and other instruments to express briefly their effect.

Section 44. The registrar of titles shall keep tract indices, in which shall be entered the lands registered in the numerical order of the townships, ranges, sections and, in cases of subdivisions, the blocks and lots therein, and the name of the owners, with reference to the volume and folium of the register of titles in which the lands are registered.

He shall also keep alphabetical indices, in which shall be entered in alphabetical order the names of all registered owners, and all other persons interested in or holding charges upon the registered land, with a reference to the volume and folium of the register of titles in which the land is registered.

Section 45. The owner of registered land may convey, mortgage, lease, charge or otherwise deal with the same as fully as if it had not been registered. He may use forms of deeds, mortgages and leases or voluntary

instruments like those now in use and sufficient in law for the purpose intended. But no voluntary instrument of conveyance, except a will and a lease for a term not exceeding five years, purporting to convey or effect registered land, shall take effect as a conveyance or bind the land, but shall operate only as a contract between the parties, and as evidence of the authority to the registrar of titles to make registration. The act of registration shall be the operative act to convey or effect the land.

Section 46. Every conveyance, lien, attachment, order, decree, judgment of the court of record, or instrument or entry which would under existing laws, if recorded, filed or entered in the office of the register of deeds, in which the real estate is situate, effect the said real estate to which it relates, if the title thereto were not registered, shall, if recorded, filed or entered in the office of the registrar of titles in the county where the real estate to which such instrument relates, affect in like manner the title thereto, if registered, and shall be notice to all persons from the time of such recording, filing or entering.

Section 47. The registrar of titles shall number and note, in proper book to be kept for that purpose, the year, month, day, hour and minute of reception and number of all conveyances, orders or decrees, writs or other process, judgments, liens and all other instruments or papers or orders affecting the title of land, the title to which is registered. Every instrument so filed shall be retained in the office of the registrar of titles, and shall be regarded as registered from the time so filed, and the memorial of each instrument when made on the certificate of title to which it refers shall bear the same date. Every instrument so filed, whether voluntary or involuntary, shall be numbered and indexed, and indorsed with a reference to the proper certificate of title. All records and papers relating to registered land in the office of the registrar of titles shall be open to the public inspection in the same manner as now are the papers and records in the office of the register of deeds.

Section 48. Duplicates of all instruments, voluntary or involuntary, filed and registered in the office of the registrar of titles, may be presented with the originals, and shall be attested and sealed by the registrar of titles, and indorsed with the file number and other memoranda on the originals, and may be taken away by the person presenting the same. Certified copies of all instruments filed and registered may be obtained from the registrar of titles on the payment of a fee of the same amount that the register of deeds is now entitled for a like certified copy.

Section 49. No new certificate shall be entered or issued upon any transfer of registered land which does not divest the title in fee simple to said land or some part thereof from the owner or some one of the registered owners. All interests in the registered land less than an estate in fee simple shall be registered by filing with the registrar of titles the instrument creating or transferring or claiming such interest, and by a brief memorandum or memorial thereof made by a registrar of titles upon the certificate of title, and signed by him. A similar memorandum or memorial shall also be made on the owner's duplicate. The cancellation or extinguishment of such interests shall be registered in the same manner. When any party in interest does not agree as to the proper memorial to be made upon the filing of any instrument (voluntary or involuntary) presented for registration, or where the registrar of titles is in doubt as to the form of such memorial, the question shall be referred to the court for decision, either on the certificate of the registrar of titles or upon the demand in writing of any party in interest.

The registrar of titles shall bring before the court all the papers and evidence as shall be necessary for the determination of the question by the court. The court, after notice to all parties in interest and a hearing, shall enter an order prescribing the form of the memorial, and the registrar of titles shall make registration in accordance therewith.

Section 50. No new certificates of titles shall be entered and no memorial shall be made upon any certificate of title in pursuance of any deed or other voluntary instrument, unless the owner's duplicate certificate is presented with such instrument, except in cases provided for in this act, or upon the order of the court for cause shown; and whenever such order is made a memorial thereof shall be entered, or a new certificate issue as directed by said order. The production of the owner's duplicate certificate whenever any voluntary instrument is presented for registration shall be conclusive authority from the registered owner to the registrar of titles to enter a new certificate or to make a memorial of registration in accordance with such instrument, and a new certificate or memorial shall be binding upon the registered owner and upon all persons claiming under him, in favor of every purchaser for value and in good faith.

Section 51. In the event that an owner's duplicate certificate of title shall be lost, mislaid or destroyed, the owner may make affidavit of the fact before any officer authorized to administer oaths, stating, with particularity, the facts relating to such loss, mislaying or destruction, and shall file the same in the office of the registrar of titles.

Any party in interest may thereupon apply to the court and the court shall, upon proofs of the facts set forth in the affidavit, enter an order directing the registrar of titles to make and issue a new owner's duplicate certificate, such new owner's duplicate certificate shall be printed or marked "Certified copy of owner's duplicate certificate, issued in the place of lost certificate," and such certified copy shall stand in the place of and have like effect as the owner's duplicate certificate.

Section 52. Any owner of registered land conveying the same, or any portion thereof, in fee, shall execute a deed of conveyance which the grantor shall file with the registrar of titles in the county where the land lies. The owner's duplicate certificate shall be surrendered, at the same time, and shall be by the registrar marked "cancelled." The original certificate of title shall also be marked "cancelled." The registrar of titles shall thereupon enter in the register of titles a new certificate of title to the grantee, and shall prepare and deliver to such grantee an owner's duplicate certificate. All incumbrances, claims or interests adverse to the title of the registered owner shall be stated upon the new certificate or certificates, except so far as they may be simultaneously released or discharged. When a deed in fee is for a part only of the land described in a certificate of title the registrar of titles shall enter a new certificate and issue the owner's duplicate certificate to the grantor for that part of the land not conveyed by the deed. The registrar shall require an affidavit by the grantee or some one on his behalf and said affidavit shall set forth the name, age and residence of the grantee, whether the grantee (except in the case of a corporation) is married or not, and if married, the name of the husband or wife.

Section 53. The presentment to the county auditor for transfer and the certificate as to payment of taxes on unregistered land required by laws as to deeds, plats and other instruments shall be made before any deed, plat or other instrument affecting registered land shall be filed or registered in the office of the registrar of titles.

Sec. 54. Registered land and ownership therein shall in all respects be subject to the same burden and incidents which attach by law to unregistered land. Nothing contained in this act shall in any way be construed to relieve registered land or the owners thereof from any rights incident to the relation of husband and wife, or from liability to attachment on mesne process or levy on execution, or from liability to any lien of any description established by law on land and the building or to change the laws of descent or the rights of partition between cotenants, or the right to take the same by eminent domain, or to relieve liens thereon, or the interest of the owner in such land or buildings.

such land from liability to be recovered by an assignee in insolvency or trustee, in bankruptcy under the provisions of law relating thereto, or to change or affect in any way any other rights or liabilities created by law and applicable to unregistered land except as otherwise expressly provided in this act or any amendments hereof.

Sec. 55. Any person may by attorney convey or otherwise deal with registered land, but the letters or power of attorney shall be acknowledged and filed with the registrar of titles and registered. Any instrument revoking such letters or power of attorney shall be acknowledged and registered in like manner.

Sec. 56. The owner of registered land may mortgage the same by executing a deed or instrument sufficient in law for that purpose, and such deed or instrument may be assigned, extended, discharged, released in whole or in part, or otherwise dealt with by the mortgagee by any form of instrument sufficient in law for the purpose.

But such mortgage deed or instrument, and all instruments assigning, extending, discharging, releasing or otherwise dealing with the mortgage, deed or instrument, shall be registered, and shall take effect upon the title only from the time of registration.

Sec. 57. The registration of a mortgage shall be made in the following manner, to-wit: The owner's duplicate certificate shall be presented to the registrar of titles with the mortgage, deed or instrument to be registered, and the registrar shall enter upon the original certificate of title and also upon the owner's duplicate certificate a memorial of the purport of the instrument registered, the time of filing and the file number of the registered instrument. He shall also note upon the instrument registered the time of filing and a reference to the volume and page of the register of titles where it is registered. The registrar of titles shall also at the request of the mortgagee, make out and deliver to him a duplicate certificate of title, like the owner's duplicate, except that the words "Mortgagee's duplicate" shall be written or printed upon such certificate in large letters, diagonally across the face. A memorandum of the issue of the mortgagee's duplicate shall be made upon the certificate of title.

Sec. 58. Whenever a mortgage upon which a mortgagee's duplicate has been issued is assigned, extended or otherwise dealt with, the mortgagee's duplicate shall be presented with the instrument assigning, extending or otherwise dealing with the mortgage, and a memorial of the instrument shall be made upon the mortgagee's duplicate and upon the original certificate of title. When the mortgage is discharged or otherwise extinguished, the mortgagee's duplicate shall be surrendered and stamped "Cancelled." In case only a part of the charge or of the land is intended to be released, discharged or surrendered, the entry shall be made by memorial in like manner as before provided for a release or discharge.

The production of the mortgagee's duplicate certificate shall be conclusive authority to register the instrument therewith presented.

Sec. 59. All charges upon registered land, or any estate or interest in the same, and any right thereunder, may be enforced as is now allowed by law, and all laws relating to the foreclosure of mortgages shall apply to mortgages upon registered land, or any estate or interest therein, except as herein otherwise provided, and except that a notice of the pendency of any suit or of any proceeding to enforce or foreclose the mortgage or any charge shall be filed in the office of the registrar of titles, and a memorial thereof entered on the register at the time of or prior to the commencement of such suit or the beginning of any such proceeding. A notice so filed and registered shall be notice to the registrar of titles and all persons dealing with the land or any part thereof.

When a mortgagee's duplicate has been issued such duplicate shall, at the time of the registering of the notice, be presented, and a memorial of such notice shall be entered upon the mortgagee's duplicate.

Sec. 60. In any action affecting registered land a judgment or final decree shall be entitled to registration on the presentation of a certified copy of the entry thereof from the clerk of the court where the action is pending, to the registrar of titles. The registrar of titles shall enter a memorial thereof upon the original certificates of title, and upon the owner's duplicate, and also upon the mortgagee's lessee's duplicate, if any there be outstanding. When the registered owner of such land is by such judgment or decree divested of his estate in fee to the land or any part thereof, the plaintiff or defendant shall be entitled to a new certificate of title for the land or that part thereof designated in the judgment or decree, and the registrar of titles shall enter such new certificate of title, and issue a new owners' duplicate in such manner as is provided in the case of voluntary conveyance; provided, however, no such new certificate shall be entered except upon the application to the court and upon the filing in the office of the registrar of titles an order of the court directing the entering of such new certificate.

Sec. 61. Any person who has by an action or proceeding to enforce or foreclose any mortgage, lien or charge upon registered land, become the owner in fee of the land or any part thereof, shall be entitled to have his title registered, and the registrar of titles shall, upon application therefor, enter a new certificate of title for the land or that part thereof to which the applicant is the owner, and issue an owner's duplicate in such manner as in the case of a voluntary conveyance of registered land; provided, however, no such new certificate of title shall be entered, except after the time to redeem from such foreclosure has expired and upon the filing in the office of the registrar of titles an order of the court directing the entering of such new certificates.

Sec. 62. In all cases wherein by this act it is provided that a new certificate of title to registered land shall be entered by order of the court a person applying for such new certificate shall apply to the court by petition, setting forth the facts, and the court shall, after notice given to all parties in interest, as the court may direct, and upon hearing, make an order or decree for the entry of a new certificate to such person as shall appear to be entitled thereto.

Sec. 63. Leases for registered land for a term of five years or more shall be registered in like manner as a mortgage, and the provisions herein relating to the registration of mortgages shall apply to the registration of leases. The registrar shall, at the request of the lessee, make out and deliver to him a duplicate of the certificate of title like the owner's duplicate, except the words "Lessee's duplicate" shall be written or printed upon it in large letters diagonally across its face.

Sec. 64. Whenever a deed or other instrument is filed in the office of the registrar of titles for the purpose of effecting a transfer of or charge upon the registered land or any estate or interest in the same, and it shall appear that the transfer or charge is to be in trust, or upon condition or limitation expressed in such deed or instrument, such deed or instrument shall be registered in the usual manner, except that the particulars of the trust, condition, limitation or other equitable interest shall not be entered on the certificate of title by memorial, but a memorandum or memorial shall be entered by the words "in trust," or "upon condition," or other apt words, and by reference by number to the instrument authorizing or creating the same. A similar memorial shall be made upon the owner's duplicate certificate.

No transfer of or charge upon or dealing with the land, estate or interest shall thereafter be registered, except upon an order of the

court first filed in the office of the registrar of titles directing such transfer, charge or dealing in accordance with the true intent and meaning of the trust, condition or limitation. Such registration shall be conclusive evidence in favor of the person taking such transfer, charge or right, and those claiming under him, in good faith and for a valuable consideration, that such transfer, charge or other dealing is in accordance with the true intent and meaning of the trust, condition or limitation.

Sec. 65. When the title to registered land passes from a trustee to a new trustee a new certificate shall be entered to him and shall be registered in like manner as upon an original conveyance in trust.

Sec. 66. Any trustee shall have authority to file an application for the registration of any land held in trust by him, unless expressly prohibited by the instrument creating the trust.

Sec. 67. In every case where a writing of any description, or a copy of any writ, order or decree is required by law to be filed or recorded in order to create or preserve any lien, right or attachment, upon unregistered land, such writing or copy when intended to affect registered land, in lieu of recording, shall be filed and registered in the office of the registrar of titles in the county in which the land lies, and, in addition to any particulars required in such papers for the filing or recording, shall also contain a reference to the number of the certificate of title of the land to be affected, and also, if the attachment, right or lien is not claimed on all the land in any certificate of title, a description sufficiently accurate for identification of the land intended to be affected.

Sec. 68. All attachments, liens and rights of every description shall be enforced, continued, reduced, discharged and dissolved by any proceeding or method sufficient and proper in law to enforce, continue, reduce, discharge or dissolve like liens on unregistered land. All certificates, writings or other instruments permitted or required by law to be filed or recorded to give effect to the enforcement, continuance, reduction, discharge or dissolution of attachment, liens or other rights upon registered land, or to give notice of such enforcement, continuance, reduction, discharge or dissolution, shall in the case of like attachments, liens or other rights upon registered land, be filed with the registrar of titles and registered in the register of titles, in lieu of filing or recording.

Sec. 69. The name and address of the attorney for the plaintiff in every action affecting the title to register shall in all cases be indorsed upon the writ or other writing filed in the office of the registrar of titles, and he shall be deemed the attorney of the plaintiff until written notice that he has ceased to be such plaintiff's attorney shall be filed for registration by the plaintiff.

Sec. 70. A judgment, decree or order of any court shall be a lien upon or affecting registered land or any estate or interest therein only when a certificate under the hand and official seal of the clerk of the court in which the same is of record, stating the date and purport of the judgment, decree or order, or a certified copy of such judgment, decree or order is filed in the office of the registrar and a memorial of the same is entered upon the register of the last certificate of the title to be affected.

Sec. 71. Any person who has acquired any right, title, interest or estate in registered land, by virtue of any execution, judgment, order or decree of the court, shall register his title so acquired by filing in the office of the registrar of titles all writings or instruments permitted or required to be recorded in the case of unregistered land.

If the interest or estate so acquired is the fee in registered land, or any part thereof, the person acquiring such interest shall be entitled to have a new certificate of title registered in him in the same manner

as is provided in the case of persons acquiring title by action or proceeding in foreclosure of mortgages.

Sec. 72. The certificate of the clerk of the court in which any action or proceeding shall have been pending, or any judgment or decree is of record, that such action has been dismissed or otherwise disposed of or the judgment decree or order has been satisfied, released, reversed or overruled, or if any sheriff or other officer that the levy of any execution, attachment or other process, certified by him, has been released, discharged or otherwise disposed of, being filed in the office of the registrar of titles and noted upon the register, shall be sufficient to authorize the registrar to cancel or otherwise treat the memorial of such action, proceeding, judgment, decree, order or levy, according to the purport of such certificate.

Sec. 73. Whenever registered land is sold and the same is by law subject to redemption by the owner or any other person, the purchaser shall not be entitled to have a new certificate of title entered until the time within which the land may be redeemed shall have expired. At any time after the time to redeem shall have expired the purchaser may petition the court for an order directing the entering of a new certificate of title to him, and the court shall, after such notice as it may order, and hearing, grant and make an order directing the entry of such new certificate of title.

Sec. 74. The heirs at law and devisees upon the death of an owner of lands, and any estate or interest therein, registered pursuant to this act, on the expiration of thirty days after the entry of a decree of the probate court granting letters testamentary or of administration, or in case of an appeal from such decree, at any time after the entry of a final decree, may file a certified copy of the final decree of the probate court and of the will, if any, with the clerk of the district court in the county in which the land is, and make application to the court for an order for the entry of a new certificate of title. The court shall issue notice to the executor or administrator and all other persons in interest, and may also give notice by publication in such newspaper or newspapers as it may deem proper, to all whom it may concern, and after hearing may direct the entry of a new certificate or certificates to the person or persons as appear entitled thereto as heirs or devisees. Any new certificate so entered before the final settlement of the estate of the deceased owner in the probate court shall state expressly that it is entered by transfer from the last certificate by descent or devise, and that the estate is in process of settlement. After the final settlement of the estate in the probate court or after the expiration of the time allowed by law for bringing an action against an executor or administrator by creditors of the deceased, the heirs at law or devisees may petition the court for an order to cancel the memorial upon their certificates, stating that the estate is in course of settlement, and the court, after such notice as it may order and hearing, may grant the petition; provided, however, that the liability of heirs, devisees of registered land for claims against the estate of the deceased shall not in any way be diminished or changed.

Sec. 75. Nothing contained in this act shall include, affect or impair the jurisdiction of the probate court, to order an executor or administrator or guardian to sell or mortgage registered land for any purpose for which such order may be granted in the case of unregistered land. The purchaser or mortgagee taking a deed or mortgage executed in pursuance of such order of the probate court shall be entitled to register his title and to the entry of a new certificate of title or memorial of registration in the same manner as upon any similar voluntary transfer of registered land.

Sec. 76. An assignee for the benefit of creditors, receiver, trustee in bankruptcy, referee, special commissioner or other person appointed by court shall file in the office of the registrar of titles the instrument or instruments by which he is vested with the title, estate or interest in any registered land, or a certified copy of an order of the court showing that such assignee, receiver, trustee in bankruptcy, referee, special commissioner or other person is authorized to deal with such land, estate or interest, and if it is in the power of such person, he shall at the same time present to the registrar of titles the owner's duplicate certificate of title; thereupon the registrar shall enter upon the register of titles and the duplicate certificate, if presented, a memorial thereof, with a reference to such order or deed by its file number.

Such memorial having been entered, the assignee, receiver, trustee in bankruptcy, referee, special commissioner or other person may, subject to the direction of the court, deal with or transfer such land as if he were the registered owner.

Sec. 77. Whenever registered land or any right or interest therein is taken by eminent domain, the state or body politic or corporate, or other authority exercising such right, shall pay all fees on account of any memorial of registration or entry of new certificate or duplicate thereof, and fees for the filing of instruments required by this act to be filed.

When for any reason by operation of law land which has been taken for public use reverts to the owner from whom it was taken, or his heirs or assigns the court, upon petition of the person entitled to the benefit of the reversion, after such notice as it may order, and hearing, may order the entry of a new certificate of title to him.

Sec. 78. In every case where the registrar of titles enters a memorial upon a certificate of titles, or enters a new certificate of title in pursuance of any instrument executed by the registered owner, or by reason of any instrument or proceeding which effect or devise the title of the registered owner against his consent, if the outstanding owner's duplicate certificate is not presented the registrar of titles shall not enter a new certificate or make a memorial, but the person claiming to be entitled thereto may apply by petition to the court. The court may order the registered owner or any person withholding the duplicate certificate to present or surrender the same, and direct the entry of a memorial or new certificate upon such presentation or surrender. If in any case the person withholding the duplicate certificate is not amenable to the process of the court or cannot be found, or if for any reason the outstanding owner's duplicate certificate cannot be presented or surrendered without delay the court may by decree annul the same and order a new certificate of title to be entered. Such new certificate and all duplicates thereof shall contain a memorial of the annulment of the outstanding duplicate.

If in any case an outstanding mortgagee's and lessee's duplicate certificate is not procured or surrendered when the mortgage or lease is discharged, assigned or otherwise dealt with, like proceedings may be had to obtain registration as in case of the owner's production of the owner's duplicate certificate.

Sec. 79. In all cases where, under the provisions of this act, application is made to the court for any order or decree, the court may refer the matter to one of the examiners of title for hearing and report, in like manner as is herein provided for the reference of the application for registration.

Sec. 80. Examiners of title shall, upon the request of registrar of titles, advise him upon any act or duty pertaining to the conduct of his office, and shall upon request, prepare the form of any memorial to be made or entered by the registrar of titles.

Sec. 81. Every writing and instrument required or permitted by this act to be filed for registration shall contain or have indorsed upon it the full name, place of residence and postoffice address of the grantee or other person acquiring or claiming any right, title or interest under such instrument. Any change in residence or postoffice address of such person shall be indorsed by the registrar of titles in the original instrument on receiving a sworn statement of such change. All names and addresses shall also be entered on all certificates.

All notices required by or given in pursuance of the provisions of this act by the registrar of titles or by the court, after original registration, shall be served on the person to be notified; if a resident of the state of North Dakota, as summons in civil actions are served, and proof of such service shall be made as on the return of a summons. All such notices shall be sent by mail to the person to be notified, if not a resident of the state of North Dakota, at his residence and postoffice address, as stated in the certificate of title or in any registered instrument under which he claims an interest. The certificate of the registrar of titles or clerk of court that any notice has been served by mailing the same as aforesaid, shall be conclusive proof of such notice; provided, however, that the court may in any case order different or further service by publication or otherwise.

Sec. 82. Any person claiming any right or interest in registered land, adverse to the registered owner arising subsequent to the date of the original registration may, if no other provision is made in this act for registering the same, make a statement in writing, setting forth fully his alleged right or interest, and how or under whom acquired, and a reference to the volume and page of the certificate of title of the registered owner, and a description of the land in which the right or interest is claimed. The statement shall be signed and sworn to, and shall state the adverse claimant's residence, and designate a place at which all notices may be served upon him. This statement shall be entitled to registration as an adverse claim, and the court, upon the petition of any party in interest, shall grant a speedy hearing upon the question of the validity of such adverse claim, and shall enter such decree thereon as justice and equity may require.

If the claim is adjudged to be invalid the registration shall be canceled.

The court may, in any case, award such costs and damages, including reasonable attorney's fees, as it may deem just in the premises.

Sec. 83. Upon the original registration of land under this act, and also upon the entry of a certificate showing title as registered owners in heirs or devisees, there shall be paid to the registrar of titles one per cent of the assessed value of the real estate on the basis of the last assessment for general taxation, as an assurance fund. Any lands on which a title has been issued by the United States government subsequent to the last assessment as equalized by the state board of equalization may be registered under this act, and its value determined by the judge of the district court in which the lands are situated.

Sec. 84. All sums of money received by the registrar, as provided for in the last section, shall be paid by the registrar to the county treasurer of the county in which the land lies, for the purpose of an assurance fund, under the terms of this act; it shall be the duty of the county treasurer whenever the amount on hand in said assurance fund is sufficient, to invest the same, principal and income, and report annually to the district court the condition and income thereof, all investment of the fund or any part thereof, shall be made with the approval of said court by order entered of record. The said fund shall be invested only in bonds or security of the United States, or counties or other municipalities of this state.

Sec. 85. Any person sustaining loss or damage through any omission, mistake or misfeasance of the registrar of titles or of any examiner of titles or of any deputy, or by the mistake or misfeasance of the clerk of court or any deputy in the performance of their respective duties under the provisions of this act, and any person wrongfully deprived of any land or any interest therein through the bringing of the same under the provisions of this act, or by the registration of any other person as the owner of such land, or by any mistake, omission or misdescription in any certificate or any entry or memorial in the registrar of titles or by any cancellation, and who by the provisions of this act is barred or precluded from bringing an action for the recovery of such land, or interest thereon or claim upon the same may bring an action against the treasurer of the county in which such land is situated, for the recovery of damages to be paid out of the assurance fund.

Sec. 86. If such action be for recovery for loss or damage arising only through any omission, mistake or misfeasance of the registrar of titles, or his deputies, or of any examiner of titles, or any clerk of court or his deputy, in the performance of their respective duties under the provisions of this act, then the county treasurer shall be the sole defendant to such action, but if such action be brought for loss or damage arising only through the fraud or wrongful act of some person or persons other than the registrar or his deputies, the examiners of titles, the clerk of court or his deputies, or arising jointly through the fraud or wrongful act of such other person or persons, and the omissions, mistakes or misfeasance of the registrar of titles or his deputies, the examiners of titles, the clerk of court or his deputies, then such action shall be brought against both the county treasurer and such person or persons aforesaid.

In all such actions where there are defendants other than the county treasurer, and damages shall have been recovered, no final judgment shall be entered against the county treasurer until execution against the other defendants shall be returned unsatisfied, in whole or in part, and the officer returning the execution shall certify that the amount still due upon the execution cannot be collected except by application to the indemnity fund. Thereupon, the court, being satisfied as to the truth of such return, shall order final judgment against the treasurer for the amount of the execution and costs, or so much thereof as remains unpaid. The county treasurer shall, upon such order of the court and final judgment, pay the amount of such judgment out of the assurance fund. It shall be the duty of the county attorney to appear and defend all such actions. If the funds in the assurance fund at any time are insufficient to pay any judgment in full, the balance shall be paid out of the general fund of the county.

Sec. 87. The assurance fund shall not be liable in any action to pay for any loss, damage or deprivation occasioned by a breach of trust, whether express, implied or constructive, by any registered owner who is a trustee, or by the improper exercise of any power of sale in a mortgage.

Final judgment shall not be entered against the county treasurer in any action under this act to recover from the assurance fund more than the fair market value of the real estate at the time of the last payment to the assurance fund on account of the same real estate.

Sec. 88. No action or proceeding for compensation for or by reason of any deprivation, loss or damage occasioned or sustained as provided in this act shall be made, brought or taken, except within the period of six years from the time when the right to bring or take such action or proceeding first accrued; except that if at the time when such right of action first accrues the person entitled to bring such action or take such proceeding is within the age of twenty-one years, or insane, im-

prisoned or absent from the United States in the service of the United States or of this state, such person or anyone claiming from, by or under him, may bring the action or take the proceeding at any time within two years after such a disability is removed, notwithstanding the time before limited in that behalf has expired.

Sec. 89. No erasure, alteration or amendment shall be made upon the register of titles after the entry of a certificate of title or of a memorial thereon and the attestation of the same by the registrar of titles, except by order of the court. Any registered owner or other person in interest may at any time apply by petition to the court, upon the ground that registered interests of any description, whether vested, contingent, expectant or inchoate, have terminated and ceased; or that new interests have arisen or been created which do not appear upon the certificate; or that an error, omission or mistake was made in entering a certificate; or any memorial thereon, or on any duplicate certificate; or that the name of any person on the certificate has been changed; or that the registered owner has been married, or if registered as married, that the marriage has been terminated; or that a corporation which owned registered land and has been dissolved has not conveyed the same within three years after its dissolution; or upon any other reasonable ground; and the court shall have jurisdiction to hear and determine the petition after such notice as it may order to all parties in interest, and may order the entry of a new certificate, the entry or cancellation of a memorial upon a certificate, or grant any other relief upon such terms and conditions, requiring security if necessary, as it may deem proper; provided, however, that this section shall not be construed to give the court authority to open the original decree of registration, and that nothing shall be done or ordered by the court which shall impair the title or other interest of a purchaser holding a certificate for value and in good faith, or his heirs or assigns, without his or their written consent.

Sec. 90. Certificates of title and duplicate certificates entered or issued under this act shall be subjects of larceny.

Sec. 91. Whoever knowingly swears falsely to any statement required by this act to be made under oath shall be guilty of perjury, and shall be liable to the statutory penalties for perjury.

Sec. 92. Whoever fraudulently procures or assists in fraudulently procuring, or is privity to the fraudulent procurement, of any certificate of title or other instrument, or of any entry in the register of titles, or other book kept in the registrar's office, or of any erasure of alteration in any entry in any said book, or in any instrument authorized by this act, or knowingly defrauds or is privity to defrauding any person by means of a false or fraudulent instrument, certificate, statement, or affidavit affecting registered land, shall be guilty of a felony and fined not exceeding five thousand dollars and imprisonment not exceeding five years or either or both in the discretion of the court.

Sec. 93. Whoever forges or procures to be forged, or assists in forging, the seal of the registrar, or the name, signature or handwriting of any officer of the registry office, in case where such officer is expressly or impliedly authorized to affix his signature; or forges or procures to be forged, or assists in forging, the name, signature or handwriting of any person whomsoever to any instrument which is expressly or impliedly authorized to be signed by such person; or uses any document upon which any impression or part of the impression of any seal of said registrar has been forged, knowing the same to have been forged, or any document the signature to which has been forged, shall be guilty of a felony, and upon conviction shall be imprisoned in the penitentiary not exceeding ten years, or fined not exceeding one thousand dollars, or both fined and imprisoned, in the discretion of the court.

Sec. 94. No proceeding or conviction for any act hereby declared to be a felony shall affect any remedy which any person aggrieved or injured by such act may be entitled to at law or in equity against the person who has committed such act or against his estate.

Sec. 95. On the filing of any application for registration the applicant shall pay to the clerk of the court the sum of three dollars, which shall be in full of all clerk's fees and charges in such proceeding on behalf of the applicant. Any defendant on entering his appearance shall pay to the clerk of the court the sum of three dollars, which shall be in full of all clerk's fees in behalf of such defendant.

When any number of defendants enter their appearance at the same time, before default, but one fee shall be paid. Every publication in a newspaper required by this act shall be paid for by the party on whose application the order of publication is made in addition to the fees above prescribed. The party at whose request any notice is issued shall pay for the service of the same, except when sent by mail by the clerk of the court or registrar of titles.

Sec. 96. The fees to be paid to the registrar of titles shall be as follows:

A. At or before the time of filing the certified copy of the application for registration the applicant shall pay to the registrar on all land having an assessed value of \$1,000 or less \$10, and \$2 and 50-100 on each \$1,000 or major fraction of the assessed value of said land, additional.

B. For granting certificates of title upon each applicant and registering the same, \$2.

C. For registering each transfer, including the filing of all instruments connected therewith, and the issue and registration of the new certificate of title, \$2.

D. When the land transferred is held upon any trust, condition or limitation, an additional fee of \$3.

E. For entry of each memorial on the register, including the filing of all instruments and papers connected therewith, and indorsements upon duplicate certificates, \$2.

F. For issuing each additional owner's duplicate certificate, mortgagee's duplicate certificate, or lessee's duplicate certificate, \$2.

G. For filing copy of will with letters testamentary, or filing copy of letters of administration and entering memorial thereof, \$3.

H. For the cancellation of each memorial or charge, \$0.50.

I. For each certificate showing condition of the register, \$1.

J. For certifying to any copy of any instrument in his office, \$0.50. For any certified copy of any instrument or writing on file in his office, the same fees now allowed by law to registers of deeds for like service.

K. For any other service required or necessary to carry out this act and not hereinbefore itemized, such fee or fees as the court shall determine and establish.

Sec. 97. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

Referred to committee on

And when so amended recommend the same do pass.

C. B. LITTLE,
Chairman.

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

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 85,

A bill for an act to amend section 1554 of the Revised Codes of 1905, relating to delinquent personal taxes, and amending chapter 145 of the Session Laws of 1905.

Have had the same under consideration and recommend that the same be indefinitely postponed.

J. B. SHARPE,
Chairman.

Mr. Sharpe moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

And the further consideration of the bill was indefinitely postponed.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 216,

A bill for an act to amend sections 1287 and 1288 of the Revised Codes of 1905 relative to insurance of public buildings.

Have had the same under consideration and recommend that the same be reported favorably.

J. B. SHARPE,
Chairman.

Mr. Sharpe moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 197,

A bill for an act regulating the salaries of state officers, expenses, residence and penalty.

Have had the same under consideration and recommend that the same be referred to the committee of the whole.

J. B. SHARPE,
Chairman.

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

The committee on insurance made the following report:
Mr. President:

Your committee on insurance to whom was referred
Senate Bill No. 192,

A bill for an act regulating disbursements by life insurance companies.

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

L. A. SIMPSON,
Chairman.

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

The committee on insurance made the following report:
Mr. President:

Your committee on insurance to whom was referred
Senate Bill No. 73,

A bill for an act to amend section 4449 of the Revised Codes of 1905, relating to mutual insurance companies engaged in hail insurance.

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

In line 11, after word "that," in printed bill, cut out the words "this section shall not;" and in line 12, of printed bill, cut out words "apply to;" and after word "companies" in line 12, printed bill, add "in lieu of said deposit shall be required to file a bond in the office of the commissioner of insurance in the sum of \$25,000.00 conditional for the carrying out of its contracts and obligations incurred by its policies; said bond to be satisfactory as to form and surety to the insurance commissioner."

And when so amended recommend the same do pass.

L. A. SIMPSON,
Chairman.

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

The committee on railroads made the following report:
 Mr. President:

Your committee on railroads to whom was referred
 House bill No. 18,

A bill for an act entitled an act providing for a maximum rate of fare to be charged and collected by railroads, railroad corporations and common carriers for the transportation of passengers and baggage, and prohibiting railroads, railroad corporations and common carriers from carrying any passengers free or at a less rate than is charged the general public, and providing a penalty therefor and making it unlawful for any person to ask for or accept any such free transportation, or transportation purchased at a less rate than that charged the public, and providing a penalty therefor.

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

That the title be amended by striking out all after the word "baggage" excepting the words "and providing a penalty therefor."

And that the bill be amended by inserting the words "one-half" after the word "two" where it appears in line 4 of section 1 of the printed bill; by striking out lines 18, 19, 20 and 21 of section 1 of the printed bill; by striking out all of sections 2, 3, 4 and 5 and lines 8, 9, 10, 11, 12, 13 and 14 in section 6 of the printed bill.

And that after line 9 in section 1 the following be inserted: "Provided further that every railroad, railroad corporation and common carrier doing business in this state shall issue upon request of any person, mileage books in denomination of one thousand miles, with baggage and other facilities similar to those accompanying regular trip tickets, at a price of twenty dollars each; that such mileage books shall be good for travel by the purchaser and by such adult members of his family as he may designate and whose names are then and there written thereon."

And when so amended recommend the same do pass.

E. F. GILBERT,
 Chairman.

A minority of the committee on railroads made the following report:

Mr. President:

A minority of your committee on railroads to whom was referred

House bill No. 18,

A bill for an act entitled an act providing for a maximum rate of fare to be charged and collected by railroads, railroad corporations and common carriers for the transportation of passengers and baggage, and prohibiting railroads, railroad corporations and common carriers from carrying any passengers free or at a less rate than is charged the general public, and providing a penalty therefor and making it unlawful for any person to ask for or accept any such free transportation, or transportation purchased at a less rate than that charged the public, and providing a penalty

Recommend that the same be amended as follows:

By striking out all of sections 2 and 3, and section 4 down to line 7, and commencing with the word "but" in line 11, then down to and including all of line 13; also by striking out lines 8 to 14 inclusive, of section 6.

And when so amended recommend the same do pass.

ED. PIERCE,
D. H. McARTHUR,
AUG. E. JOHNSON,
A. J. STADE,
C. W. PLAIN.

For the minority,

Mr. LaMoure objected to the consideration of the reports and they went over to the following day.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills to whom was referred

Senate Bill No. 28,

A bill for an act to regulate the practice of pharmacy.

Also,

Senate Bill No. 93,

A bill for an act entitled, "An act to amend section 746 of the Revised Codes of 1905, relating to the amount of population of cities and villages in which registration of voters is required."

Also,

Senate Bill No. 113,

A bill for an act to amend section 140 of the Revised

Codes of 1905, relating to the appointment and qualification of the state examiner.

Also,

Senate Bill No. 206,

A bill for an act defining a watercourse.

Have carefully examined the same, and find the same correctly engrossed.

GEORGE M. YOUNG,
Chairman.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills to whom was referred

Senate Bill No. 31,

A bill for an act to amend section 9885 of the Revised Code of 1905 relating to arraignment.

Also,

Senate Bill No. 81,

A bill for an act making it a felony for any person who with intent to commit any crime breaks into or enters a building, and commits or attempts to commit a crime by the use of nitroglycerine, dynamite, gunpowder or any other high explosive, and providing a penalty therefor.

Have carefully examined the same, and find the same correctly enrolled.

GEORGE M. YOUNG,
Chairman.

The secretary announced that the president is about to sign

Senate Bill No. 81,

A bill for an act making it a felony for any person who with intent to commit any crime breaks into or enters a building, and commits or attempts to commit a crime by the use of nitroglycerine, dynamite, gunpowder or any other high explosive, and providing a penalty therefor.

Also,

Senate Bill No. 31,

A bill for an act to amend section 9885 of the Revised Code of 1905 relating to arraignment.

The president signed the same in the presence of the senate.

MOTIONS AND RESOLUTIONS.

Mr. Little moved

That the senate do now concur in the house concurrent resolution relating to improvement of the upper Missouri river.

Which motion prevailed.

Mr. Young introduced the following concurrent resolution and moved its adoption:

CONCURRENT RESOLUTION.

Introduced by Mr. Young.

WHEREAS, Hon. T. C. Platt presented to the United States senate on May 9, 1906, the following resolution:

Resolved by the Senate and House of Representatives of the United States of America in Congress Assembled (two-thirds of each house concurring therein):

"That the following amendment be proposed to the legislatures of the several states, which, when ratified by three-fourths of said legislatures, shall become and be a part of the constitution of the United States, to be numbered and to read as follows, to wit:

"ARTICLE XVI.

"SECTION 1. Neither polygamy nor polygamous cohabitation shall exist in the United States or any place subject to its jurisdiction.

"SEC. 2. The practice of polygamy or polygamous cohabitation within the bounds of a state or territory of the United States or any place subject to its jurisdiction shall be treated as a crime against the United States.

"SEC. 3. Congress shall have power to enforce the provisions of this article by appropriate legislation, but nothing in this article shall be construed to deny to any state the exclusive power, subject to the provisions of this article, to make and enforce all laws concerning marriage and divorce within its jurisdiction or to vest in the United States any power respecting the same within any state." And

WHEREAS, It appears from investigations recently made by the senate of the United States and otherwise that polygamy still exists in certain places in the United States notwithstanding prohibitory statutes enacted by the several states thereof; and

WHEREAS, The practice of polygamy is generally condemned by the people of the United States and there is demand for the more effectual prohibition thereof by placing the subject under federal jurisdiction and control; now, therefore, be it

Resolved by the Senate of the State of North Dakota, the House Concurring. That the congress of the United States is hereby petitioned to adopt the concurrent resolution introduced in the senate by Hon. T. C. Platt, above set forth; and be it further

Resolved, That the secretary of state be, and he is hereby, directed to transmit copies of this resolution to the clerk of the house of representatives and the secretary of the senate of the United States and to the several members of said bodies representing this state therein.

Mr. Simpson objected to the present consideration of the resolution which went over one day.

COMMUNICATION FROM THE SECRETARY OF STATE.

The following communication was received from the secretary of state:

To the Members of the Senate, of the Tenth Legislative Assembly of the State of North Dakota:

GENTLEMEN: I, Alfred Blaisdell, secretary of state, of the state of North Dakota, do hereby certify that the following proposed constitutional amendments were passed by the Ninth legislative assembly, and are hereby respectfully submitted to the Tenth legislative assembly, for your approval or rejection

Respectfully,

ALFRED BLAISDELL,
Secretary of State.

PROPOSED CONSTITUTIONAL AMENDMENT.

That section 158 of the constitution of the state of North Dakota is amended to read as follows:

SECTION 158. Amendment. Minimum Price of State Lands. No land shall be sold for less than the appraised value and in no case for less than ten dollars per acre. The purchaser shall pay one-fifth of the price in cash, and the remaining four-fifths as follows: One-fifth in five years, one-fifth in ten years, one-fifth in fifteen years and one-fifth in twenty years, with interest at the rate of not less than six per centum, payable annually in advance. All sales shall be held at the county seat of the county in which the land to be sold is situate, and shall be at public auction and to the highest bidder, after sixty days' advertisement of the same in a newspaper of general circulation in the vicinity of the lands to be sold, and one at the seat of government. Such lands as shall not have been specially subdivided shall be offered in tracts of one-quarter section, and those so subdivided in the smallest subdivisions. All lands designated for sale, and not sold within two years after appraisal shall be re-appraised before they are sold. No grant or patent for any such lands shall issue until payment is made for the same: provided, that the lands contracted to be sold by the state shall be subject to taxation from date of such contract. In case the taxes assessed against any of said lands for any year remain un-

paid until the first Monday in October of the following year, then and thereupon the contracts of sale for such land shall, at the election of the board of university and school lands, become null and void; and no such contract heretofore made shall be held void for non-payment of taxes accruing on the lands described therein; provided, such taxes shall have been paid before this amendment takes effect; provided, further, that any school or institution lands that may be required for townsite purposes may be paid for at any time and patent issued therefor.

PROPOSED CONSTITUTIONAL AMENDMENT.

Amendment. That section 89 of the constitution of the state of North Dakota be amended so as to read as follows:

SECTION 89. The supreme court shall consist of five judges, a majority of whom shall be necessary to form a quorum or pronounce a decision, but one or more of said judges may adjourn the court from day to day or to a day certain.

PROPOSED CONSTITUTIONAL AMENDMENT.

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

SECTION 162. The moneys of the permanent school fund and other educational funds shall be invested only in bonds of school corporations or of counties, or of townships, or of municipalities within the state, bonds issued for the construction of drains under authority of law within the state, bonds of the United States, bonds of the state of North Dakota, bonds of other states, provided, such states have never repudiated any of their indebtedness, or on first mortgages on farm lands in this state, not exceeding in amount one-third of the actual value of any subdivision on which the same may be loaned, such value to be determined by the board of appraisal of school lands.

And the president of the senate referred the same to the committee on judiciary.

FIRST AND SECOND READING OF SENATE BILLS.

Mr. Purcell, by request, introduced

Senate Bill No. 251,

A bill for an act making entries in a book or other permanent form evidence in certain cases.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Purcell, by request, introduced
Senate Bill No. 252,

A bill for an act to amend sections 7083 and 7085 of the Revised Codes of the state of North Dakota for the year 1905, relating to the method of renewing liens and judgments and providing for renewing the same without suit for an additional term of ten years and allowing execution thereon after renewal.

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

Mr. Plain introduced
Senate Bill No. 253,

A bill for an act to legalize the execution and acknowledgment of certain deeds, mortgages and other instruments in writing, and the record thereof, and making the same or certified copies thereof admissible in evidence.

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

Mr. Sifton introduced
Senate Bill No. 254,

A bill for an act regulating the organization and operation of corporations, associations and societies to do and transact upon the assessment plan the business of accident or sickness, or accident and sickness insurance, providing for the regulation and control of the same, and to regulate and control such corporations, associations and societies organized in other states, territories and countries and doing business in this state, prescribing the duties of the insurance commissioner of the state in relation thereto, and fixing the penalty for the violation of its provisions.

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

Mr. Little introduced
Senate Bill No. 255,

A concurrent resolution amending the constitution of the state of North Dakota, relating to the number of judges of the supreme court.

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

Mr. Turner introduced

Senate Bill No. 256,

A bill for an act to prevent frauds on the exemption laws of this state and providing a penalty for its violation.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Turner introduced

Senate Bill No. 257,

A bill for an act to amend section 687 of the Revised Code of 1905.

Which was read the first and second times and

Referred to the committee on elections.

Mr. Turner introduced

Senate Bill No. 258,

A bill for an act to amend section 684 of the Revised Code of 1905.

Which was read the first and second times and

Referred to the committee on elections.

Mr. Crane introduced

Senate Bill No. 259,

A bill for an act to amend and re-enact sections 4639-4658 and 4662 of chapter 21, of the Revised Codes of 1905, relating to banking corporations.

Which was read the first and second times, and

Referred to the committee on judiciary.

Mr. Simpson introduced

Senate Bill No. 260,

A bill for an act to amend and re-enact sections 2245 and 2246, relating to the licensing of public warehouses, of the Revised Codes of North Dakota, for the year 1905.

Which was read the first and second times, and

Referred to the committee on judiciary.

Mr. Talcott introduced

Senate Bill No. 261,

A bill for an act granting recognition to diplomas issued by first class high schools as teacher's certificates.

Which was read the first and second times and

Referred to the committee on education.

Mr. Spoonheim introduced

Senate Bill No. 262,

A bill for an act relating to the licensing of transient merchants, and providing a penalty for the violation thereof.

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

Mr. Palmer introduced

Senate Bill No. 263,

A bill for an act prohibiting servants and employees on sleeping cars and dining cars from accepting gratuities or tips, and prohibiting persons giving gratuities or tips.

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

Mr. Palmer introduced

Senate Bill No. 264,

A bill for an act authorizing and empowering mechanics, watchmakers, goldsmiths, and repairers to sell articles and implements to reimburse them for labor or material expended on such articles and implements; and regulating the disposition of the proceeds of such sale.

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

Mr. Kraabel introduced

Senate Bill No. 265,

A bill for an act to amend and re-enact section 2245 of the Revised Codes of 1905 relative to license for public grain warehouses.

Which was read the first and second times and
Referred to the committee on warehousing, grain and grain grading.

Mr. Rice introduced

Senate Bill No. 266,

A bill for an act to amend section 1031, 1032, 1033, 1034, 1035, 1036 and 1037 of chapter 9, article 25 of the Revised Code of 1905, relating to education and creating a new section providing that high schools may be classified as accredited schools of the University of North Dakota, and repealing all acts in conflict therewith.

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

Mr. Purcell introduced

Senate Bill No. 267,

A bill for an act to amend section 7176 of the 1905 Revised Codes of North Dakota.

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

THIRD READING OF SENATE BILLS.

Senate Bill No. 28,

A bill for an act to regulate the practice of pharmacy.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 35, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McArthur	Simpson
Cashel	McDonald	Spoonheim
Crane	McLean	Stade
Dyste	Movius	Strom
Gilbert	Palmer	Swenson
Hanna	Pierce	Talcott
Johnson of McLean	Plain	Taylor
Johnson of Walsh	Purcell	Thatcher
Koffel	Ramsett	Turner
Kraabel	Regan	Wagner
Leutz	Sharpe	Young
Little	Sifton	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Halliday	LaMoure	Steele
Kelly	Rice	

Mr. Halliday being excused.

So the bill passed and the title was agreed to.

Mr. Cashel moved

That the vote by which Senate Bill No. 28 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 40,

A bill for an act to promote the safety of employees and travelers upon railways by limiting the hours of service of employees thereon.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 36, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sifton
Cashel	McArthur	Simpson
Craue	McDonald	Spoonheim
Dyste	McLean	Stade
Gilbert	Movius	Strom
Hanna	Palmer	Swenson
Johnson of McLean	Pierce	Talcott
Johnson of Walsh	Plain	Taylor
Koffel	Purcell	Thatcher
Kraabel	Ramsett	Turner
LaMoure	Regan	Wagner
Leutz	Sharpe	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Halliday	Rice	Steele
Kelly		

Mr. Halliday being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 93,

A bill for an act entitled, "An act to amend section 746 of the Revised Codes of 1905, relating to the amount of population of cities and villages in which registration of voters is required."

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were ayes 35, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Simpson
Cashel	McDonald	Spoonheim
Crane	McLean	Stade
Dyste	Movius	Strom
Gilbert	Palmer	Swenson
Hanna	Pierce	Talcott
Johnson of McLean	Plain	Taylor
Johnson of Walsh	Purcell	Thatcher
Koffel	Ramsett	Turner
Kraabel	Regan	Wagner
LaMoure	Sharpe	Young
Leutz	Sifton	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Halliday	McArthur	Steele
Kelly	Rice	

Mr. Halliday being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 143,

A bill for an act to amend section 472 of the Revised Codes of 1905 relating to the boundaries and terms of court in the Fourth judicial district of the state of North Dakota.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were ayes 37, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McArthur	Simpson
Cashel	McDonald	Spoonheim
Crane	McLean	Stade
Dyste	Movius	Steele
Gilbert	Palmer	Strom
Hanna	Pierce	Swenson
Johnson of McLean	Plain	Talcott
Johnson of Walsh	Purcell	Taylor
Koffel	Ramsett	Thatcher
Kraabel	Regan	Turner
LaMoure	Sharpe	Wagner
Leutz	Sifton	Young
Little		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Halliday	Kelly	Rice

Mr. Halliday being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 164,

A bill for an act to amend section 6241 of the Revised Codes of 1905, being section 4792 of the Revised Codes of 1895, relating to the clerk's record of mechanic's liens.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 38, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sifton
Cashel	McArthur	Spoonheim
Crane	McDonald	Stade
Dyste	McLean	Steele
Gilbert	Movius	Strom
Hanna	Palmer	Swenson
Johnson of McLean	Pierce	Talcott
Johnson of Walsh	Plain	Taylor

Messrs.—	Messrs.—	Messrs.—
Kelly	Purcell	Thatcher
Koffel	Ramsett	Turner
Kraabel	Regan	Wagner
LaMoure	Rice	Young
Leutz	Sharpe	

Messrs. Simpson and Halliday being absent and not voting.

Mr. Halliday being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 206,

A bill for an act defining a watercourse.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 30, nays 7, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Spoonheim
Cashel	McArthur	Stade
Dyste	McLean	Strom
Gilbert	Movius	Swenson
Hanna	Pierce	Talcott
Johnson of McLean	Plain	Taylor
Johnson of Walsh	Purcell	Thatcher
Kelly	Ramsett	Turner
Koffel	Sharpe	Wagner
Leutz	Sifton	Young

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Crane	Palmer	Rice
Kraabel	Regan	Steele
LaMoure		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Halliday	McDonald	Simpson

Messrs. Halliday and McDonald being excused.

So the bill passed and the title was agreed to.

FIRST AND SECOND READING OF HOUSE BILLS.

House bill No. 11,

A bill for an act to amend section 1478 of the revised codes of 1895, being section 1854 of the revised codes of 1905 relating to residence of the poor.

Was read the first and second time, and

Referred to the committee on judiciary.

House bill No. 32,

A bill for an act entitled an act to amend section 4064 of the revised code of 1899, being section 5511 of the revised code of 1905. Usury defined.

Was read the first and second time, and
Referred to the committee on state affairs.

House bill No. 37,

A bill for an act to amend section 1348 of the revised codes of North Dakota, of 1905, relating to public roads.

Was read the first and second time, and
Referred to the committee on highways, bridges and ferries.

House Bill No. 52,

A bill for an act providing that whenever any court, in passing sentence on any person convicted of a misdemeanor, sentences such person to confinement in the court jail, the court shall, if in his opinion such person is capable of performing manual labor, sentence such person to confinement in the county jail at hard labor.

Was read the first and second time, and
Referred to the committee on judiciary.

House Bill No. 63,

A bill for an act prescribing a penalty for letting any building or portion of any building, knowingly, for the purpose of unlawful dealing in intoxicating liquors.

Was read the first and second time, and
Referred to the committee on temperance.

House Bill No. 90,

A bill for an act requiring elevator companies transacting business in this state, to return certificate of inspection and weigh-master's certificate of weight to local buyer.

Was read the first and second time, and
Referred to the committee on state affairs.

House Bill No. 92,

A bill for an act to amend sections 3063 and 3133 of the Revised Codes of the state of North Dakota of 1905, relating to the powers of electors and supervisors in organized townships.

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

House Bill No. 138,

A bill for an act to amend section 850 of the Revised Codes of 1905 of the State of North Dakota, concerning report of treasurers of school districts.

Was read the first and second time, and
Referred to the committee on state affairs.

House Bill No. 144,

A bill for an act providing a contingent fund for the use of the state's attorney for the payment of such expenses as are necessary and not otherwise provided for in securing evidence in criminal cases, and providing for the auditing and payment of such expenditures.

Was read the first and second time, and
Referred to the committee on judiciary.

House Bill No. 152,

A bill for an act entitled an act to amend section 469 of the Revised Codes of North Dakota of 1905, relating to the boundaries and terms of court in the First judicial district.

Was read the first and second time, and
Referred to the committee on judiciary.

House Bill No. 162,

A bill for an act providing for placing dependent children under sixteen years of age in family homes when parents or custodians fail to support.

Was read the first and second time, and
Referred to the committee on judiciary.

House bill No. 12.

A bill for an act providing for the opening, grading, improving and vacating of streets, alleys, etc., in incorporated villages.

Was read the first and second times, and
Referred to the committee on cities and municipal corporations.

House Bill No. 40,

A bill for an act to amend section 6173 of the Revised Codes of 1905 of the state of North Dakota.

Was read the first and second time, and
Referred to the committee on judiciary.

House Bill No. 182,

A bill for an act entitled, "An act to amend sections 466

and 467 of chapter 7 of the Political Code of the state of North Dakota providing for the distribution of supreme court reports.”

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

THIRD READING OF HOUSE BILLS.

House Bill No 46,

A bill for an act amending section 1116 of the Revised Codes of 1895, being section 1410 of the Revised Codes of 1905, relating to the duties of road overseers.

Was read the third time.

The question being on the final passage of the bill:

The roll was called and there were ayes 31, nays 1, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McArthur	Sifton
Cashel	McDonald	Simpson
Crane	McLean	Stade
Dyste	Movius	Steele
Gilbert	Palmer	Talcott
Hanna	Pierce	Taylor
Johnson of Walsh	Purcell	Thatcher
Kelly	Ramsett	Turner
LaMoure	Rice	Wagner
Leutz	Sharpe	Young
Little		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Halliday	Plain	Strom
Johnson of McLean	Regan	Swenson
Kraabel	Spoonheim	

Mr. Koffel voted in the negative.

Mr. Halliday being excused.

So the bill passed and the title was agreed to.

COURTESIES OF THE FLOOR.

The courtesies of the floor were extended to Prof. E. F. Ladd, H. R. Hartman, John Watson, E. E. Cole, C. R. Mitchell, J. Fried, H. Meecker, S. Schoomaker, F. M. Baker, James Kennedy, E. J. Moore, J. Smith, B. I. Keating, W. A. Scott, F. Brauer, Geo. W. Downing, G. L. Elkin, R. P. Irving, F. A. Anderson, Chase Anderson.

Mr. Talcott moved
That the senate do now adjourn.
Which motion prevailed and
The senate adjourned.

J. W. FOLEY,
Secretary.

THIRTY-NINTH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 15, 1907.

The senate convened at 2 o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All members present except Mr. Wagner who was excused.

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

Mr. President:

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

On page 28, eighth line, strike out the word "therefore."

On page 30, fourth line, strike out word "house" and insert the word "senate;" also insert title to Senate Bill No. 206.

And when so amended recommend the same do pass.

J. D. TAYLOR,
Chairman.

Mr. Taylor moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 15, 1907.

Mr. President:

I have the honor to transmit herewith
Senate Bill No. 3,
A bill for an act to amend section 6710 of the Civil Code
of the Revised Codes of North Dakota of 1905.
Which the house has indefinitely postponed.

Very respectfully,

P. D. NORTON,
Chief Clerk.

REPORT OF STANDING COMMITTEES

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 224,

A bill for an act providing for the placing of the inmates
of the reform school of the state of North Dakota under the
guardianship and control of the board of trustees of said
reform school.

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

J. B. SHARPE,
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 211,

A bill for an act providing for the election of county sur-

veyor and prescribing his duties, and the manner in which his records shall be kept, and authorizing the board of county commissioners and township surveyors to make surveys, and authorizing and prescribing the manner for the payment of the expenses incurred therein.

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

By striking out the emergency clause.

And when so amended recommend the same do pass.

J. B. SHARPE,
Chairman.

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

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 89,

A bill for an act to provide for the maintenance of highways over which rural mail delivery routes are established.

Have had the same under consideration and recommend that the same be indefinitely postponed.

J. B. SHARPE,
Chairman.

Mr. Sharpe moved
That the report be adopted.
Which motion prevailed, and
The report of the committee was adopted.
And further consideration of the bill was indefinitely postponed.

The committee on railroads made the following report:

Mr. President:

Your committee on railroads to whom was referred
Senate Bill No. 43,

A bill for an act to amend section 4316, Revised Statutes of 1905, regulating the rate per mile for railroad corporations to transport passengers, prohibiting discrimination in rates of classes of tickets issued and providing penalties for their violation.

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

E. F. GILBERT,
Chairman.

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

The committee on agriculture made the following report:
Mr. President:

Your committee on agriculture to whom was referred
Senate Bill No. 208,

A bill for an act to regulate the selling, offering or exposure of seeds for sale.

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

In line 1 of section 3 after the word "weeds" insert the following: "It shall be unlawful for any person, company or corporation to sell or offer for:" also in line 2 of section 3 of the printed bill, after the word "sale" strike out the word "of;" also amend the title to read as follows: "For an Act to Regulate the Selling, Offering or Exposure of Seeds for Sale and Providing an Appropriation for Carrying out the Same."

And when so amended recommend that the same be referred to the committee on appropriations.

IVER SWENSON,
Chairman.

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

The committee on agriculture made the following report:
Mr. President:

Your committee on agriculture to whom was referred
Senate Bill No. 130,

A bill for an act to prevent the development and dissemination of the seeds of noxious weeds.

Have had the same under consideration and recommend that the same be referred to the committee on appropriations.

IVER SWENSON,
Chairman.

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

The committee on education made the following report:
 Mr. President:

Your committee on education beg leave to report that in obedience to the resolution adopted by the senate the following gentlemen visited the capital and appeared several times before the committee on education, viz.:

Webster Merrifield, president of the university of North Dakota; John H. Worst, president of the agricultural college, Fargo; G. A. McFarland, president of the Valley City normal school; Joseph Carhart, president of the normal school at Mayville; Earl G. Burch, principal of the academy of science, Wahpeton; Wm. M. Kern, principal of the industrial school at Ellendale; J. A. Kemp, president of the school of forestry at Bottineau.

We recommend that payments be made to the gentlemen named to cover mileage and per diem as follows:

Webster Merrifield, five days, \$25, and 275 miles, \$27.50, total	\$52.50
John H. Worst, five days, \$25, and 200 miles, \$20, total	45.00
G. A. McFarland, five days, \$25, and 137 miles, 13.70, total	37.70
Joseph Carhart, five days, \$25, and 212 miles, \$21.20, total	46.20
Earl G. Burch, five days, \$25, and 241 miles, 24.10, total	49.10
Wm. M. Kern, five days, \$25, and 178 miles, \$17.80, total	42.80
J. A. Kemp, five days, \$25, and 460 miles, \$46, total	61.00

Respectfully,

F. S. TALCOTT,
 Chairman.

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

The committee on engrossed and enrolled bills made the following report:

Mr. President:

Your committee on engrossed and enrolled bills to whom was referred

Senate Bill No. 165,

A bill for an act to amend section 1934 of the Revised Code of 1905, relating to county commissioners vote on abolishing provisions of article 9, Revised Code of 1905, entitled Herd Law. How conducted) and repealing sections 1935, 1936 and 1937 Revised Code of 1905.

Also,

Senate Bill No. 167,

A bill for an act to amend section 2245 relating to license. How obtained. Fee, how determined.

Also,

Senate Bill No. 187,

A bill for an act to provide for the protection of purchasers at judicial or foreclosure sales of real estate in the payment of taxes, assessments, prior liens or insurance premiums becoming delinquent during the year of redemption.

Also,

Senate Bill No. 216,

A bill for an act to amend sections 1287 and 1288 of the Revised Codes of 1905 relative to insurance of public buildings.

Also,

Senate Bill No. 114,

A bill for an act entitled, "An act to amend section 10,381 of the Revised Code of 1905, relating to the manner of disposing of the product of the state binder twine plant."

Also,

Senate Bill No. 192,

A bill for an act regulating disbursements by life insurance companies.

Have examined the same and find the same correctly engrossed.

GEORGE M. YOUNG,
Chairman.

INTRODUCTION AND FIRST READING OF SENATE
BILLS.

Mr. Little introduced
Senate Bill No. 268,

A bill for an act making an appropriation to pay for certain books for the state law library.

Which was read the first time.

Mr. Steele introduced
Senate Bill No. 269,

A bill for an act to amend and re-enact section 2894 of the Revised Code of North Dakota of 1905, relating to villages.

Which was read the first time.

Mr. Wagner introduced
Senate Bill No. 270,

A bill for an act to provide for the payment of the necessary expenses of the state officers of the state of North Dakota.

Which was read the first time.

Mr. Purcell, by request, introduced
Senate Bill No. 271,

A bill for an act to amend section 7246 of the Revised Codes of 1905, relating to examination of parties.

Which was read the first time.

Mr. Purcell, by request, introduced
Senate Bill No. 272,

A bill for an act entitled An act to amend sections 938, 939, 940, 942 and 943 of article 19 of chapter 9 of the Political Code of North Dakota, Revised Codes of 1905, relating to school districts.

Which was read the first time.

Mr. McArthur introduced
Senate Bill No. 273,

A bill for an act to amend section 4392 of the Revised Codes of the state of North Dakota for 1905, relating to the construction of "Ys" and transfer facilities at railroad crossings, and providing a penalty for the violation thereof.

Which was read the first time.

Mr. Leutz introduced
Senate Bill No. 274,

A bill for an act requiring the secretary or other executive officer of every county, district or state fair association or other exhibit at which the resources or products of the state are placed on exhibition, to file with the commissioner of agriculture and labor a list of the dates claimed by said association for the purpose of conducting the same.

Which was read the first time.

Mr. Crane introduced
Senate Bill No. 275,

A bill for an act creating the office of field officer and curator of the state historical society of North Dakota, authorizing the appointment of a field officer and curator for such society, defining the duties of the incumbent of such office and providing for an appropriation.

Which was read the first time.

Mr. Gilbert introduced
Senate Bill No. 276,

A bill for an act relating to liability of common carriers to their employes.

Which was read the first time.

Mr. Sharpe introduced
Senate Bill No. 277,

A bill for an act providing the manner in which the right of way for railroad companies over lands belonging to wards or deceased persons may be acquired.

Which was read the first time.

SECOND READING OF SENATE BILLS.

Senate Bill No. 201,

(Substitute for Senate Bill No. 68,)

A bill for an act to provide for the nonpartisan nomination and election of state superintendent of public instruction and county superintendent of schools.

Was read the second time, and

Referred to the committee on elections.

Senate Bill No. 203,

A bill for an act to regulate the employment and occupa-

tion of railway telegraphers, and establishing a board of telegraph examiners.

Was read the second time, and

Referred to the committee on railroads.

Senate Bill No. 207,

A bill for an act creating a state library commission, defining its duties and providing for its maintenance.

Was read the second time, and

Referred to the committee on education.

Senate Bill No. 217,

A bill for an act to provide for the establishment and maintenance of county training schools for teachers.

Was read the second time, and

Referred to the committee on appropriations.

Senate Bill No. 218,

Concurrent resolution for an act locating a state normal school at the city of Towner, in the county of McHenry.

Was read the second time, and

Referred to the committee on education.

Senate Bill No. 221,

A bill for an act entitled an act concerning artesian wells and the regulation and acquirement of rights to the use of water therefrom.

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 240,

A bill for an act to divide the state of North Dakota into two (2) congressional districts, and defining the boundaries of each of said congressional districts of the state of North Dakota.

Was recalled from the committee on judiciary and referred to the committee on apportionment.

Senate Bill No. 113,

A bill for an act to amend section 140 of the Revised Codes of 1905, relating to the appointment and qualification of the state examiner.

Was re-referred to the committee on judiciary.

Senate Bill No. 265,

A bill for an act to amend and re-enact section 2245 of

the Revised Codes of 1905 relative to license for public grain warehouses.

Was referred to the committee on railroads.

Senate Bill No. 167,

A bill for an act to amend section 2245 relating to license. How obtained. Fee, how determined.

Was referred to the committee on railroads.

THIRD READING OF SENATE BILLS.

Senate Bill No. 192,

A bill for an act regulating disbursements by life insurance companies.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were ayes 37, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McArthur	Sifton
Cashel	McDonald	Simpson
Crane	McLean	Spoonheim
Dyste	Movius	Stade
Gilbert	Palmer	Steele
Halliday	Pierce	Strom
Hanna	Plain	Swenson
Johnson of McLean	Purcell	Talcott
Johnson of Walsh	Ramsett	Taylor
Kelly	Regan	Thatcher
Koffel	Rice	Turner
Kraabel	Sharpe	Young
Leutz		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
LaMoure	Little	Wagner

Mr. Wagner being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 165,

A bill for an act to amend section 1934 of the Revised Code of 1905, relating to county commissioners vote on abolishing provisions of article 9, Revised Code of 1905, entitled Herd Law. How conducted) and repealing sections 1935, 1936 and 1937 Revised Code of 1905.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 36, nays 3, absent and not voting 1.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sifton
Cashel	McArthur	Simpson
Crane	McLean	Spoonheim
Gilbert	Movius	Stade
Halliday	Palmer	Steele
Hanna	Pierce	Strom
Johnson of Walsh	Plain	Swenson
Kelly	Purcell	Talcott
Koffel	Ramsett	Taylor
Kraabel	Regan	Thatcher
LaMoure	Rice	Turner
Leutz	Sharpe	Young

Those voting in the negative were:

Messrs.—	Messrs.—	Messrs.—
Johnson of McLean	McDonald	Dyste

Absent and not voting Mr. Wagner.

Mr. Wagner being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 187,

A bill for an act to provide for the protection of purchasers at judicial or foreclosure sales of real estate in the payment of taxes, assessments, prior liens or insurance premiums becoming delinquent during the year of redemption.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 35, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sifton
Cashel	Little	Spoonheim
Crane	McArthur	Stade
Gilbert	McLean	Steele
Halliday	Movius	Strom
Hanna	Palmer	Swenson
Johnson of McLean	Pierce	Talcott
Johnson of Walsh	Purcell	Taylor
Kelly	Ramsett	Thatcher
Koffel	Regan	Turner
Kraabel	Rice	Young
LaMouré	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Dyste	Plain	Wagner
McDonald	Simpson	

Mr. Wagner being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 216,

A bill for an act to amend sections 1287 and 1288 of the Revised Codes of 1905 relative to insurance of public buildings.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 36, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Sharpe
Cashel	Leutz	Sifton
Crane	McDonald	Spoonheim
Dyste	McLean	Stade
Gilbert	Movius	Steele
Halliday	Palmer	Strom
Hanna	Pierce	Swenson
Johnson of McLean	Plain	Talcott
Johnson of Walsh	Purcell	Taylor
Kelly	Ramsett	Thatcher
Koffel	Regan	Turner
Kraabel	Rice	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Little	Simpson	Wagner
McArthur		

Mr. Wagner being excused.

So the bill passed and the title was agreed to.

Mr. Purcell moved

That the senate do now concur in the house amendment to Senate Bill No. 29,

A bill for an act to amend section 7252 of the Revised Code of 1905, relating to examination of an adverse party.

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 34, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sharpe
Cashel	McDonald	Sifton
Crane	McLean	Spoonheim
Dyste	Movius	Stade
Gilbert	Palmer	Strom
Hanna	Pierce	Swenson
Johnson of McLean	Plain	Talcott
Johnson of Walsh	Purcell	Taylor
Kelly	Ramsett	Thatcher

Messrs.—
Kraabel
LaMoure
Leutz

Messrs.—
Regan
Rice

Messrs.—
Turner
Young

Absent and not voting:

Messrs.—
Halliday
Koffel

Messrs.—
McArthur
Simpson

Messrs.—
Steele
Wagner

Mr. Wagner being excused.

So the bill as amended passed and the title was agreed to.

Senate Bill No. 114,

A bill for an act entitled, "An act to amend section 10,381 of the Revised Code of 1905, relating to the manner of disposing of the product of the state binder twine plant."

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 36, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—
Albright
Cashel
Crane
Dyste
Gilbert
Halliday
Hanna
Johnson of McLean
Johnson of Walsh
Kelly
Kraabel
LaMoure

Messrs.—
Leutz
Little
McArthur
McDonald
McLean
Movius
Palmer
Pierce
Plain
Purcell
Ramsett
Regan

Messrs.—
Rice
Sharpe
Sifton
Spoonheim
Stade
Strom
Swenson
Talcott
Taylor
Thatcher
Turner
Young

Absent and not voting:

Messrs.—
Koffel
Simpson

Messrs.—
Steele

Messrs.—
Wagner

Mr. Wagner being excused.

So the bill passed and the title was agreed to.

COURTESIES OF THE FLOOR.

The courtesies of the floor were extended to Dr. M. H. Scholberg, Sheriff J. J. Lee, Edw. Kelly, P. H. Bankol, Supt. E. G. Warren, Mr. Hunt, Mr. Cardell, Hon. C. C. Willis, Atty. R. A. Nestos, all of Minot, N. D. Hon. Hugh McDonald, Hon. Joseph H. Rogers, John Alderman, J. R.

Getchell, C. K. Wing, L. C. Green, I. S. Smith, George Hancock, F. Baldwin, Ador A. Jevnager, Geo. W. Downing, Chas. Wolff, Sam Brandt, David Lloyd.

Mr. Talcott moved
That the senate do now adjourn.
Which motion prevailed, and
The senate adjourned.

J. W. FOLEY,
Secretary.

FORTIETH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 16, 1907.

The senate convened at 2 o'clock.

The president presiding.

Prayer by the Rev. Magin.

Roll call.

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

REFERENCE OF THE JOURNAL.

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

Mr. President:

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

On page 4, second line, after the fourth word insert "not."

On 6th page, Senate Bill No. 182, change to "No. 192;" and also change title to that of "Senate Bill No. 192."

On page 9, erase line 37 and after the first word in 38th line add "re."

And when so amended recommend that the same be approved.

J. D. TAYLOR,
Chairman.

Mr. Taylor moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 16, 1907.

Mr. President:

I have the honor to transmit herewith
House Bill No. 41,

A bill for an act providing for the selection of candidates for election by popular vote including selection of members of the national committee and relating to their nomination and the perpetuation of political parties.

Also,
House bill No. 14,

A bill for an act to amend section 2864 of the revised codes of North Dakota for 1905, relating to the general powers of the board of trustees of incorporated villages.

Also,
House Bill No. 142,

A bill for an act providing a method of taking away the increased jurisdiction of county courts.

Also,
House Bill No. 115,

A bill for an act to protect the traveling public from being compelled to eat adulterated food stuffs served in hotels, restaurants, and boarding houses in the state of North Dakota, without having due notice thereof.

Also,
House Bill No. 132,

A bill for an act amending section 26 of the Political Codes of North Dakota.

Also,
House Bill No. 137,

A bill for an act relating to the use of railroad tracks for highway purposes.

Also,
House bill No. 135,

A bill for an act to amend section 1216 of the Revised Codes of 1895, being section 1531 of the Revised Codes of North Dakota, relating to the state board of equalization.

Also,

House Bill No. 120,

A bill for an act to amend chapter 65 of the Penal Code of the Revised Codes of 1905 of the state of North Dakota, relating to the enforcement of the prohibition law.

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

Also,

I have the honor to return herewith

Senate Bill No. 2,

A bill for an act to amend chapter 30 of the Political Code of the state of North Dakota Revised Code of 1905, relating to cities.

Which the house has amended by substituting the following title:

"For an Act to Amend Section 2740, Article 17. Immediately After Section 2770, Section 2778, Section 2780, Section 2782, Section 2783, Section 2769, Section 2798, Section 2815, and to Repeal Section 2779 of Chapter 30 of the Political Code of the State of North Dakota, Revised Codes of 1905, Relating to Cities."

Also by striking out all after the enacting clause and substituting the following:

SECTION 1. That section 2740, Revised Codes of the State of North Dakota of 1905 be and the same is hereby amended to read as follows:

Section 2740. Powers of Police Officers.) The chief of police shall perform such duties as shall be prescribed by the city council for the preservation of the peace. All police officers and watchmen of a city shall, within the city limits and for a distance of one and one-half miles in all directions within the state next outside the city limits, perform the duties and exercise the power of peace officers as defined and prescribed by the laws of the state; and shall also have power, and it shall be their duty to serve and execute any warrants, writs, process, order or notice issued to them by a police magistrate or city justices or justice of the peace within said city in any civil or criminal action or proceeding for or on account of a violation of any city ordinances, or in any action or proceeding in which the city is a part or beneficially considered; and in addition thereto shall perform such duties as shall be prescribed by the ordinances of the city, and shall also have power within said limits to serve and execute all writs and process whatsoever issued by said justices in civil actions.

SEC. 2. That article 17 of chapter 30 be and the same is hereby amended by adding thereto immediately after section 2770, the following:

Section 2770 (a) In all cases where snow and ice are not removed from sidewalks within the time and in the manner that is now or hereafter may be provided by the ordinances of any city, the same may be removed by or under the direction of the street commissioner, and the necessary expense thereof shall be chargeable against the abutting property. On or before May 1 in each year the street commissioner shall make and file in the office of the city auditor a list of the property chargeable and assessed against each lot and tract separately, and stating the owner's name, so far as known to him. The city auditor shall give notice by publication in official newspaper of the hearing and confirmation of such report and assessment at the regular June council meeting, notifying all persons objecting thereto to appear and present their objections, such notice to be published twice, once in each week for two consecutive weeks, the last publication to be not less than eight days before the time fixed for the hearing. At the June council meeting or at such later meeting as the hearing and confirmation of such assessment may be adjourned to, the council shall take up and consider said assessment and shall hear any objection thereto or to any part thereof, and after revising and correcting the same, if necessary so to do, shall approve and confirm the same. The city auditor shall thereupon attach to such list his certificate that the same is correct as confirmed by the city council and shall thereupon file such assessment list in his office; and such assessment, with interest and penalties thereon, shall be and remain a paramount lien upon the property upon which such assessment is levied, from the time such assessment list is approved by the city council and shall remain a lien thereupon until fully paid and shall have precedence over all other liens except ordinary taxes to which it shall be subject, and such lien shall not be divested by any judicial sale, and no mistake in the description of the property or in the name of the owner shall obviate such lien, provided the property assessed can be identified by the description in such assessment list. Such assessment shall be certified to the county auditor by the city auditor at the same time and in the same manner that sidewalk assessments are

certified by him under the provisions of section 2804, Revised Codes of 1905.

SEC. 3. That section 2778 of the Revised Codes of the State of North Dakota of 1905, be and the same is hereby amended to read as follows:

Section 2778. Resolution Declaring Work Necessary.) After the plans, specifications and estimates mentioned in the preceding section shall have been filed in the office of the city auditor and approved as provided in the preceding section the city council shall by resolution declare such work or improvement (except the construction or alteration of sewers) necessary to be done, such resolution shall refer intelligently to the plans, specifications and estimates therefor, and shall be published twice, once in each week for two consecutive weeks in the official newspaper of the city. If the owners of a majority of the property liable to be specially assessed for such proposed improvement shall not within fifteen days after the first publication of such resolution file with the city auditor a written protest against such improvement, then the majority of such owners shall be deemed to have consented thereto. At the next regular meeting of the city council after the expiration of the time for filing protests against such improvement, the council shall hear and determine the sufficiency and validity of such protests, and if two-thirds of the council shall decide that such protests are insufficient or not well taken, then the city council shall have power to cause such improvement to be made and to contract therefor, and to levy and collect assessments therefor as hereinafter provided, and all such work shall be let by contract to the responsible bidder whose bid is the lowest therefor.

In case the work to be done consists of paving or repaving, the city council shall not in its resolution declaring such improvement necessary determine which of the kinds of paving or paving material shall be adopted; but in the call for bids bidders shall be invited to submit bids for one or more of the several kinds of paving or paving material for which the city engineer shall have been directed to file plans and specifications. When the bids shall have been opened and made public they shall be entered on the minutes of the meeting and be carefully preserved by the city auditor, and action on the same shall be deferred for a period of at least five days, and another meeting of the council shall be held at least five days after the opening of

the bids for the purpose of considering and acting on the same. Notice of the time and place of such future meeting shall be published by the city auditor at least once in the official newspaper of the city at least five days before the date fixed for such meeting. If, after the opening of the bids and before the meeting of the council to consider the same the owners of a majority of the property liable to be specially assessed for such paving or re-paving, shall file with the city auditor a written petition (which may consist of a single petition or several separate petitions signed by the owners of a majority of the property liable to be specially assessed for such improvement or their authorized agents) indicating that such petitioners are agreed in a preference for any one of the kinds of paving, or paving materials for which bids have been invited, then it shall be obligatory upon the city council to cause the paving or re-paving to be constructed of the kind of paving material indicated in such petition.

SEC. 4. That section 2779 of the Revised Codes of the State of North Dakota of 1905, be and the same is hereby repealed.

SEC. 5. That section 2780 of the Revised Codes of the State of North Dakota of 1905, be and the same is hereby amended to read as follows:

Section 2780. Duty of Council.) The city council shall then cause proposals for said work to be advertised for in the official paper of such city twice, once in each week for two consecutive weeks, which advertisement shall specify the work to be done according to the plans and specifications therefor on file in the auditor's office and shall call for bids therefor upon a basis of cash payment for said work, and state the time within which such bids will be received, and within which such work is to be completed. The city council may also require bidders to state the rate of interest the warrants shall bear (not exceeding seven per cent per annum), which are to be received and accepted by them at par in payment for such work. In case of pavement such proposals may call for bids for one or more kinds of pavement. Bids for such work shall be forwarded to the city auditor of such city securely sealed so as to prevent their being opened without detection, and shall have endorsed upon the outside thereof a statement of what work such proposals are for. Such bids shall be opened by the city

council at the expiration of the time limited in said advertisement for receiving the same, which shall be not less than fifteen days after the first publication of said advertisement, or at such other time as the city council may appoint therefor, and if accompanied by a check and bond hereinafter provided for shall be considered, and if not accompanied by such check and bond shall be rejected. .

SEC. 6. That section 2782 of the Revised Codes of the State of North Dakota of 1905, be and the same is hereby amended to read as follows:

Section 2782. Bonds.) Each bid for any such work shall also be accompanied by a bond running to the city. In case of all improvements except sidewalks, paving and repaving the amount of bidder's bond shall be a sum equal to the full amount of the bid. In case of paving or repaving, the amount of the bond to be required on each bid for different kind of paving or repaving shall be fixed at a sum equal to at least five per cent of the amount of the bid or such additional sum as the city council may by resolution determine at the time bids are called for, provided, however, that in the case of contracts for the construction of sidewalks the amount of the bond shall be five hundred dollars. Such bidder's bond shall be executed by the bidder or contractor as principal and by a surety company authorized to do business in this state, or by two or more freeholders resident of this state; and if executed by individuals as sureties such sureties must attach to such bond an affidavit of justification, showing that they possess the qualifications required of sureties in arrest and bail and are worth in the aggregate in property within this state a sum equal to twice the penalty of the bond over and above their exemptions; such bonds shall be made payable to the city and shall be conditioned as follows: That if the principal's bid shall be accepted and the contract for the work of improvement awarded to him, he will, within ten days after the acceptance of his bid or within such further time as the city council shall grant, enter into and execute a contract bond in a sum equal to the amount of the bid and a contract in writing to and with the city, to well and faithfully perform and complete the work for which his bid was accepted in accordance with the plans and specifications therefor and the terms of his bid and within the time required by the terms of such contract that he will pay for all labor and materials used in such work. Such bonds shall be for the

benefit of the city. In case the bidder shall fail to execute a contract bond and a contract as aforesaid for the completion of the work bid for within ten days or such further time as the city council may grant after the acceptance of the bid, then the city council shall be authorized the same as if the bid or bond contained an expressed stipulation to that effect, to cause such work to be done or completed the work, or contract, with some other contractor to do or complete the work, and in such case may recover in a suit on the defaulting bidder's bond the difference between actual cost to the city of such improvements and the sum which it would cost if the defaulting bidder had complied with his bid.

The successful bidder shall, within the time fixed by the city council for executing the contract, file a contract bond in a sum equal to the full amount of the contract with the city auditor. Such contract shall be executed by the bidder or contractor as principal and a surety company, authorized to do business in this state, as surety or by two or more freeholders resident of this state, and if executed by individuals as sureties such sureties must attach to such bond an affidavit of justification showing that they possess the qualifications required of sureties in arrest and bail, and are worth in the aggregate in property within this state a sum equal to twice the penalty of the bond over and above their exemptions; such bond shall be made payable to the city and shall be conditioned that he will well and faithfully perform the work bid for in accordance with the terms of and within the time provided for in such contract, and pursuant to the plans and specifications for such work on file in the city auditor's office, and pay for all labor and material used in such work, and that in case of default on the part of the bidder or contractor to perform such work as provided in his contract, the sum named in the bond shall be taken and held to be fixed and liquidated damages in favor of said city, and that the full amount thereof may be recovered from said bidder and his sureties in an action by the city against them on said bonds. Such bonds shall be approved by the city council and shall thereupon be and remain in full force and effect.

Upon the execution of the contract and approval of the contract bond the bidding bond shall be returned.

A sufficiency of any bond filed by a bidder shall be determined by the city council at the time of considering

bids. If the council shall at any time deem the bond of a contractor insufficient either in form or sufficiency of sureties, it may require the successful bidder or contractor to furnish a new bond to be approved by the mayor and the city council within such reasonable time as the council may fix and if the bidder or contractor shall fail to furnish such new bond within the time required after notice to him to do so his contract may be canceled and in that event the contractor's bond shall be liable the same as if the contractor had failed to perform his contract.

SEC. 7. That section 2783 of the Revised Codes of the State of North Dakota of 1905, be and the same is hereby amended to read as follows:

Section 2783. Council May Reject Bids.) The city council shall have the right to reject any and all bids for work to be done under this article, if, in its opinion, the interests of the city will be best subserved by so doing, and re-advertise for further bids, but if all such bids are not rejected the contract shall then be awarded to the responsible bidder whose bid is the lowest upon the basis of cash payment therefor. Provided such bidder shall have complied with the foregoing requirements; provided, further, that in case the contemplated improvements consist of paving or repaving, the city council may after opening and considering the bids, by resolution, determine the kind or kinds of pavement to be laid, and may then proceed to award a contract or contracts therefor.

SEC. 8. That section 2769 of the Revised Codes of the State of North Dakota of 1905, be and the same hereby is amended to read as follows:

Section 2769. Duty of Auditor.) The city auditor shall keep in his office a book called Sidewalk Repair Special Assessment book, and shall enter such cost so certified by the street commissioner therein, as a special assessment, against the lot or parcel of land adjoining such sidewalk, with the name of the owner, if known, to him; and at its regular meeting in September of each year, the city council shall review all assessments and hear all complaints against the same, and approve the same as finally adjusted.

SEC. 9. That section 2798 of the Revised Codes of the State of North Dakota of 1905, be and the same is hereby amended to read as follows:

Section 2798. Payment of One-Fifth by General Taxation.) Any city which shall have power under the debt limit provisions of the constitution to create valid obligations to that extent, may, at the option of the city council, provide for the payment of not exceeding one-fifth of the cost of any work hereinbefore provided for other than sidewalks, opening and widening streets and sewer and water connections from main to curb line, by general taxation of all taxable property in such city, and may contract with reference thereto; and make appropriations and levy taxes therefor in installments annually and extending over the same period as provided for the special assessments for such improvement. Such appropriation and tax levy, if not heretofore included in the annual appropriation ordinance may be made at any time as the occasion may require and be included in the next annual appropriation and tax levy.

Such appropriation and levy, whether made as part of the regular annual appropriation ordinance and tax levy, or made thereafter, shall state the specific improvement for which such tax is levied, and the district in which such improvement is made and the amount thereof shall be credited to and the taxes collected thereunder be turned in to and be deemed part of the district fund upon which the warrants issued in payment of the improvement are to be drawn.

SEC. 10. That section 2815 of the Revised Codes of the State of North Dakota of the year 1905, be and the same is hereby amended to read as follows:

Section 2815. Connections With Sewer and Other Mains.) Whenever the city council shall determine to pave or repave any street, avenue or alley in which water mains, gas mains, sewers, steam pipes or other pipes, or either of them shall have been previously laid and constructed, they may, by resolution require the owners of all property abutting on the said street to cause sewer, water, gas, steam and other service pipes to be first constructed and laid in such street, avenue or alley at the cost of the property fronting thereon, from the sewer, water, gas, steam or other mains in said street, avenue or alley to a point two feet inside of the curb line on either side of such street, avenue or alley at such intervals along the whole length of such street, avenue or alley as shall be necessary to supply and serve each lot, part of lot or parcel of land in accordance with the

city ordinance governing the construction of such connections.

Upon the adoption of such resolution the city auditor shall publish in the official newspaper of the city twice, once in each week for two successive weeks, a notice to said owner or occupant, setting forth what work is to be done and the time within which he is required to do the same. Such notice may be general as to the owner, but must be specific as to the description of the lot or parcel of land in front of which the improvement is to be made.

If such work is not done in the manner and within the time prescribed in said notice the city council shall order the same to be done by such person as they may have contracted with therefor, under the direction of the city engineer or street commissioner, in cities having no city engineer, at the expense of the lot or parcel of land adjoining such improvement and such expense, including the expenses of all notices in connection with such work and the assessment therefor, and any other expenses incurred for such work, shall be assessed upon the lot or parcel of land properly chargeable therewith, by the city engineer or by the street commissioner in cities having no city engineer; and such assessment shall be returned by him and filed in the office of the city auditor, and the city auditor shall cause to be published the said assessment, together with a notice of the time and place when and where the city council will meet to approve the same, and said notice shall be published once in the official newspaper of the city at least ten days prior to the meeting of the city council to approve such assessment.

The city council after the adoption of such resolution declaring the necessity of making the service connections above referred to shall, by resolution, direct the city engineer to prepare plans and specifications for same and file with the city auditor and shall direct the city auditor to advertise for bids for the construction of such connections in accordance with the plans and specifications for the construction of the same which plans and specifications shall be filed with the city auditor by the city engineer. And such bids shall each be accompanied by a certified check in the sum of \$500 to guarantee the entering into the contract should same be awarded to him. Bids shall be received by the city council and the contract awarded to the lowest responsible bidder. The successful bidder shall give

a surety bond in the sum of \$1,000 executed by such bidder and a surety company as surety or by two freeholders of the state, who shall justify as required in arrest and bail, and the aggregate of such justification shall equal the amount of such bond, and such bond shall be conditioned that in case such bid is accepted and such contract awarded to such bidder he will well and faithfully perform the work bid for in accordance with the terms of and within the time provided for in such contract, and pursuant to the plans and specifications for such work on file in the auditor's office, and pay for all labor and material used in such work, and that in case of default on the part of such bidder to perform such work as provided in his contract the sum named in said bond shall be taken and held to be fixed and liquidated damages in favor of said city; and that the full amount thereof may be recovered from such bidder and his sureties, in an action by the city against them on such bond. Such bond shall be approved by the city council and filed in the office of the city auditor, and shall thereupon be and remain in full force and effect. Upon the award of the contract the checks of all unsuccessful bidders shall be returned to them, and upon the filing of such bond the check of the successful bidder shall be returned to him.

The city council shall have the right to reject any and all bids for work to be done under this section, if, in its opinion, the interests of the city will be best subserved by so doing, and re-advertise for further bids, but if all such bids are not rejected the contract shall then be awarded to the responsible bidder whose bid is the lowest upon the basis of cash payment therefor; provided, such bidder shall have complied with the foregoing requirements and furnished the bond hereinbefore provided for.

All contracts entered into for any work provided for in this section shall be entered in the name of the city and shall be executed on the part of the city, by the mayor thereof, and countersigned by the auditor with the corporate seal of the city affixed, and when signed by the contractor shall be filed in the office of the city auditor. Such contract shall require the work to be done thereunder to be done pursuant to the plans and specifications therefor on file in the office of the city auditor, and subject to the approval of the city engineer, who shall supervise and inspect such work during its progress, and there shall be reserved in each contract the right of the city council, in case of an improper

construction of such work, to suspend work thereon at any time, and to relet the contract therefor, or order a reconstruction of said work or any part thereof improperly done. Each contract so entered into shall state the time on or before which such work must be completed, and must state from what fund the amount to be paid thereon by the city is to be paid, and that the consideration of such contract is payable only in warrants drawn on such fund, and that such city assumes and incurs no general liability under such contract.

In case the contractor to whom any such contract shall be let shall properly perform the work therein designated, the city council may from time to time in its discretion, as the work progresses, pay to such contractor upon an estimate made by the city engineer of the amount already earned thereunder, eighty-five per cent of the amount shown by such estimate to have been so earned, in warrants drawn on the fund from which the same is to be paid.

All money collected from special assessments for building and constructing sewer and water and other connections shall be kept in a fund called sewer and water connections special assessment fund, and warrants shall be drawn on such fund for the payment of the costs of all such connections.

All such sewer and water special assessments shall be paid in a single amount.

SEC. 11. This act shall not affect any contract let and commenced under this act which it amends, but all such contracts shall be conducted and concluded under the terms of said act.

SEC. 12. Emergency.) Whereas the present law relating to cities restricts police powers, methods of advertising for paying bids, letting contracts and bonds for same, and duties of auditors in relation thereto.

Therefore this act shall be in full force from and after its passage and approval.

And passed as amended.

Very respectfully,

P. D. NORTON,
Chief Clerk.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

Mr. Young present the following resolution :

WHEREAS, There is now pending before the legislature of the state of North Dakota a measure regulating beneficiary life insurance companies; *Resolved*, That as members of Valley City Homestead No. 240, Brotherhood of American Yeomen, we believe that said bill now pending is aimed at fraternal insurance and in the interest of the old line insurance companies, and that the passage of said bill will bring hardship and increase of cost to thousands of poor families who are now protected by a fraternal insurance and will have the effect of depriving them of any insurance whatever; and therefore, be it further

Resolved, That we urge upon our senators and representatives from Barnes county to use their utmost endeavors to defeat said proposed legislation.

Resolved, That a copy of these resolutions be forwarded to each of the senators and representatives of the Fifteenth and Thirty-eighth legislative districts.

(Seal.)

C. F. JENSEN,
Correspondent.

J. H. S. THOMSON,
Foreman of Homestead No. 240.

Adopted unanimously at a regular meeting of Valley City Homestead No. 240, held at Valley City, N. D., February 11, 1907.

Mr. Gilbert presented the following communication :

Gardner, N. D., February 12, 1907.

Hon. E. F. Gilbert, Bismarck, N. D.:

DEAR SIR: I wish to give you my ideas in regard to the two-cent rate bill now before the senate

I think it very unwise for the people of North Dakota to take such an hostile attitude toward the railroads doing business in the state, as there is no occasion for it, or good valid reason.

It is a matter of past history, the railroads have reduced their rates voluntarily time and again, both in passenger and freight rates, and now for the legislature to take this proposed action looks more like persecution than a good business proposition.

I am a grain raiser, as you know, and the saving to me in freight charges last season by the reduction made by the companies on grain in October, amounted to about \$50. Now in case we get this two-cent passenger rate it will save me no more than \$5 per year, provided I travel 1,000 miles in the state, and I am satisfied the other farmers in the state, on the average, will travel no more.

Now the above saving on grain shipments only includes the reduction given us last year, and when we consider the reductions the companies have given us in the past few years (about 5 cents per bushel I think) and the reductions on merchandise, and also reductions on passenger rates from four and five cents a mile to two and one-half to three cents, the present rate, I do not think we are warranted or justified at this time to compel them to make us this low rate.

We ought not make it two and a half cents either, as it shows a bad spirit toward the companies at this time to strike at their revenues, when local business in our new state at this rate would result in loss to them.

We should also consider the way they have helped us out in the transportation of laborers at harvest and threshing time; the low rates for conventions, and the free rides (practically) they have given us to the agricultural college for the past few years.

We ought to keep the reform wave from overdoing itself; and I think the farmers of our state will think better of it on sober second thought.

Please show this letter to the other Cass county senators and members of the house, Mr. Hanna and Mr. Talcott, and oblige.

Yours truly,

N. A. COLBY.

Compare rates on grain from North Dakota points to our terminals with those of any other section of the country and you will find we are better used. Our wheat today brings 81 cents at Minneapolis; Kansas wheat brings 73 cents at Kansas City; Manitoba wheat brings 78 cents at Winnipeg; Illinois wheat brings 80 cents at Chicago.

Mr. Strom presented the following petition:

We, the undersigned residents and tax payers of Traill county, North Dakota, hereby express our approval of Senate Bill No. 87, being an act making an appropriation towards paying deficiency or debts on armories already constructed, or towards the construction of armories for the various military companies of the state of North Dakota; and respectfully request that the senators and representatives from said Traill county, use all honorable means in securing the enactment of said bill into law.

FRED L. GOODMAN and
ONE HUNDRED EIGHTEEN OTHERS.

REPORTS OF STANDING COMMITTEES.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 67,

A bill for an act to amend section 5404 of the Revised Codes, relating to effect of highways or railways, or right of way therefor, over or upon the lands conveyed.

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

That on page 1 of the printed bill, in the first line of the title, after the word "codes" insert the words "of 1905."

And when so amended recommend the same do pass.

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report be adopted,
Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 200,

A bill for an act concerning labor, and providing means for protecting the liberty, safety and health of laborers, providing for its enforcement by the department of agriculture and labor.

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

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report be adopted,

Which motion prevailed and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 160,

A bill for an act to amend section 182 of the Revised Codes of 1905.

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

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 196,

A bill for an act to amend section 4073 of the Revised Codes of the state of North Dakota of the revision of 1905, being chapter 78 of the Session Laws of 1899, relating to the granting of alimony in divorce cases.

Have had the same under consideration and recommend that the same be indefinitely postponed.

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 75,

A bill for an act to amend section 5049 of the Revised
Codes of 1905 relating to homestead exemptions.

Have had the same under consideration and recommend
that the same be indefinitely postponed.

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report be adopted,
Which motion prevailed, and
The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 12,

A bill for an act to provide for securing further evidence
in the enforcement of the prohibitory law.

Have had the same under consideration and recommend
that the same be indefinitely postponed for the reason that
it is unconstitutional.

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report be adopted,
Which motion prevailed, and
The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 142,

A bill for an act to amend section 1504 of article 4, of
chapter 20 of the Political Code entitled, "Revenue and
taxation," as the same appears in the Revised Codes of
North Dakota of 1905.

Have had the same under consideration and recommend
that the same be recommitted to the committee on state af-
fairs.

C. B. LITTLE,
Chairman.

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

The committee on insurance made the following report:

Mr. President:

Your committee on insurance to whom was referred
Senate Bill No. 175,

A bill for an act defining the status of persons soliciting
life insurance.

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

L. A. SIMPSON,
Chairman.

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

The committee on insurance made the following report:

Mr. President:

Your committee on insurance to whom was referred
Senate Bill No. 183,

A bill for an act regulating the retirement of capital stock
in certain cases.

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

L. A. SIMPSON,
Chairman.

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

The committee on insurance made the following report:

Mr. President:

Your committee on insurance to whom was referred
Senate Bill No. 174,

A bill for an act to prohibit the issuance of non-partici-
pating policies by certain life insurance companies.

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

L. A. SIMPSON,
Chairman.

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

The committee on insurance made the following report:
Mr. President:

Your committee on insurance to whom was referred
Senate Bill No. 179,

A bill for an act to prohibit discrimination by life insurance companies and providing penalties for violation thereof.

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

L. A. SIMPSON,
Chairman.

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

The committee on insurance made the following report:
Mr. President:

Your committee on insurance to whom was referred
Senate Bill No. 176,

A bill for an act to prohibit misrepresentations by life insurance companies.

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

L. A. SIMPSON,
Chairman.

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

The committee on elections made the following report:
Mr. President:

Your committee on elections to whom was referred
Senate Bill No. 59,

A bill for an act requiring an annual apportionment and
accounting of surplus of life insurance companies as to
policies heretofore issued.

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

L. A. SIMPSON,
Chairman.

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

The committee on elections made the following report:
Mr. President:

Your committee on elections to whom was referred
Senate Bill No. 41,

A concurrent resolution, amending the constitution of the
state of North Dakota, relating to the legislative depart-
ment and providing for direct legislation and reference of
laws.

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

L. B. HANNA,
Chairman.

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

The committee on elections made the following report:
Mr. President:

Your committee on elections to whom was referred
Senate Bill No. 104,

A bill for an act making it unlawful for any corporation
to use any of its money or property or any thing of value
in political campaigns or for any political purpose, also
making it unlawful to solicit or knowingly receive any such
money, property or any thing of value and prescribing
penalties therefor.

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

L. B. HANNA,
Chairman.

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

The committee on education made the following report:
Mr. President:

Your committee on education to whom was referred
Senate Bill No. 103,

A bill for an act locating a state normal school at the city of Washburn, in the county of McLean.

Have had the same under consideration and recommend that the same be referred to the committee of the whole.

F. S. TALCOTT,
Chairman.

Mr. Sharpe moved
That the report be adopted,
Mr. Young objected to the present consideration of the report which went over for one day.

The committee on education made the following report:
Mr. President:

Your committee on education to whom was referred
Senate Bill No. 158,

A bill for an act to amend section 1172 of the Revised Codes of 1905, relating to the industrial school and school for manual training.

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

F. S. TALCOTT,
Chairman.

Mr. Sharpe moved
That the report be adopted,
Mr. Young objected to the present consideration of the report which went over for one day.

The committee on education made the following report:
Mr. President:

Your committee on education to whom was referred
Senate Bill No. 159,

A bill for an act designed to define the powers and increase the efficiency of the state normal and industrial school.

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

F. S. TALCOTT,
Chairman.

Mr. Sharpe moved
That the report be adopted,

Mr. Young objected to the present consideration of the report, which went over for one day.

The committee on education made the following report:
Mr. President:

Your committee on education to whom was referred
Senate Bill No. 218,

A bill for an act locating a state normal school at the city of Towner, in the county of McHenry.

Have had the same under consideration and recommend that the same be referred to the committee of the whole.

F. S. TALCOTT,
Chairman.

Mr. Sharpe moved
That the report be adopted.

Mr. Young objected to the present consideration of the report, which went over for one day.

The committee on education made the following report:
Mr. President:

Your committee on education to whom was referred
Senate Bill No. 163,

A bill for an act to amend sections 747, 778, 799, 819, 836, 847, 879, 892, 912 of the Revised Codes of 1905, relating to education.

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

F. S. TALCOTT,
Chairman.

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

The committee on education made the following report:
Mr. President:

Your committee on education to whom was referred
Senate Bill No. 207,

A bill for an act creating a state library commission, defining its duties and providing for its maintenance.

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

F. S. TALCOTT,
Chairman.

Mr. Cashel moved

That Senate Bill No. 207 be re-referred to committee on appropriations.

Which motion prevailed, and

The bill was so re-referred.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 16,

A bill for an act providing for the erection of fire escapes in hotels, inns, and public lodging houses, and regulating the conduct of such hotels, inns, and public lodging houses, and providing for the appointment of an inspector of hotels, and his compensation therefor.

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

In the printed bill, section 1, line 5, after the word "more" insert the word "sleeping."

Section 2, line 10, after the word "tread" strike out the remainder of the line and the word "degrees" in line 11." Also, same section, strike out lines 20 and 21 and part of line 22 up to and including the word "unlocked."

Section 3, line 7, strike out the letter "a" and insert the words "not less than one and."

Section 7, line 2, after the word "who" insert the words "after thirty days notice by the inspector hereinafter provided for in this act."

Section 7, line 4, strike out the words "one hundred" and insert the word "fifty."

Section 7, line 5, strike out the figures "100" and insert the figures "50."

Section 8, line 5, after the word "qualifies" insert "and who shall be prohibited from soliciting or selling goods or merchandise for any person, firm or corporation."

Section 8, line 8, strike out the word "twelve" and insert the word "eighteen."

Strike out all section 9.

Section 10, line 1, strike out the words "and his deputies."

Section 10, line 3, strike out the words "or the deputy for the district."

Section 10, line 5, strike out the words "and his deputies are" and insert the word "is."

Section 13, line 6, strike out the words "one hundred" and insert the word "fifty."

Section 13, line 7, strike out the figures "100" and insert the figures "50."

Section 14, line 3, strike out the word "its" and insert the word "the." Also in the same line, after the word "provisions" insert the words "of this act."

Section 15, line 4, after the word "rooms" insert the words "and less than fifty rooms."

Section 15, line 6, after the figures "\$10.00" insert the words "and every hotel containing fifty or more rooms shall pay an inspection fee of \$20.00."

Section 15, line 8, strike out the words "or deputy."

Section 15, line 12, strike out the word "reasonable;" and after the word "fee" insert the words "not exceeding twenty-five dollars."

Section 16, line 6, strike out the words "to each of his deputies" and insert the word "him."

Section 16, line 7, strike out the word "deputies."

Section 16, line 11, after the word "state" strike out the remainder of the section and insert the words "treasurer out of such hotel inspection fund, and the state shall not be held responsible in any manner for any deficiency that may exist."

And when so amended recommend the same do pass.

J. B. SHARPE,
Chairman.

Mr. Sharpe moved

That the report be adopted,

Mr. Rice objected to the present consideration of the report, which went over one day.

The committee on temperance made the following report:
Mr. President:

Your committee on temperance to whom was referred
Senate Bill No. 188,

A bill for an act to amend section 9371 of the Revised Codes of 1905, of the state of North Dakota, providing for the state's attorney to prosecute persons for unlawful dealing in intoxicating liquors and bring suits upon bonds or undertakings forfeited and to recover fines, and penalties, and the creation of a special fund.

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

H. H. STROM,
Chairman.

Mr. Strom moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on temperance made the following report:
Mr. President:

Your committee on temperance to whom was referred
 Senate Bill No. 110,

A bill for an act to provide for the better enforcement
 of the laws against the manufacture and sale of intoxicat-
 ing liquors.

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

By adding to the title the words "and to repeal section 9395 of the Revised
 Codes of 1905, being chapter 39 of the Session Laws of 1903."

That it be further amended by inserting after the word "required" in
 line 5 of section 11 of the printed bill the following:

"SEC. 12. Repeal.] That section 9395 of the Revised Codes of 1905,
 being chapter 39 of the Session Laws of 1903, be and the same is hereby
 repealed."

That the bill be further amended by striking out the figures "12" in line
 1, page 5, of the printed bill, and inserting in lieu thereof the figures "14."

That the bill be further amended by inserting between sections 12 and 14
 the following:

"SEC. 13. Appropriation.] There is hereby appropriated the sum of
 eight thousand dollars out of any funds in the treasury not otherwise appro-
 priated, to defray the expense of carrying out the provisions of this act."

And when so amended recommend the same do pass

H. H. STROM,
 Chairman.

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

The committee on state affairs made the following re-
 port:

Mr. President:

Your committee on state affairs to whom was referred
 Senate Bill No. 212,

A bill for an act to amend section 28 of the Revised Code
 of North Dakota of 1905, relating to legislative officers and
 employees and their compensation.

Have had the same under consideration and recommend
 that the same be indefinitely postponed.

J. B. SHARPE,
 Chairman.

Mr. Sharpe moved
That the report be adopted,
Mr. Spoonheim moved as a substitute
That Senate Bill 212 be re-referred to the committee on
ways and means.
Which substitute motion prevailed, and
The bill was so re-referred.

The committee on temperance made the following report:
Mr. President:

Your committee on temperance to whom was referred
House Bill No. 63,

A bill for an act prescribing a penalty for letting any
building or portion of any building, knowingly, for the pur-
pose of unlawful dealing in intoxicating liquors.

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

H. H. STROM,
Chairman.

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

The committee on engrossed and enrolled bills made the
following report:

Mr. President:

Your committee on engrossed and enrolled bills to whom
was referred

Senate Bill No. 162,

A bill for an act to amend section 894 of the Revised
Codes of 1905, relating to education.

Also,

Senate Bill No. 152,

A bill for an act to provide for the safe keeping of docu-
ments and bonds required to be deposited in the office of the
county auditor.

Also,

Senate Bill No. 161,

A bill for an act to amend section 1484 of the Political
Code Revised Codes of North Dakota 1905.

Also,

Senate Bill No. 42,

A bill for an act to regulate the consolidation and reinsurance of domestic insurance companies transacting business of life, accident or health insurance.

Also,

Senate Bill No. 73,

A bill for an act to amend section 4449 of the Revised Codes of 1905, relating to mutual insurance companies engaged in hail insurance.

Also,

Senate Bill No. 120,

A bill for an act to repeal chapter 59 of the Session Laws of 1897 being section 5334 of the Revised Codes of 1905 in relation to the method of proof of written instruments and contracts to which there are one or more subscribing witnesses, and to re-enact the same.

Have carefully examined the same and find the same correctly engrossed.

GEORGE M. YOUNG,
Chairman.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the governor:

GOVERNOR'S OFFICE, NORTH DAKOTA,
BISMARCK, February 15, 1907.

To the Senate:

GENTLEMEN: I have the honor to inform you that I have this day approved and filed with the secretary of state Senate Bill No. 31,

An act to amend section 9885 of the Revised Codes of 1905 relating to arraignment.

Senate Bill No. 81,

An act making it a felony for any person who with intent to commit any crime breaks into or enters a building, and commits or attempts to commit a crime by the use of nitroglycerine, dynamite, gunpowder, or any other high explosive, and providing a penalty therefor.

I have the honor to be

Very respectfully,

JOHN BURKE,
Governor.

The secretary announced that the president was about to sign

House Bill No 46,

A bill for an act amending section 1116 of the Revised Codes of 1895, being section 1410 of the Revised Codes of 1905, relating to the duties of road overseers.

Also,

Concurrent Resolution relating to dredging of the upper Missouri river.

And the president signed the same in the presence of the senate.

Mr. Little moved

That Senate Bill No. 41 be given its third reading and placed upon final passage.

Which motion prevailed.

Senate Bill No. 41,

A concurrent resolution, amending the constitution of the state of North Dakota, relating to the legislative department and providing for direct legislation and reference of laws.

Was read the third time.

The question being on the final passage of the bill:

The roll was called and there were ayes 28, nays 8, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sharpe
Cashel	McArthur	Spoonheim
Crane	McLean	Stade
Dyste	Movius	Strom
Gilbert	Pierce	Swenson
Halliday	Plain	Taylor
Johnson of Walsh	Ramsett	Thatcher
Kelly	Regan	Turner
Koffel	Rice	Young
Kraabel		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Johnson of McLean	McDonald	Sifton
LaMoure	Palmer	Simpson
Leutz	Purcell	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hanna	Talcott	Wagner
Steele		

Mr. Wagner being excused.

So the bill passed and the title was agreed to.

Mr. Little moved

That the vote by which Senate Bill No. 41 passed be reconsidered.

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,

BISMARCK, NORTH DAKOTA,

February 16, 1907.

Mr. President:

I have the honor to inform you that the house has concurred in the senate concurrent resolution relating to issue of liquor licenses in prohibition states.

CONCURRENT RESOLUTION.

Indorsing that certain bill pending before congress forbidding the internal revenue department to issue liquor licenses in states where prohibition laws prevail, to anyone without proof that the applicant has complied with the laws of the state wherein the applicant resides. Be it

Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring, That the legislative assembly of this state heartily approve and indorse said bill. Be it further

Resolved, That we recommend the senators and representatives in congress of the state of North Dakota to support the said bill and use their utmost endeavors to secure the passage of the same.

Resolved, further, That the secretary of state be, and he hereby is, directed to transmit copies of this resolution to the senate and house of representatives of the United States, and to the members of said bodies representing this state."

Very respectfully,

P. D. NORTON,

Chief Clerk.

Mr. Taylor moved

That the senate do now concur in the house amendment to Senate Bill No. 2.

Mr. Simpson moved

That Senate Bill No. 2 as amended by the house be referred to the committee on cities and municipal corporations to be reported back to the senate not later than Wednesday, February 20, 1907.

Which motion prevailed and

The bill was so referred.

Mr. Plain moved

That the consideration of concurrent resolution, Senate Bill No. 41, be made a special order for Monday, Feb. 18, 1907, at 2:30 p. m.

Which motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS.

Mr. Hanna introduced

Senate Bill No. 278,

A bill for an act entitled an act to provide for a commission system of government in cities which shall adopt the provisions of this act.

Which was read the first time.

Mr. Purcell, by request, introduced

Senate Bill No. 279,

A bill for an act authorizing the use of typewritten abstracts and briefs in certain criminal cases on appeal to the supreme court.

Which was read the first time.

Mr. Purcell, by request, introduced

Senate Bill No. 280,

A bill for an act entitled, "An act to amend subdivision 3 of section 7225 of the Revised Codes of North Dakota, relating to appeals to the supreme court from orders made in certain cases."

Which was read the first time.

Mr. Hanna introduced

Senate Bill No. 281,

A bill for an act entitled an act to provide for the vacation of alleys in cemeteries owned by cemetery corporations.

Which was read the first time.

Mr. McArthur introduced

Senate Bill No. 282,

A bill for an act to establish regular sessions for state board of railway commissioners and fixing the time, manner, and place, where such sessions shall be held, and otherwise defining their powers, and duties; also defining the duties of the attorney general in relation thereto.

Which was read the first time.

Mr. Taylor introduced
Senate Bill No. 283,

A bill for an act to provide a building for the model high school in connection with teachers' college at the state university and school of mines of North Dakota, and making an appropriation therefor.

Which was read the first time.

Mr. Taylor introduced
Senate Bill No. 284,

A bill for an act to provide equipment for the mechanical laboratory of the college of mechanical and electrical engineering at the state university and school of mines of North Dakota and making an appropriation therefor.

Which was read the first time.

Mr. Taylor introduced
Senate Bill No. 285,

A bill for an act to foster the development of mineral and allied industries by providing for experimentation, encouragement and inspection and by making an appropriation therefor.

Which was read the first time.

Mr. Koffel introduced
Senate Bill No. 286,

A bill for an act to authorize holders of state or school land contracts for lands over which railroads have been or may be located and established subsequent to the issuance of such contracts, to surrender such contracts, and obtain new contracts for the land less the rights of way required for such railroad, and providing for the payment to the state of the balance of the purchase price of the land required for such rights of way and issuance of deed therefor.

Which was read the first time.

Mr. Koffel introduced
Senate Bill No. 287,

A bill for an act to amend section 183 of the Revised Codes of 1905 of chapter 4 of the Political Code of the state of North Dakota, providing for the surrender of state or school land contracts and division of the land covered thereby, and the issuance of new contracts for such subdivisions.

Which was read the first time.

Mr. Koffel introduced

Senate Bill No. 288,

A bill for an act to amend section 4400 of the Revised Codes of 1905 of the state of North Dakota, relating to railroads' liability for damages to employees.

Which was read the first time.

Mr. Plain introduced

Senate Bill No. 289,

A bill for an act to amend section 2231 of the Revised Codes of North Dakota for 1905, relating to abstractors of title—bonds to be given.

Which was read the first time.

Mr. Simpson introduced

Senate Bill No. 290,

A bill for an act to amend and re-enact section 468 of the Revised Codes of North Dakota for the year A. D. 1905, relating to judicial districts within the state.

Which was read the first time.

Mr. Simpson introduced

Senate Bill No. 291,

A bill for an act defining the sixth judicial district within the state of North Dakota.

Which was read the first time.

Mr. Simpson introduced

Senate Bill No. 292,

A bill for an act creating and defining the Tenth judicial district within the state of North Dakota; providing for the election of a judge therein and fixing the terms of court in said district.

Which was read the first time.

Mr. Kraabel introduced

Senate Bill No. 293,

A bill for an act to amend section 394 of chapter 5 of the Political Code of the Revised Codes of 1905 for North Dakota, relative to verified claims against the state.

Which was read the first time.

Mr. Kraabel introduced

Senate Bill No. 294,

A bill for an act to amend and re-enact section 40 of the Revised Codes of 1905.

Which was read the first time.

Mr. Crane introduced

Senate Bill No. 295,

A bill for an act to amend section 8983 of the Revised Codes of 1905.

Which was read the first time.

COMMUNICATION FROM THE GOVERNOR.

A sealed communication was received from the governor.

EXECUTIVE SESSION.

Mr. Little moved

That the senate do now go into executive session.

The senate went into executive session.

OPEN SESSION.

Mr. Talcott moved

That some time this afternoon at the discretion of the president that the senate go into the committee of the whole to consider Senate Bills Nos. 23, 112 and 234.

Mr. LaMoure moved as a substitute

That the senate go into the committee of the whole immediately for the purpose of considering Senate Bills Nos. 23, 112 and 234.

Which motion prevailed.

The president called Mr. Macdonald to the chair.

• COMMITTEE OF THE WHOLE.

Mr. Macdonald in the chair.

When the committee arose it made the following report:

Mr. President:

Your committee of the whole which has had under consideration

Senate bill No. 23.

A bill for an act making it unlawful for any railroad company, express company, sleeping car company, telegraph company, telephone company, or any corporation, or any agent or representative thereof to issue, give or offer any **free ticket, free pass, telegraph or telephone frank**, express frank, or other privilege to any person or persons at rates less than charged the public, and making it unlawful for any

person to ask for or accept from any railroad company, express company, sleeping car company, telegraph company, **telephone company, or any corporation**, or from any officer, agent or representative thereof, or use in any manner or for any purpose any free ticket, free pass, telegraph or telephone frank, express or other privilege at rates less than charged the public, and prescribing penalties therefor.

As amended by the committee on railroads.

Recommend that the same be further amended as follows:

Strike out the word "salaried" in line 1, section 3, of the reprinted bill.

Add the words "federal live stock inspectors" after the word "fruit" in line 13, section 3, of printed bill as amended by committee.

Add after the word "inspectors" in line 15 of section 3 of the reprinted bill the following: "To the heads of departments of the government experiment station when required to perform special service in the interests of agriculture or animal husbandry, nor to persons engaged in immigration or colonization work in the state, but who are not at the same time state, legislative, district, county or municipal officers."

Add after the word "persons" in line 17 of section 3 of the reprinted bill the following: "And witnesses attending any legal investigation in which the common carrier is interested."

Strike out the word "salaried" in line 19 of section 3 of the reprinted bill.

Add after the word "visitation" in line 22 of section 3 "nor to prevent the making of special round trip rates at designated times to a designated number of citizens of this state for the purpose of visiting or inspecting any of the public institutions thereof."

Add the following section to the bill:

"SEC. 5. Emergency.] Whereas it is desirable that the abuses existing under present laws on this subject should cease at as early a date as possible, therefore it is hereby declared that an emergency exists, and this act shall take effect immediately upon its passage and approval."

And when so amended recommend the same do pass.

ALEX MACDONALD,

Chairman.

The senate reconvened.

The president presiding.

Mr. Macdonald moved

That the report of the committee of the whole be adopted.

Which motion prevailed, and

The report of the committee was adopted.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,

BISMARCK, NORTH DAKOTA,

February 16, 1907.

Mr. President:

I have the honor to transmit herewith

House bill No. 53,

A bill for an act to amend section 6295 of the Revised Codes of 1905, providing for a lien for repairs of personality.

Also,

House bill No. 22,

A bill for an act to regulate the marriage of persons having been divorced and the issuing of marriage licenses to such persons.

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

Very respectfully,

P. D. NORTON,

Chief Clerk.

Mr. Little moved

That the rules be suspended and Senate Bill No. 23 as amended be given in its third reading and placed on final passage.

Which motion prevailed.

Senate bill No. 23.

A bill for an act making it unlawful for any railroad company, express company, sleeping car company, telegraph company, telephone company, or any corporation, or any agent or representative thereof to issue, give or offer any free ticket, free pass, telegraph or telephone frank, express frank, or other privilege to any person or persons at rates person to ask for or accept from any railroad company, express company, sleeping car company, telegraph company, telephone company, or any corporation, or from any officer, agent or representative thereof, or use in any manner or for any purpose any free ticket, free pass, telegraph or telephone frank, express or other privilege at rates less than charged the public, and prescribing penalties therefor.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 36, nays 3, absent and not voting 1.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sifton
Cashel	Little	Simpson
Crane	McArthur	Spoonheim
Dyste	McDonald	Stade
Gilbert	McLean	Steele
Halliday	Pierce	Strom
Hanna	Plain	Swenson
Johnson of McLean	Purcell	Talcott
Johnson of Walsh	Ramsett	Taylor
Kelly	Regan	Thatcher
Koffel	Rice	Turner
Kraabel	Sharpe	Young

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
LaMoure	Movius	Palmer

Mr. Wagner absent and not voting.

Mr. Wagner being excused.

So the bill passed and the title was agreed to.

Mr. Simpson moved

That the president of the senate be authorized to appoint a committee of five senators to make inquiries as to the rates for the carrying of merchandise and valuables, now in effect by the various express companies doing business in this state; also as to the toll charged by telegraph companies and as to the rates of the transportation charged by sleeping car companies operating within this state; that the committee be empowered to subpoena witnesses and take evidence regarding the various subjects referred to in the motion and that they report back the result of their deliberations to the senate, together with such proposed legislation as in their judgment will cover the questions.

Which motion prevailed.

COURTESIES OF THE FLOOR.

The courtesies of the floor were extended to O. M. Champ-line, William Murphy, Mr. and Mrs. S. L. Thoraldson.

Mr. Movius moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

J. W. FOLEY,
Secretary.

FORTY-SECOND DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 18, 1907.

The senate convened at 2 o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All members present except Mr. Simpson who was excused.

REFERENCE OF THE JOURNAL.

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

Mr. President:

Your committee on revision and correction of the journal of the fortieth day have carefully examined the same and find it correct.

J. D. TAYLOR,
Chairman.

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

REPORT OF STANDING COMMITTEES

The committee on public health made the following report:

Mr. President:

Your committee on public health to whom was referred Senate Bill No. 236,

A bill for an act regulating the duties of keepers of slaughter houses, power and duties of county boards of health, and providing a penalty for the violation thereof.

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

J. D. TAYLOR,
Chairman.

Mr. Taylor moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on public health made the following report:

Mr. President:

Your committee on public health to whom was referred Senate Bill No. 155,

A bill for an act to amend section 317, Revised Code of 1905, relating to examinations and qualifications of practitioners of dentistry in this state.

Have had the same under consideration and recommend that the same be indefinitely postponed.

J. D. TAYLOR,
Chairman.

Mr. Taylor moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on agriculture made the following report:

Mr. President:

Your committee on agriculture to whom was referred House bill No. 17,

A bill for an act to amend section 2082 of the revised codes of 1905, relating to forest tree culture.

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

In section 1, in line 13, of the printed bill, add the following: "And in no case shall any bounty be paid in excess of the amount of the real estate taxes levied against persons applying for said bounty, and in no case shall any bounty be paid in excess of the amount of the taxes."

And when so amended recommend the same do pass.

IVER SWENSON,
Chairman.

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

The committee on irrigation made the following report:

Mr. President:

Your committee on irrigation to whom was referred
Senate Bill No. 205,

A bill for an act entitled an act to amend sections 1819, 1820, 1821, 1822, 1823, 1827, 1828, 1831, 1832, 1835, 1840 and 1849 of the Revised Codes of 1905, the same being embraced in chapter 23 of the Political Code relating to drainage.

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

J. L. CASHEL,
Chairman.

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

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 142,

A bill for an act to amend section 1504 of article 4, of chapter 20 of the Political Code entitled, "Revenue and taxation," as the same appears in the Revised Codes of North Dakota of 1905.

Have had the same under consideration and recommend that the same be re-referred to the committee on ways and means.

J. B. SHARPE,
Chairman.

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

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 209,
A bill for an act to amend section 1496 of the Revised
Codes, 1905, relating to the assessment of personal prop-
erty.
Have had the same under consideration and recommend
that the same be re-referred to the committee on ways and
means.

J. B. SHARPE,
Chairman.

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

The committee on state affairs made the following re-
port:

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 229,
A bill for an act amending sections 1278 and 1279 of the
Revised Codes of North Dakota.
Have had the same under consideration and recommend
that the same do pass.

J. B. SHARPE,
Chairman.

Mr. Sharpe moved
That the report be adopted.
Which motion prevailed and
The report of the committee was adopted.

The committee on state affairs made the following re-
port:

Mr. President:

Your committee on state affairs to whom was referred

House bill No. 32,

A bill for an act entitled an act to amend section 4064 of the revised code of 1899, being section 5511 of the revised code of 1905. Usury defined.

Have had the same under consideration and recommend that the same be indefinitely postponed.

J. B. SHARPE,
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on engrossed and enrolled bills made the following report:

Mr. President:

Your committee on engrossed and enrolled bills to whom was referred

Senate Bill No. 104,

A bill for an act making it unlawful for any corporation to use any of its money or property or any thing of value in political campaigns or for any political purpose, also making it unlawful to solicit or knowingly receive any such money, property or any thing of value and prescribing penalties therefor.

Also,

Senate Bill No. 52,

A bill for an act regulating life insurance companies and prohibiting the diversion of funds for political purposes.

Also,

Senate Bill No. 188,

A bill for an act to amend section 9371 of the Revised Codes of 1905, of the state of North Dakota, providing for the state's attorney to prosecute persons for unlawful dealing in intoxicating liquors and bring suits upon bonds or undertakings forfeited and to recover fines, and penalties, and the creation of a special fund.

Also,

Senate Bill No. 59,

A bill for an act requiring an annual apportionment and accounting of surplus of life insurance companies as to policies heretofore issued.

Also,
Senate Bill No. 179,

A bill for an act to prohibit discrimination by life insurance companies and providing penalties for violation thereof.

Also,
Senate Bill No. 160,

A bill for an act to amend section 182 of the Revised Codes of 1905.

Also,
Senate Bill No. 174,

A bill for an act to prohibit the issuance of non-participating policies by certain life insurance companies.

Also,
Senate Bill No. 175,

A bill for an act defining the status of persons soliciting life insurance.

Also,
Senate Bill No. 176,

A bill for an act to prohibit misrepresentations by life insurance companies.

Also,
Senate Bill No. 163,

A bill for an act to amend sections 747, 778, 799, 819, 836, 847, 879, 892, 912 of the Revised Codes of 1905, relating to education.

Have carefully examined the same and find the same correctly engrossed.

GEORGE M. YOUNG,
Chairman.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills to whom was referred

Senate Bill No. 29,

A bill for an act to amend section 7252 of the Revised Code of 1905, relating to examination of an adverse party.

Have carefully examined the same and find the same correctly enrolled.

GEORGE M. YOUNG,
Chairman.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 18, 1907.

Mr. President:

I have the honor to transmit herewith
House bill No. 26,
Concurrent resolution for an amendment to the constitution, providing for the initiative and referendum.
Which the house has passed and your favorable consideration thereof is respectfully requested.

Very respectfully,

P. D. NORTON,
Chief Clerk.

The secretary announced that the president is about to sign

Senate Bill No. 29.

A bill for an act to amend section 7252 of the Revised Code of 1905, relating to examination of an adverse party.

And Concurrent Resolution relating to federal liquor legislation.

And the president signed the same in the presence of the senate.

SPECIAL EDUCATIONAL REPORT.

The committee on education made the following report:

Mr. President:

Your committee on education having been in consultation with the heads of the various educational institutions desire to submit their report to the senate and have same spread on the journal.

February 14, 1907.

The Senate Committee on Education:

GENTLEMEN: The heads of the various educational institutions of the state of North Dakota, including the fol-

lowing named men: Superintendent of Public Instruction, W. L. Stockwell, President Webster Merrifield, of the state university, President J. H. Worst, of the agricultural college, President George A. McFarland, of the state normal school at Valley City, President Joseph Carhart, of the state normal school at Mayville, President W. M. Kern, of the manual training school, at Ellendale, President E. G. Burch of the school of science, and President Kemp of the school of forestry, having been invited to meet for the purpose of adjusting courses of study and defining scope of certain of our educational institutions, hereby beg to submit the following recommendations for the consideration of your honorable committee:

1. The object of the school of science at Wahpeton shall be to furnish such instruction in the pure and applied sciences, mathematics, languages, political science and history as is usually given in schools of technology below the junior year, the chief object being the training of skilled workmen in the most practical phases of applied science. There may also be offered a general science course of college grade, consisting of three years' work above the high school course. After completion of these courses the board of trustees may grant appropriate diplomas or certificates.

2. The scope of the school of forestry shall include such work as is contemplated in an agricultural high school, emphasizing those subjects that have a direct bearing on forestry and horticulture.

3. The committee makes no recommendation with reference to the manual training school.

4. It is the sense of this conference that we recognize the fact that a training in the methods of modern business has a place in any system of public education.

(b) That we deplore the superficial methods and mercenary tendency of many so called business colleges and we believe that the state educational institutions should provide for a reasonable development of this phase of education.

(c) It is the sense of this conference that the following subjects are requisites to a thorough course in modern business methods: spelling, penmanship, language, including reading, grammar and English composition, arithmetic, geography, political and commercial, civil government, United States history, elements of commercial law, book-keeping, stenography and typewriting.

(d) That this conference also approves the purpose of the university to develop its school of commerce into a college of commerce, similar to that maintained at the university of Wisconsin and other universities of similar rank as soon and as rapidly as the public need and the income of the university shall seem to warrant.

5. That it is the sense of this conference that the preparatory normal work at the university be eliminated and that the state normal schools be limited in their work to a course extending not more than two years beyond the four year high school course.

6. That this conference expresses its approval of the avowed intention of the university at the earliest practicable moment to convert its preparatory department into a model high school to serve as an observation and practice school for the teachers' college at the university.

W. L. STOCKWELL,
Chairman.

E. G. BURCH,
Secretary.

Respectfully submitted by the senate committee on education—

F. S. TALCOTT,
Chairman.

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

Mr. Talcott moved
That the report on
Senate Bill No. 158,
A bill for an act to amend section 1172 of the Revised
Codes of 1905, relating to the industrial school and school
for manual training.

Be adopted.
Which motion prevailed, and
The report of the committee was adopted.

Mr. Talcott moved
That the report on
Senate Bill No. 159,

A bill for an act designed to define the powers and increase the efficiency of the state normal and industrial school.

Be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. Talcott moved

That the report on

Senate Bill No. 218,

A bill for an act locating a state normal school at the city of Towner, in the county of McHenry.

Be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. Talcott moved

That the report on

Senate Bill No. 103,

A bill for an act locating a state normal school at the city of Washburn, in the county of McLean.

Be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. Sharpe moved

That the report on

Senate Bill No. 16,

A bill for an act providing for the erection of fire escapes in hotels, inns, and public lodging houses, and regulating the conduct of such hotels, inns, and public lodging houses, and providing for the appointment of an inspector of hotels,

Be adopted.

Which motion prevailed, and

The report of the committee was adopted.

MOTIONS AND RESOLUTIONS.

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

Resolved, That the attorney general be, and he is hereby, requested to state whether in his opinion Senate Bill No. 158 and Senate Bill No. 159, if enacted, will be constitutional.

Which motion prevailed and

The resolution was adopted.

Mr. Pierce moved that
Senate Bill No. 22,
A bill for an act concerning land titles.
Be referred to the judiciary committee.
Which motion prevailed, and
The bill was so referred.

Mr. Stade offered the following memorial:

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

WHEREAS, Numerous "meandered lakes and navigable streams" located in North Dakota, by reason of higher altitudes or of obstructions made by silt and other materials, thus holding back the water, are made to overflow and annually flood and keep in a state of moisture many thousands of acres of swamp or semi-swamp lands; and

WHEREAS, By virtue of large spring freshets many of such lakes, streams or rivers overflow and inundate vast areas of land; and

WHEREAS, In order to drain such lands it becomes necessary to ditch into, alter or destroy such lakes, streams or rivers by which means the water can be conducted away and thereby drain such named lakes, fitting them for tillage or agricultural use; and

WHEREAS, By such method of drainage the wealth of the people of North Dakota can be increased millions of dollars, and the taxable property of the state can be equally multiplied; now, therefore, the legislative assembly of North Dakota hereby passes a joint memorial or resolution to the congress of the United States of America, praying that body to pass a law giving to each respective state of the union the right to ditch into, alter, modify or destroy, if need be, part or the whole of any "meandered lakes or navigable streams," if the same shall be necessary to drain any swamp or semi-swamp lands within their respective borders. Provided, said drainage, alterations or modifications of such lakes, streams or rivers shall be done under the sanction of, or in co-operation with, national commissioners or agents, who shall be appointed or detailed, under law, for such purposes, therefore, be it

Resolved by the Legislative Assembly of North Dakota, That engrossed copies of the joint memorial be at once sent to the North Dakota senators and representatives in congress and they be instructed to draw up and introduce a bill in congress that shall cover in a clear and comprehensive manner the different features or phases herein named of the question of drainage in the different states of the nation.

Mr. Stade moved
That the memorial be adopted.
Which motion prevailed, and
The memorial was adopted.

INTRODUCTION AND FIRST AND SECOND READING OF SENATE BILLS.

Mr. Rice introduced
Senate Bill No. 296,
A bill for a concurrent resolution to amend section 182 of the Constitution of the state of North Dakota, relating to a public debt and public works.

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

SECOND READING OF SENATE BILLS.

Senate Bill No. 285,

A bill for an act to foster the development of mineral and allied industries by providing for experimentation, encouragement and inspection and by making an appropriation therefor.

Was read the second time, and

Referred to the committee on appropriations.

Senate Bill No. 284,

A bill for an act to provide equipment for the mechanical laboratory of the college of mechanical and electrical engineering at the state university and school of mines of North Dakota and making an appropriation therefor.

Was read the second time, and

Referred to the committee on appropriations.

Senate Bill No. 283,

A bill for an act to provide a building for the model high school in connection with teachers' college at the state university and school of mines of North Dakota, and making an appropriation therefor.

Was read the second time, and

Referred to the committee on appropriations.

Senate Bill No. 277,

A bill for an act providing the manner in which the right of way for railroad companies over lands belonging to wards or deceased persons may be acquired.

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 274,

A bill for an act requiring the secretary or other executive officer of every county, district or state fair association or other exhibit at which the resources or products of the state are placed on exhibition, to file with the commissioner of agriculture and labor a list of the dates claimed by said association for the purpose of conducting the same.

Was read the second time, and

Referred to the committee on agriculture.

Senate Bill No. 273,

A bill for an act to amend section 4392 of the Revised Codes of the state of North Dakota for 1905, relating to the construction of "Ys" and transfer facilities at railroad

crossings, and providing a penalty for the violation thereof.

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 272,

A bill for an act entitled An act to amend sections 938, 939, 940, 942 and 943 of article 19 of chapter 9 of the Political Code of North Dakota, Revised Codes of 1905, relating to school districts.

Was read the second time, and

Referred to the committee on education.

Senate Bill No. 271,

A bill for an act to amend section 7246 of the Revised Codes of 1905, relating to examination of parties.

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 270,

A bill for an act to provide for the payment of the necessary expenses of the state officers of the state of North Dakota.

Was read the second time, and

Referred to the committee on appropriations.

Senate Bill No. 269,

A bill for an act to amend and re-enact section 2894 of the Revised Code of North Dakota of 1905, relating to villages.

Was read the second time, and

Referred to the committee on cities and municipal corporations.

Senate Bill No. 268,

A bill for an act making an appropriation to pay for certain books for the state law library.

Was read the second time, and

Referred to the committee on appropriations.

Senate Bill No. 214,

A bill for an act to amend section 9929 of the Revised Codes of the state of North Dakota.

Was read the second time, and

Referred to the committee on judiciary.

House Bill No. 215,

A bill for an act requiring the party in charge of a state institution to make an inventory of property therein.

Was read the second time, and
Referred to the committee on state affairs.

Senate Bill No. 230,

A bill for an act regulating railroad passenger rates.
Was read the second time, and
Referred to the committee on railroads.

Senate Bill No. 222,

A bill for an act to provide for the immediate registration of all births and deaths throughout the state of North Dakota, by means of certificates of births and deaths, and burial or removal permits; to establish a bureau of vital statistics at the capitol of the state; and to insure the thorough organization and efficiency of the registration of vital statistics throughout the state on the standard forms recommended by the United States bureau of the census and the American Public Health Association; and making an appropriation for establishing and maintaining such a bureau and providing certain penalties.

Was read the second time, and
Referred to the committee on public health.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 18, 1907.

I have the honor to advise you that the house has concurred in senate concurrent resolution relating to drainage.

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

WHEREAS, The valley of the Red River of the North is by nature one of the best, if not the best, of the river valleys of the American continent, from an agricultural standpoint, but is at times, from a combination of conditions, so flooded both by the overflow of the Red river and its tributaries and by the run-off of the higher lands lying adjacent to and on both sides thereof, and the raising of crops adjacent to the river is to a certain extent uncertain and hazardous; and

WHEREAS, The people residing in the said valley are in the most urgent need of aid for the drainage of their lands in order that crop raising may be assured; and also of the regulation of the flow of the Red river for the purpose of insuring and improving its navigability and the prevention of overflow which results in great damage to life and property; and

WHEREAS, Numerous surveys and investigations of portions of this valley have been prosecuted in the past both in the United States and in Manitoba; and

WHEREAS, The officers of the United States agricultural department, in co-operation with the proper officers of the various states affected, are at the present time engaged in making a detailed study of the said valley in the United States, and the engineers of the public works department of Manitoba are also engaged in the study of the drainage conditions prevailing in the said valley in that province, all of which investigations and study are being carried on with the greatest possible speed consistent with careful study and the funds available; and

WHEREAS, There still remains much to be done before there can be a full and complete understanding of the situation; therefore, be it

Resolved, That liberal appropriations be made for the prosecution of these surveys by the departments of the government having the same in charge, to the end that the data required for the proper drainage of the Red River valley and the regulation of the flow of the Red river may be secured. Be it further

Resolved, That we earnestly and urgently request the government of Canada and the congress of the United States to secure the appointment of an international commission as early as possible for the purpose of making a thorough investigation of the Red river and its tributaries with a view of regulating the flood flow thereof so as to prevent its overflow in the times of flood and improve navigation in periods of low water. Be it further

Resolved, That the extensive drainage projects now being carried on throughout the valley, and which will materially affect the volume of water in said river in the flood period, make it imperative that the flow of this river be regulated as far as possible with a view to meeting the conditions created by these improvements. Be it further

Resolved, From estimates made by the government engineers and local engineers it is apparent that the waters of the Red river can be controlled by the construction of a canal connecting Lake Traverse with the Big Stone lake, thereby lowering the water level of said Lake Traverse and turning the flow from its basin into the Minnesota river in flood time; and by the construction of a reservoir dam at Otter Tail lake; a reservoir dam at the foot of Red lake; a reservoir dam on the Sheyenne river at some feasible point, to retain the waters of its basin during flood periods; and a dam on the Pembina river, suitably located to control the floods of that stream which drains from a large area in Manitoba and North Dakota. By the construction of these dams and reservoirs the damage from overflow of the Red river would be averted and navigation materially improved in low stages of water. From investigations and estimates made by competent engineers, the proposed improvements can be constructed at a cost not to exceed five hundred thousand dollars. Be it further

Resolved, That the senators and representatives from the states of Minnesota, North and South Dakota be requested to use all earnest endeavors to have a joint commission appointed, and that an appropriation be made sufficient to defray the expenses thereof; and that the government of Canada be requested to co-operate in the appointment of such joint commission. Be it further

Resolved, That the legislative assembly of the states of Minnesota and South Dakota, the legislature of Manitoba, and the parliament of the Dominion of Canada be respectfully requested to consider these resolutions and to co-operate, through their representatives in their respective lawmaking bodies, in carrying out the object sought in these resolutions; and be it further

Resolved, That the secretary of state be instructed to forward certified copies of these resolutions, one each to the senators and representatives in

congress of the three states named, the speaker of the legislature of Manitoba, the presiding officer of the Dominion parliament at Ottawa, Canada, and the secretary of war, Washington, D. C.

Very respectfully,

P. D. NORTON,
Chief Clerk.

Mr. Plain moved

That Senate Bill No. 41 be given its third reading and placed on final passage.

Which motion prevailed.

Mr. Little moved

To amend Senate Bill No. 41 as follows:

By striking out after the word "money," in line 14 of the printed bill, the words "and except as to laws for resubmission of constitutional amendments;" and in line 20, after the word "money," the words "and except as to laws for resubmission of constitutional amendments."

Which motion was lost.

Mr. Cashel moved

That Senate Bill No. 41 be amended

By inserting in line 60 of the printed bill after the word "of" the words "the state of."

Which motion prevailed, and

The bill was so amended.

Senate Bill No. 41,

A concurrent resolution, amending the constitution of the state of North Dakota, relating to the legislative department and providing for direct legislation and reference of laws.

Was read the third time.

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 28, nays 11, absent and not voting 1.

Those who voted in the affirmative were:

Messrs.—

Cashel
Crane
Dyste
Gilbert
Halliday
Hanna
Johnson of McLean
Johnson of Walsh
Kelly
Koffel

Messrs.—

Kraabel
McArthur
McLean
Plain
Ramsett
Rice
Sharpe
Sifton
Spoonheim

Messrs.—

Stade
Steele
Strom
Swenson
Talcott
Taylor
Thatcher
Turner
Young

Those voting in the negative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McDonald	Purcell
LaMoure	Movius	Regan
Leutz	Palmer	Wagner
Little	Pierce	

Mr. Simpson absent and not voting.

Mr. Simpson being excused.

So the bill passed as amended and the title was agreed to.

COMMUNICATION FROM THE GOVERNOR.

A sealed communication was received from the governor.

THIRD READING OF SENATE BILLS.

Senate Bill No. 152,

A bill for an act to provide for the safe keeping of documents and bonds required to be deposited in the office of the county auditor.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were ayes 36, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sifton
Cashel	McArthur	Spoonheim
Crane	McLean	Stade
Dyste	Movius	Steele
Gilbert	Palmer	Strom
Halliday	Pierce	Swenson
Hanna	Plain	Talcott
Johnson of McLean	Purcell	Taylor
Johnson of Walsh	Ramsett	Thatcher
Kelly	Regan	Turner
Koffel	Rice	Wagner
Kraabel	Sharpe	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
LaMoure	McDonald	Simpson
Little		

Mr. Simpson being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 161,

A bill for an act to mend section 1484 of the Political Code Revised Codes of North Dakota 1905.

Was read the third time.

Mr. Pierce moved
That Senate Bill No. 161 be amended

By striking out in line 4 of subdivision 1 of the engrossed bill the word "four" and inserting in lieu thereof the word "forty."

Which motion prevailed, and
The amendment was adopted.

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 37, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sifton
Cashel	McArthur	Spoonheim
Crane	McDonald	Stade
Dyste	McLean	Steele
Gilbert	Movius	Strom
Halliday	Palmer	Swenson
Hanna	Pierce	Talcott
Johnson of McLean	Plain	Taylor
Johnson of Walsh	Purcell	Thatcher
Kelly	Ramsett	Turner
Koffel	Regan	Wagner
Kraabel	Rice	Young
LaMoure		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Little	Sharpe	Simpson

Mr. Simpson being excused.

So the bill passed as amended and the title was agreed to.

Senate Bill No. 42,

A bill for an act to regulate the consolidation and reinsurance of domestic insurance companies transacting business of life, accident or health insurance.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 35, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Sifton
Cashel	Leutz	Spoonheim
Crane	McArthur	Stade
Dyste	McLean	Steele
Gilbert	Palmer	Strom
Halliday	Pierce	Swenson
Hanna	Plain	Taylor

Messrs.—	Messrs.—	Messrs.—
Johnson of McLean	Purcell	Thatcher
Johnson of Walsh	Ramsett	Turner
Kelly	Regan	Wagner
Koffel	Rice	Young
Kraabel	Sharpe	

Absent and not voting :

Messrs.—	Messrs.—	Messrs.—
Little	Movius	Talcott
McDonald	Simpson	

Mr. Simpson being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 73,

A bill for an act to amend section 4449 of the Revised Codes of 1905, relating to mutual insurance companies engaged in hail insurance.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 34, nays none, absent and not voting 6.

Those who voted in the affirmative were :

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sharpe
Cashel	McArthur	Spoonheim
Crane	McDonald	Stade
Dyste	McLean	Steele
Gilbert	Palmer	Strom
Halliday	Pierce	Swenson
Hanna	Plain	Talcott
Johnson of McLean	Purcell	Taylor
Johnson of Walsh	Ramsett	Thatcher
Kelly	Regan	Turner
Koffel	Rice	Wagner
Kraabel		

Absent and not voting :

Messrs.—	Messrs.—	Messrs.—
LaMoure	Movius	Simpson
Little	Sifton	Young

Mr. Simpson being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 120,

A bill for an act to repeal chapter 59 of the Session Laws of 1897 being section 5334 of the Revised Codes of 1905 in relation to the method of proof of written instruments and contracts to which there are one or more subscribing witnesses, and to re-enact the same.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 33, nays 3, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kraabel	Rice
Cashel	Leutz	Sharpe
Crane	Little	Spoonheim
Dyste	McLean	Stade
Gilbert	Movius	Steele
Halliday	Palmer	Strom
Hanna	Pierce	Swenson
Johnson of McLean	Plain	Talcott
Johnson of Walsh	Purcell	Taylor
Kelly	Ramsett	Thatcher
Koffel	Regan	Turner

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
McDonald	Sifton	Wagner

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
LaMoure	Simpson	Young
McArthur		

Mr. Simpson being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 104,

A bill for an act making it unlawful for any corporation to use any of its money or property or any thing of value in political campaigns or for any political purpose, also making it unlawful to solicit or knowingly receive any such money, property or any thing of value and prescribing penalties therefor.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 37, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sifton
Cashel	McDonald	Spoonheim
Crane	McLean	Stade
Dyste	Movius	Steele
Gilbert	Palmer	Strom
Halliday	Pierce	Swenson
Hanna	Plain	Talcott
Johnson of McLean	Purcell	Taylor
Johnson of Walsh	Ramsett	Thatcher

Messrs.—
 Kelly
 Koffel
 Kraabel
 Leutz

Messrs.—
 Regan
 Rice
 Sharpe

Messrs.—
 Turner
 Wagner
 Young

Absent and not voting:

Messrs.—
 LaMoure

Messrs.—
 McArthur

Messrs.—
 Simpson

Mr. Simpson being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 52,

A bill for an act regulating life insurance companies and prohibiting the diversion of funds for political purposes.

Was read the third time.

Mr. Little moved

That Senate Bill No. 52 be laid over until tomorrow.

Which motion prevailed.

Senate Bill No. 188,

A bill for an act to amend section 9371 of the Revised Codes of 1905, of the state of North Dakota, providing for the state's attorney to prosecute persons for unlawful dealing in intoxicating liquors and bring suits upon bonds or undertakings forfeited and to recover fines, and penalties, and the creation of a special fund.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 35, nays 3, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—
 Albright
 Cashel
 Crane
 Dyste
 Gilbert
 Halliday
 Hanna
 Johnson of McLean
 Johnson of Walsh
 Kelly
 Koffel
 Kraabel

Messrs.—
 LaMoure
 Leutz
 McArthur
 McLean
 Pierce
 Plain
 Purcell
 Ramsett
 Regan
 Rice
 Sharpe
 Sifton

Messrs.—
 Spoonheim
 Stade
 Steele
 Strom
 Swenson
 Talcott
 Taylor
 Thatcher
 Turner
 Wagner
 Young

Those who voted in the negative were:

Messrs.—
 McDonald

Messrs.—
 Movius

Messrs.—
 Palmer

Absent and not voting Messrs Little and Simpson.
Mr. Simpson being excused.
So the bill passed and the title was agreed to.

Senate Bill No. 59,

A bill for an act requiring an annual apportionment and accounting of surplus of life insurance companies as to policies heretofore issued.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were ayes 36, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sharpe
Cashel	Little	Sifton
Crane	McArthur	Spoonheim
Dyste	McDonald	Stade
Gilbert	McLean	Steele
Halliday	Movius	Strom
Hanna	Palmer	Swenson
Johnson of McLean	Pierce	Talcott
Johnson of Walsh	Plain	Thatcher
Kelly	Purcell	Turner
Koffel	Ramsett	Wagner
LaMoure	Regan	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Kraabel	Simpson	Taylor
Rice		

Mr. Simpson being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 179,

A bill for an act to prohibit discrimination by life insurance companies and providing penalties for violation thereof.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were ayes 38, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sharpe
Cashel	Little	Sifton
Crane	McArthur	Spoonheim
Dyste	McDonald	Stade
Gilbert	McLean	Steele

Messrs.—	Messrs.—	Messrs.—
Halliday	Movius	Strom
Hanna	Palmer	Swenson
Johnson of McLean	Pierce	Talcott
Johnson of Walsh	Plain	Thatcher
Kelly	Purcell	Turner
Koffel	Ramsett	Wagner
Kraabel	Regan	Young
LaMoure	Rice	

Absent and not voting Messrs. Simpson and Taylor.

Mr. Simpson being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 160,

A bill for an act to amend section 182 of the Revised Codes of 1905.

The question being on the final passage of the bill.

The roll was called and there were ayes 35, nays 1, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McArthur	Spoonheim
Cashel	McLean	Stade
Crane	Movius	Steele
Dyste	Palmer	Strom
Gilbert	Pierce	Swenson
Halliday	Plain	Talcott
Hanna	Purcell	Taylor
Johnson of McLean	Ramsett	Thatcher
Johnson of Walsh	Regan	Turner
Koffel	Rice	Wagner
Leutz	Sharpe	Young
Little	Sifton	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Kraabel	McDonald	Simpson
LaMoure		

Mr. Kelly voting in the negative.

Mr. Simpson being excused.

Mr. Purcell moved to amend the title of Senate Bill No.

160

By adding after the figures "1905" the words "relating to assignee of purchasers of school lands."

Which motion prevailed.

So the bill passed and the title as amended was agreed to.

Senate Bill No. 174,

A bill for an act to prohibit the issuance of non-participating policies by certain life insurance companies.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 36, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sifton
Cashel	McArthur	Spoonheim
Crane	McDonald	Stade
Dyste	McLean	Steele
Gilbert	Movius	Strom
Hanna	Palmer	Swenson
Johnson of McLean	Plain	Talcott
Johnson of Walsh	Purcell	Taylor
Kelly	Ramsett	Thatcher
Koffel	Regan	Turner
LaMoure	Rice	Wagner
Leutz	Sharpe	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Halliday	Pierce	Simpson
Kraabel		

Mr. Simpson being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 175,

A bill for an act defining the status of persons soliciting life insurance.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 39, nays none, absent and not voting 1.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sharpe
Cashel	Little	Sifton
Crane	McArthur	Spoonheim
Dyste	McDonald	Stade
Gilbert	McLean	Steele
Halliday	Movius	Strom
Hanna	Palmer	Swenson
Johnson of McLean	Pierce	Talcott
Johnson of Walsh	Plain	Taylor
Kelly	Purcell	Thatcher
Koffel	Ramsett	Turner
Kraabel	Regan	Wagner
LaMoure	Rice	Young

Mr. Simpson absent and not voting.

Mr. Simpson being excused.
So the bill passed and the title was agreed to.

EXECUTIVE SESSION.

Mr. Young moved
That the senate go into executive session.
Which motion prevailed.

OPEN SESSION.

COURTESIES OF THE FLOOR.

The courtesies of the floor were extended to A. J. F. Voight, L. H. Briggie, J. Schaulaber, C. M. Borgen.

Mr. Kraabel moved
That the senate do now adjourn.
Which motion prevailed, and
The senate adjourned.

J. W. FOLEY,
Secretary.

FORTY-THIRD DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 19, 1907.

The senate convened at 2 o'clock.
The president presiding.
Prayer by the chaplain.
Roll call.
All members present.

REFERENCE OF THE JOURNAL.

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

Mr. President:

Your committee on revision and correction of the journal of the forty-second day have carefully examined the same and recommend that the same be amended as follows:

On page 19 after the 39th line insert "so the bill passed and the title was agreed to."

On page 22 after the 30th line insert "so the bill passed and the title was agreed to."

And when so amended recommend that the same be approved.

J. D. TAYLOR,
Chairman.

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

The president announced he would appoint as a special committee, under Mr. Simpson's motion of February 16, 1907—Messrs. Simpson, Young, Pierce, Purcell and Rice.

MESSAGE FROM THE HOUSE.

The following message was received from the house.

HOUSE OF REPRESENTATIVES,

BISMARCK, NORTH DAKOTA,

February 19, 1907.

Mr. President:

I have the honor to transmit herewith

House Bill No. 168,

A bill for an act to provide for the lighting of depot platforms.

Also,

House Bill No. 190,

A bill for an act providing for the seizure and confiscation of intoxicating liquors imported into the state of North Dakota in violation of law.

Also,

House Bill No. 199,

A bill for an act to amend section 9366 of the Revised Code of 1905, same being section 7598 of the Revised Code of 1899, defining what shall be considered and held to be intoxicating liquors.

Also,

House Bill No. 195,

A bill for an act providing for the publication and registration of special tax receipts or licenses from the government of the United States to sell distilled, malt and fermented liquors, issued to persons in North Dakota, the payment and collection of registration fees and publication fees, regulating the posting and exhibiting of such tax receipts or licenses, prescribing the duties of officials and owners and lessors of property in relation thereto, prescribing

ing penalties for failure to perform the duties prescribed and other regulations pertaining to the sale of intoxicating liquors.

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

Very respectfully,

P. D. NORTON,

Chief Clerk.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

The following communication was presented:

HOUSE OF REPRESENTATIVES,

WASHINGTON, February 15, 1907.

Hon. R. S. Lewis, President of the Senate, Bismarck, N. D.:

My Dear Mr. Lewis: I am in receipt of a copy of S. B. 82, a concurrent resolution relative to grain grading, introduced by Senator Cashel and for the reference of which I thank you.

I shall take occasion to introduce this resolution in the house today.

Very truly yours,

A. J. GRONNA,

The following communication was received from the attorney general:

BISMARCK, February 19, 1907.

To the Senate of the State of North Dakota:

GENTLEMEN: In accordance with the resolution of your honorable body submitting to me for my opinion as to the constitutionality of Senate Bills Nos. 158 and 159, I respectfully submit the following:

The powers of the legislature are restricted and controlled by the constitution of the state. It has a right to pass any law regulating the affairs of the state, unless restricted by the constitution.

The bills under consideration relate to the industrial school and school for manual training, now located at Ellendale, this state. Bill No. 158 changes the name of that institution from The Industrial School and School for Man-

ual Training to the State Normal and Industrial School. The validity or constitutionality of this bill decides the constitutionality of bill No. 159.

The third division of section 216 of the constitution provides as follows: "Third. An industrial school and school for manual training, or such other educational or charitable institution as the legislative assembly may provide, at the town of Ellendale, in the county of Dickey, with a grant of forty thousand acres." Under this provision, I am satisfied that the legislative assembly could have established at Ellendale any educational or charitable institution that it deemed proper, so long as it did not conflict with the provision of the fifth division, which reads as follows: "Provided that no other institution of a character similar to any one of those located by this article shall be established or maintained without the revision of this constitution." Therefore the question presents itself, and it to my mind resolves itself into the one question, and that is is the school which is sought to be changed by bill 158 a similar institution to those previously established by the constitution? To arrive at a proper solution of this question, we must take into consideration what was intended by the framers of the constitution. The framers of the constitution knew when they enacted this provision that all of the educational institutions in this state or any other state, taught some of the same branches of study. For instance, mathematics is taught in all the educational institutions, likewise the languages. Therefore they could not have had in mind that the similarity of the institution was determined on account of the course of study, and they must have referred to the name of the institution.

Then again, the question arises what was the reason for the restriction just referred to. To my mind, that restriction was placed in the constitution so that we would not have in this state two institutions of the same name and that was for the purpose of avoiding any misunderstanding in determining rights and privileges which might become confused if we had two institutions of the same name.

Therefore, I conclude that the name State Normal and Industrial School is not the same as any other institution named in the constitution, and that Senate Bill No. 158 is constitutional.

That being true it follows that Senate Bill No. 159 is also constitutional.

Yours truly

T. F. McCUE,
Attorney General.

Mr. Young presented the following communication:

LEAL, N. D., February 14, 1907.

Hon. G. M. Young, Bismarck, N. D.:

SIR: At a meeting of the Leal W. C. T. U. today the following resolution was unanimously adopted:

Resolved, That we, the members of Leal W. C. T. U., do urge our honorable representatives in the senate and legislature to use their vote and influence for the passage of the enforcement commissioner bill (Senate Bill No. 110). The anti-cigarette bill (House Bill No. 185), and a resolution memorializing congress to pass a resolution providing for an amendment to the federal constitution prohibiting polygamy.

MRS. E. C. WIDDIFIELD,
President.

MRS. M. A. JAMES,
Corresponding Secretary.

Mr. Young presented the following petition:

WIMBLEDON, N. D., February 14, 1907.

Hon. George M. Young, Bismarck, N. D.:

DEAR SIR: We the undersigned earnestly favor the enforcement commissioner bill now before the senate of North Dakota, and respectfully request that you use your influence to secure its passage.

HERMAN GEORGI
And Fifteen Others.

Mr. Young presented the following petition:

*To the Members of the Senate of the Legislative Assembly
of the State of North Dakota:*

We, the undersigned, voters of the state of North Dakota, believing that House Bill No. 26, a concurrent resolution introduced by Mr. L. A. Ueland, providing for the initiative and referendum, as passed by the house of representa-

tives, is a worthy measure and a highly desirable means of procuring the expressed will of the people in enacting or rejecting proposed laws. We, therefore, petition the honorable members of the senate to pass the above mentioned bill essentially unchanged from the form as passed the house.

Dated this 18th day of February, 1907.

A. B. COX

And Forty-Eight Others.

REPORTS OF STANDING COMMITTEES.

The committee on elections made the following report:

Mr. President:

Your committee on elections to whom was referred
Senate Bill No. 125,

A bill for an act to amend section 638 of the Revised Codes 1905 relating to the conduct of elections.

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

Add after the word "close" in line 19 of the printed bill the following: "And that such resolution be published as a part of the notice of election."

And when so amended that the same do pass.

L. B. HANNA,
Chairman.

Mr. Hanna moved

That the report be adopted,
Which motion prevailed and

The report of the committee was adopted.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 215,

A bill for an act requiring the party in charge of a state institution to make an inventory of property therein.

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

In line 2 of the printed bill the word "odd" be stricken out and the word "even" be inserted in lieu thereof.

And when so amended recommend the same do pass.

J. B. SHARPE,
Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 194,

A bill for an act providing for the giving of notice by
merchants to their creditors before making sale of their
entire stock of business.

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

C. B. LITTLE,
Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 255,

A concurrent resolution amending the constitution of
the state of North Dakota, relating to the number of judges
of the supreme court.

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

C. B. LITTLE,
Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 273,

A bill for an act to amend section 4392 of the Revised
Codes of the state of North Dakota for 1905, relating to the

construction of "Ys" and transfer facilities at railroad crossings, and providing a penalty for the violation thereof.

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

C. B. LITTLE,
Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 124,

A bill for an act providing that in actions hereafter brought in the justice courts of this state, filing of an affidavit of the amount due, shall be considered as prima facie evidence of the indebtedness sued on.

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

That on page 1 in line 8 of section 1 of the printed bill strike out all of section 1 after the word "defendant" and insert in lieu thereof the following words: "In his answer shall by himself or some one in his behalf specifically deny the same and verifies the said answer by his oath."

And when so amended recommend the same do pass.

C. B. LITTLE,
Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 90,

A bill for an act to amend section 122 of the Revised Codes of 1905 of the state of North Dakota, relating to state treasurer's bond.

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

Strike out all of section 1 following the word "dollars," in line 6 of the printed bill, and insert in lieu thereof "such bond shall be executed by

the treasurer as principal and by sureties who must justify in the aggregate in a sum equal to twice the amount of the bond. The sureties may consist of freeholders of the state of North Dakota or of corporations authorized to transact the business of fidelity insurance within the state of North Dakota, or may consist in part of such freeholders and in part of such corporations and may consist of one bond for said total amount, or of more than one bond, each for a lesser amount but aggregating not less than said total amount; and in the case of more than one bond being used, and in case of loss or liability, the liability of each separate bond shall be held to bear the same proportion to the total loss or liability as the amount of each separate bond shall bear to the total aggregate amount of all such bonds. Such bond or bonds shall be approved by the attorney general as to form and by the governor as to the sufficiency of the sureties.

"In case any such bond is approved, having as sureties one or more corporations as herein provided, then the premium for such bond or bonds shall be audited and paid out of the general fund of the state."

And when so amended recommend the same do pass.

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on counties made the following report:

Mr. President:

A minority of your committee on counties to whom was referred

Senate Bill No. 9,

A bill for an act to amend and re-enact section 2330 of the Revised Code of 1905, relating to the formation of new counties.

Have had the same under consideration and recommend that the same be indefinitely postponed.

AUG. E. JOHNSON,
Chairman.

The committee on counties made the following report:

Mr. President:

A majority of your committee on counties to whom was referred

Senate Bill No. 9,

A bill for an act to amend and re-enact section 2330 of the Revised Code of 1905, relating to the formation of new counties.

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

AUG. E. JOHNSON,
Chairman.

Mr. Regan moved
That the majority report of Senate Bill No. 9 be adopted.
Mr. Rice objected to the present consideration of the report, which went over one day.

The committee on cities and municipal corporations made the following report:

Mr. President:

Your committee on cities and municipal corporations to whom was referred

Senate Bill No. 225,

A bill for an act making it a misdemeanor to fraudulently connect wires or instruments with electric wires or altering meters for the purpose of evading payment for electric current.

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

H. H. STEELE,
Chairman.

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

The committee on cities and municipal corporations made the following report:

Mr. President:

Your committee on cities and municipal corporations to whom was referred

Senate Bill No. 249,

A bill for an act to amend section 2928 of the Revised Codes of the state of North Dakota for 1905, relating to establishing permanent corners in cities and towns.

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

H. H. STEELE,
Chairman.

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

The committee on cities and municipal corporations made the following report:

Mr. President:

Your committee on cities and municipal corporations to whom was referred

Senate Bill No. 71,

A bill for an act to amend section 3111 of the Revised Codes of North Dakota, 1906, relating to the term of office of township officers.

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

H. H. STEELE,
Chairman.

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

The committee on cities and municipal corporations made the following report:

Mr. President:

Your committee on cities and municipal corporations to whom was referred

Senate Bill No. 269,

A bill for an act to amend and re-enact section 2894 of the Revised Code of North Dakota of 1905, relating to villages.

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

"An Act to Amend and Re-enact Section 2894 of the Revised Codes of North Dakota for 1905, Relating to Extension of Corporate Limits of Villages."

And when so amended recommend the same do pass.

H. H. STEELE,
Chairman.

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

The committee on cities and municipal corporations made the following report:

Mr. President:

Your committee on cities and municipal corporations to whom was referred

Senate Bill No. 250,

A bill for an act to amend section 2771 of the Revised Codes of 1905, regulating sewers.

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

H. H. STEELE,
Chairman.

Mr. Steele moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on cities and municipal corporations made the following report:

Mr. President:

Your committee on cities and municipal corporations to whom was referred

Senate Bill No. 92,

A bill for an act entitled "An act regulating the granting of franchises, rights and privileges in and to the streets, highways, alleys and public places of incorporated cities of the state of North Dakota."

Have had the same under consideration and recommend that the same be indefinitely postponed.

H. H. STEELE,
Chairman.

Mr. Steele moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on cities and municipal corporations made the following report:

Mr. President:

Your committee on cities and municipal corporations to whom was referred

House bill No. 36,

A bill for an act to amend section 2825 of the revised

codes of North Dakota, of 1905, relating to extension of corporate limits of cities.

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

H. H. STEELE,
Chairman.

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

The committee on ways and means made the following report:

Mr. President:

Your committee on ways and means to whom was referred

Senate Bill No. 210,

A bill for an act taxing grain in elevators, warehouses and granaries at a fixed rate.

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

Amend the title to read as follows:

A Bill for an Act in Relation to the Taxation of Grain Grown Within this State and Held Therein in Elevators, Warehouses and Granaries.

Insert the following:

"Sec. 2. All grain other than that specified in section 1 of this act shall be taxed according to its value, and in pursuance of the revenue and taxation laws of this state." Amend number of section 2 so same shall read "section 3."

Insert the following to be called section 4.

"Sec. 4. All sums received or collected by the county treasurer under the provisions of this act shall be apportioned and distributed pro rata among the several funds: state, county, school, township and municipal, in proportion to the rates of taxation in the taxing district for which the same is collected.

"Sec. 5. All acts and parts of acts in conflict herewith are hereby repealed."

Amend section 3 to be section 6, and to read as follows:

"Sec. 6. Emergency.] Whereas, by constitutional amendment recently adopted, grain grown and held within the state may be taxed at a fixed rate, and it is necessary to make the assessment long before July 1st; therefore, an emergency exists and this act shall take effect upon its passage and approval."

And when so amended recommend the same do pass

A. T. KRAABEL,
Chairman.

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

The committee on ways and means made the following report:

Mr. President:

Your committee on ways and means to whom was referred

House Bill No. 81,

A bill for an act requiring bi-ennial reports to be made by the superintendents of sub-experiment stations.

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

A. T. KRAABEL,
Chairman.

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

The committee on engrossed and enrolled bills made the following report:

Mr. President:

Your committee on engrossed and enrolled bills to whom was referred

Senate Bill No. 200,

A bill for an act concerning labor, and providing means for protecting the liberty, safety and health of laborers, providing for its enforcement by the department of agriculture and labor.

Also,

Senate Bill No. 224,

A bill for an act providing for the placing of the inmates of the reform school of the state of North Dakota under the guardianship and control of the board of trustees of said reform school.

Also,

Senate Bill No. 211,

A bill for an act providing for the election of county surveyor and prescribing his duties, and the manner in which

his records shall be kept, and authorizing the board of county commissioners and township surveyors to make surveys, and authorizing and prescribing the manner for the payment of the expenses incurred therein.

Also,

Senate Bill No. 16,

A bill for an act providing for the erection of fire escapes in hotels, inns, and public lodging houses, and regulating the conduct of such hotels, inns, and public lodging houses, and providing for the appointment of an inspector of hotels, and his compensation therefor.

Also,

Senate Bill No. 183,

A bill for an act regulating the retirement of capital stock in certain cases.

Also,

Senate Bill No. 67,

A bill for an act to amend section 5404 of the Revised Codes, relating to effect of highways or railways, or right of way therefor, over or upon the lands conveyed.

Have carefully examined the same and find the same correctly engrossed.

GEORGE M. YOUNG,
Chairman.

The committee on engrossed and enrolled bills made the following report:

Mr. President:

Your committee on engrossed and enrolled bills to whom was referred

Senate Concurrent Resolution,

Have carefully examined the same and found the same correctly enrolled.

GEORGE M. YOUNG,
Chairman.

SPECIAL COMMITTEE REPORT.

The special joint committee on the subject of reciprocal demurrage made the following report:

Mr. President:

Your special joint committee appointed to consider re-

reciprocal demurrage, beg leave to report that they have had the same under consideration and find that the great necessity for a law governing the same is due to the shortage of cars and the unfair and unequal distribution of cars for the shipment of grain and live stock, more especially grain.

We also find that nearly all shipments of grain and live stock are made from points within this state to points in other states, thus bringing the whole subject largely into the realm of interstate commerce and beyond the power of this state to control.

We are of the opinion that a law of local application can be enacted that will aid to some extent in the handling of grain and live stock and that will be of great benefit to shippers of other classes of local freight within the state.

For the reasons stated after considering all bills before this legislature on that subject and various measures of the same kind from other states, we came to the conclusion that House Bill No. 153 is best adapted to serve our purpose.

We therefore recommend that said House Bill No. 153 be amended as follows:

In line 24, page 3, of the printed bill, change the word "twenty" to "ten."

In line 25, same page, change the word "twelve" to "twenty-four."

In line 2, section 3, after the word "for" add the word "carload."

In line 3 of the same section change the word "shipment" to "shipments."

In lines 6 and 12 of said section change the words "forty-eight" to "seventy-two."

Also in line 13, section 4, change "twenty" to "ten."

In line 14, same section, change "twelve" to "twenty-four."

In line 2, section 5, change the word "conclude" to "include."

And when so amended recommend that the same do pass.

E. F. GILBERT,

J. AUSTIN REGAN,

GEO. D. PALMER,

Senate Committee.

Mr. Gilbert moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The secretary announced that the president was about to sign Concurrent Resolution with reference to drainage.

And the president signed the same in the presence of the senate.

Mr. Gilbert moved

That the majority report of the committee on railroads on House Bill No. 18 be adopted.

Mr. Pierce moved

That further consideration of this report be deferred for one week, and said:

“ Mr. President: I cannot help but feel that the railroad committee has been inadvertently negligent, or rather that it is unintentionally evading a duty to the senate and to the people.

“ There is really no demand for a law such as this bill proposes.

“ On the other hand, there is a demand for a comprehensive measure that will afford some relief in the matter of transportation of freight, and particularly to prevent a repetition of the experience of our grain growers during the past six months.

“ It has been said in the committee that the problem is too great for us to solve at this time; that it would take at least a week to formulate a workable measure along these lines. For one, I am more than willing to go into the committee room and work night and day for a week for such a measure, and it will be a week well spent.

“ That is what the people want—better service in freight transportation and not cheaper passenger rates.

“ I believe such a measure can be prepared and I am frank to say that if passed, I will be more than pleased to let passenger rates stay where they are. If not, then I do not want to support any such half-way measure as this proposes—to give the people a gold brick in the shape of a reduction of one-fourth of 1 per cent on local single trip tickets—and a loss of all the special rates we now enjoy; and on the contrary, if no such measure is adopted I desire to go on record as voting for a flat 2 cent rate bill.

“ I now move, as a substitute, that the further consideration of the majority report on House Bill No. 18 be deferred until one week from this day and hour, and that the railroad committee be requested to report in the meantime, a measure calculated to furnish relief in the matter of transportation of freight, and particularly of farm produce.”

Which substitute motion was lost.

Mr. Pierce moved

That the minority report be adopted.

Roll call demanded.

The roll was called and there were ayes 25, nays 15, absent and not voting none.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Cashel	McArthur	Simpson
Halliday	McDonald	Spoonheim
Johnson of McLean	McLean	Stade
Johnson of Walsh	Palmer	Talcott
Koffel	Pierce	Taylor
Kraabel	Plain	Turner
LaMoure	Ramsett	Wagner
Leutz	Sifton	Young
Little		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kelly	Sharpe
Crane	Movius	Steele
Dyste	Purcell	Strom
Gilbert	Regan	Swenson
Hanna	Rice	Thatcher

So the minority report was adopted.

Mr. Pierce moved that

House bill No. 18,

A bill for an act entitled an act providing for a maximum rate of fare to be charged and collected by railroads, railroad corporations and common carriers for the transportation of passengers and baggage, and prohibiting railroads, railroad corporations and common carriers from carrying any passengers free or at a less rate than is charged the general public, and providing a penalty therefor and making it unlawful for any person to ask for or accept any such free transportation, or transportation purchased at a less rate than that charged the public, and providing a penalty therefor.

Be given its third reading and placed on its final passage.

Mr. Simpson moved to amend House Bill No. 18 as follows:

In section 1 of the bill, after the word "car" in line 19, add the following words: "And a rebate be given therefor."

Which motion was lost.

Mr. Crane moved

That House Bill No. 18 be amended

By striking out lines 18, 19, 20 and 21.

Which motion was lost.

Mr. Pierce moved

To amend House Bill No. 18 as follows:

That figure 6 in line 1 of section 6 on page 4 be stricken out and the figure 3 be inserted in lieu thereof.

That figure 7 in line 1 of section 7 be stricken out and the figure 4 be inserted in lieu thereof; and further, that the emergency clause be stricken out.

Which motion prevailed and

The amendment was adopted.

Mr. Hanna moved

To amend House Bill No. 18 by adding the following:

"And provided further that the provisions of this act shall not apply to the transportation of passengers within the boundaries of any city by street railway companies."

Which motion prevailed, and

The amendment was adopted.

Mr. Simpson moved

To amend House Bill No. 18 as follows:

By adding after the word "made" in line 9, section 1, of printed bill, the following: "That all charges for fares shall end in figures 0 and 5, and such figures shall be the one nearest to the fare computed under the provisions of this act."

Which motion prevailed, and

The amendment was adopted.

Mr. Pierce moved

That the title of House Bill No. 18 be amended to read as follows:

"A bill for an act entitled: An Act Providing for a Maximum Rate of Fare To Be Charged and Collected by Railroads, Railroad Corporations and Common Carriers for the Transportation of Passengers and Baggage, and Providing a Penalty for the Violation Thereof."

Which motion prevailed, and

The amendment was adopted.

Mr. Young moved

That House Bill No. 18 be made a special order for 3 o'clock tomorrow, and that the bill be printed with amendments and placed upon the desks of the senators.

Which motion prevailed.

MESSAGE FROM THE GOVERNOR.

The following message was received from the governor.

GOVERNOR'S OFFICE NORTH DAKOTA,

Bismarck, February 19, 1907.

To the Senate:

GENTLEMEN: I have the honor to inform you that I have this day approved and filed with the secretary of state

Senate Bill No. 29,

A bill for an act to amend section 7252 of the Revised Code of 1905, relating to examination of an adverse party.

I have also filed with the secretary of state

CONCURRENT RESOLUTION.

Endorsing that certain bill pending before congress forbidding the internal revenue department to issue liquor licenses in states where prohibition laws prevail, to anyone without proof that the applicant has complied with the laws of the state wherein the applicant resides.

Very respectfully,

JOHN BURKE,
Governor.

INTRODUCTION AND FIRST READING OF SENATE BILLS.

Mr. Rice introduced

Senate Bill No. 297,

A bill for an act requiring county officers to reside at and maintain their offices at the county seat of their respective counties.

Which was read the first time.

Mr. Halliday introduced

Senate Bill No. 298,

A bill for an act requiring each county officer who receives from any county a stated salary of not less than \$2,000 per annum, to keep a record of the fees received by him as such officer, and to pay such fees into the county treasury, and making it a misdemeanor for any such officer to neglect or omit to charge or collect the fees which he is by law allowed to charge or collect, or to fail to keep a record of the same, or to fail to turn over or pay the same into the county treasury.

Which was read the first time.

Mr. Rice introduced

Senate Bill No. 299,

A bill for an act to amend sections 1484, 1487, 1490, 1492, 1494, 1495, 1496, 1497, 1500, 1503, 1504, 1517, 1519, 1520, 1521, 1523, 1528, and to repeal sections 1498, 1505, 1507, 1508, 1509, 1510, 1512, 1518, 1522 and 1529.

Which was read the first time.

Mr. Talcott introduced

Senate Bill No. 300,

A bill for an act to license each person, firm or corporation transacting a telephone business in the state of North Dakota, and fixing license fees; to prevent discrimination, and fixing rules for the conducting of such business, and making it a misdemeanor to charge toll for service until such license is issued and posted.

Which was read the first time.

Mr. LaMoure introduced

Senate Bill No. 301,

A bill for a joint resolution authorizing the state auditing board, in their discretion, from time to time, as the necessities may arise, to employ additional clerical assistance in the various offices and authorizing an appropriation for the payment thereof.

Which was read the first and second times and

Referred to the committee on state affairs.

Mr. Little moved

That the rules be suspended and all house bills be given their first and second reading.

Which motion prevailed.

FIRST AND SECOND READING OF HOUSE BILLS.

House bill No. 14,

A bill for an act to amend section 2864 of the revised codes of North Dakota for 1905, relating to the general powers of the board of trustees of incorporated villages.

Which was read the first and second times and

Referred to the committee on cities and municipal corporations.

House bill No. 22,

A bill for an act to regulate the marriage of persons having been divorced and the issuing of marriage licenses to such persons.

Which was read the first and second times and

Referred to the committee on judiciary.

House Bill No. 41,

A bill for an act providing for the selection of candidates for election by popular vote including selection of member

of the national committee and relating to their nomination and the perpetuation of political parties.

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

House bill No. 53,

A bill for an act to amend section 6295 of the Revised Codes of 1905, providing for a lien for repairs of person-
ality.

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

House Bill No. 115,

A bill for an act to protect the traveling public from being compelled to eat adulterated food stuffs served in hotels, restaurants, and boarding houses in the state of North Dakota, without having due notice thereof.

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

House Bill No. 120,

A bill for an act to amend chapter 65 of the Penal Code of the Revised Codes of 1905 of the state of North Dakota, relating to the enforcement of the prohibition law.

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

House Bill No. 132,

A bill for an act amending section 26 of the Political Codes of North Dakota.

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

House bill No. 135,

A bill for an act to amend section 1216 of the Revised Codes of 1895, being section 1531 of the Revised Codes of North Dakota, relating to the state board of equalization.

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

House Bill No. 137,

A bill for an act relating to the use of railroad tracks for highway purposes.

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

House Bill No. 142,

A bill for an act providing a method of taking away the increased jurisdiction of county courts.

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

House bill No. 26,

Concurrent resolution for an amendment to the constitution, providing for the initiative and referendum.

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

THIRD READING OF SENATE BILLS.

Senate Bill No. 52,

A bill for an act regulating life insurance companies and prohibiting the diversion of funds for political purposes.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 36, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sifton
Cashel	Little	Simpson
Crane	McArthur	Spoonheim
Dyste	McDonald	Stade
Gilbert	McLean	Strom
Halliday	Pierce	Swenson
Hanna	Plain	Talcott
Johnson of McLean	Purcell	Taylor
Johnson of Walsh	Ramsett	Thatcher
Kelly	Regan	Turner
Koffel	Rice	Wagner
LaMoure	Sharpe	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Kraabel	Palmer	Steele
Movius		

So the bill passed and the title was agreed to.

Senate Bill No. 162,

A bill for an act to amend section 894 of the Revised Codes of 1905, relating to education.

Was read the third time.

Mr. Simpson moved

To amend Senate Bill No. 162 as follows:

After the word "law" in line 49, on page 3 of the printed bill, add the

following words: "Provided that no parent, guardian, or person having control over such child shall be prosecuted without being first notified by the county superintendent of schools or the president of the school board in the district in which said child resides, and being given ten days within which to comply with the law."

Also that in line 50 of the printed bill the word "further" be inserted after the word "provided."

Which motion prevailed, and

The amendment was adopted.

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 37, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sifton
Cashel	McArthur	Simpson
Crane	McDonald	Spoonheim
Dyste	McLean	Stade
Gilbert	Movius	Strom
Halliday	Pierce	Swenson
Hanna	Plain	Talcott
Johnson of McLean	Purcell	Taylor
Johnson of Walsh	Ramsett	Thatcher
Kelly	Regan	Turner
Koffel	Rice	Young
Kraabel	Sharpe	Wagner
Leutz		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
LaMoure	Palmer	Steele

So the bill as amended passed and the title was agreed to.
Senate Bill No. 176,

A bill for an act to prohibit misrepresentations by life insurance companies.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 37, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sifton
Cashel	McArthur	Simpson
Crane	McDonald	Spoonheim
Dyste	McLean	Stade
Gilbert	Movius	Strom
Halliday	Palmer	Swenson
Hanna	Plain	Talcott
Johnson of McLean	Purcell	Taylor
Johnson of Walsh	Ramsett	Thatcher

Messrs.—	Messrs.—	Messrs.—
Kelly	Regan	Turner
Koffel	Rice	Wagner
Kraabel	Sharpe	Young
Leutz		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
LaMoure	Pierce	Steele

So the bill passed and the title was agreed to.

Senate Bill No. 163,

A bill for an act to amend sections 747, 778, 799, 819, 836, 847, 879, 892, 912 of the Revised Codes of 1905, relating to education.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 32, nays 1, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McArthur	Spoonheim
Cashel	McDonald	Stade
Crane	McLean	Strom
Dyste	Movius	Swenson
Gilbert	Palmer	Talcott
Hanna	Plain	Taylor
Johnson of McLean	Ramsett	Thatcher
Johnson of Walsh	Regan	Turner
Kraabel	Rice	Wagner
Leutz	Sharpe	Young
Little	Sifton	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Halliday	Pierce	Simpson
Kelly	Purcell	Steele
LaMoure		

Mr. Koffel voting in the negative.

So the bill passed and the title was agreed to.

Senate Bill No. 200,

A bill for an act concerning labor, and providing means for protecting the liberty, safety and health of laborers, providing for its enforcement by the department of agriculture and labor.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 37, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sharpe
Cashel	McArthur	Sifton
Crane	McDonald	Spoonheim
Dyste	McLean	Stade
Gilbert	Movius	Strom
Halliday	Palmer	Swenson
Hanna	Pierce	Talcott
Johnson of McLean	Plain	Taylor
Johnson of Walsh	Purcell	Thatcher
Kelly	Ramsett	Turner
Koffel	Regan	Wagner
Kraabel	Rice	Young
Leutz		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
LaMoure	Simpson	Steele

So the bill passed and the title was agreed to.

Senate Bill No. 224,

A bill for an act providing for the placing of the inmates of the reform school of the state of North Dakota under the guardianship and control of the board of trustees of said reform school.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 37, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sharpe
Cashel	McArthur	Sifton
Crane	McDonald	Simpson
Dyste	McLean	Stade
Gilbert	Movius	Steele
Halliday	Palmer	Strom
Hanna	Pierce	Swenson
Johnson of McLean	Plain	Talcott
Johnson of Walsh	Purcell	Taylor
Kelly	Ramsett	Thatcher
Koffel	Regan	Turner
Kraabel	Rice	Wagner
Leutz		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
LaMoure	Spoonheim	Young

So the bill passed and the title was agreed to.

Senate Bill No. 211,

A bill for an act providing for the election of county surveyor and prescribing his duties, and the manner in which his records shall be kept, and authorizing the board of county commissioners and township surveyors to make surveys, and authorizing and prescribing the manner for the payment of the expenses incurred therein.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 30, nays 2, absent and not voting 8.

and those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sharpe
Cashel	Little	Simpson
Crane	McArthur	Stade
Gilbert	McLean	Strom
Halliday	Purcell	Swenson
Hanna	Pierce	Talcott
Johnson of McLean	Plain	Taylor
Johnson of Walsh	Ramsett	Thatcher
Kelly	Regan	Turner
Koffel	Rice	Wagner

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Dyste	McDonald	Steele
Kraabel	Movius	Young
LaMoure	Spoonheim	

Messrs. Purcell and Sifton voting in the negative.

So the bill passed and the title was agreed to.

Mr. Young moved

That the senate do now adjourn.

Which motion was lost.

Senate Bill No. 16,

A bill for an act providing for the erection of fire escapes in hotels, inns, and public lodging houses, and regulating the conduct of such hotels, inns, and public lodging houses, and providing for the appointment of an inspector of hotels, and his compensation therefor.

Was read the third time.

Mr. Plain moved

That section 18, emergency clause of Senate Bill No. 16, be stricken out.

Which motion prevailed.

Mr. Sifton moved

To amend Senate Bill No. 16 as follows:

In line 16 the word "three" be stricken out and word "two" be inserted in lieu thereof.

Which motion prevailed, and

The amendment was adopted.

Mr. Regan moved

To amend Senate Bill No. 16

By inserting before the word "rooms" wherever it appears in section 15 the word "sleeping."

Which motion prevailed, and

The amendment was adopted.

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 34, nays 1, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—

Albright

Cashel

Crane

Dyste

Gilbert

Halliday

Hanna

Johnson of McLean

Johnson of Walsh

Kelly

Koffel

Leutz

Messrs.—

McArthur

McLean

Movius

Palmer

Pierce

Plain

Purcell

Ramsett

Regan

Sharpe

Sifton

Messrs.—

Simpson

Spoonheim

Stade

Steele

Strom

Talcott

Taylor

Thatcher

Turner

Wagner

Young

Absent and not voting:

Messrs.—

Kraabel

LaMoure

Messrs.—

Little

McDonald

Messrs.—

Swenson

Mr. Rice voting in the negative.

So the bill passed as amended and the title was agreed to.

Mr. Taylor moved

That the vote by which Senate Bill No. 16 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

COURTESIES OF THE FLOOR.

The courtesies of the floor were extended to R. C. Miles, Ashley; E. M. Pratt, Wishek; Robert Beveridge, Ashley; Daniel Barreither, Zeeland; P. N. Korsmoe, A. O. Trage-ton, Northwood; John S. Aaker; Alfred Dresser; R. H. Cushon, C. H. Anheier, W. W. Smith, U. A. Burdick, H. C. Plumley, James Door, B. P. House, Fargo.

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

J. W. FOLEY,
Secretary.

FORTY-FOURTH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 20, 1907.

The senate convened at 2 o'clock.
The president presiding.
Prayer by the chaplain.
Roll call.
All members present.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 19, 1907.

Mr. President:

I have the honor to herewith transmit
House Bill No. 99,

A bill for an act to amend section 872 of the Political Code of the Revised Codes of 1905 of the Codes of North Dakota, relating to examinations and certificates for teachers in public schools.

Also,

House Bill No. 119,

A bill for an act to amend and re-enact section 1582 of the Revised Codes of North Dakota of 1905, relating to the redemption of real estate from tax sale.

Also,

House Bill No. 189,

A bill for an act to amend section 1367 of the Revised Codes of 1905 of North Dakota, relating to highways.

Also,

House Bill No. 176,

A bill for an act to amend section 9929 of the Revised Codes of the state of North Dakota.

Also,

House Bill No. 206,

A bill for an act to provide for the payment of the necessary traveling expenses of district judges.

Also,

House Bill No. 230,

A bill for an act to amend section 1973 of the Revised Codes of 1905, relating to estrays.

Also,

House Bill No. 224,

A bill for an act to repeal article 1 of chapter 30 of the Code of Civil Procedure relating to the foreclosure of mortgages by advertisement.

Also,

House Bill No. 201,

A bill for an act to amend section 8022 of the Revised Codes of 1905, relating to letters of administration, and who entitled to same.

Also,

House Bill No. 203,

A bill for an act to amend section 4516 of the Revised Codes of 1905, relating to corporations.

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

Very respectfully,

P. D. NORTON,
Chief Clerk.

REFERENCE OF THE JOURNAL.

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

Mr. President:

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

On page 6, line 16, after word "codes" insert the figures "1905;" on 32nd line, same page, strike out the word "house" and insert the word "senate."

On page 16, after the 30th line, insert the following: "And when so amended recommend that the same do pass."

On page 20, 26th line, after the word "by" insert the word "him."

On page 20, "Mr. Rice introduced S. B. 297."

And when so amended recommend that the same be approved.

J. D. TAYLOR,
Chairman.

Mr. Taylor moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

Mr. McLean presented the following communication:

LANGDON, N. D., February 16, 1907.

Hon. Henry McLean, Bismarck, N. D.

DEAR SIR: We are writing you to protest against the plan of distribution of high school aid being proposed by the superintendent and school board of Grand Forks. It is a well established principle of American government that, in school matters, the stronger may be taxed for the support of the weaker. Childless and wealthy persons everywhere pay, for school purposes, out of proportion to the number of children they have to educate. This principle lies at the foundation of our government. High school aid in North Dakota has been from the first for the purpose of building up high schools throughout the state and not the schools of two or three of the largest cities of the state. We, therefore, urgently and very respectfully request you to oppose

the "Grand Forks Plan" and support the plan anticipated in Senate Bill No. 129.

Yours for advancement of education in North Dakota,

RICHARD HEYWARD,
Superintendent.

H. D. ALLETH,
JOHN MCGOVRAN,

E. J. FOX,

J. J. MAHONEY,

C. HUNTER,

Members of School Board.

REPORT OF STANDING COMMITTEES

The committee on agriculture made the following report:

Mr. President:

Your committee on agriculture to whom was referred Senate Bill No. 274,

A bill for an act requiring the secretary or other executive officer of every county, district or state fair association or other exhibit at which the resources or products of the state are placed on exhibition, to file with the commissioner of agriculture and labor a list of the dates claimed by said association for the purpose of conducting the same.

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

IVER SWENSON,
Chairman.

Mr. Swenson moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred Senate Bill No. 301,

A joint resolution authorizing the state auditing board, in their discretion, from time to time, as the necessities may arise, to employ additional clerical assistance in the various state offices and authorizing an appropriation for the payment therefor.

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

J. B. SHARPE,
Chairman.

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

The committee on state affairs made the following report:
Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 226,

A bill for an act for paroling inmates of the reform school.
Have had the same under consideration and recommend
that the same do pass.

J. B. SHARPE,
Chairman.

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

The committee on state affairs made the following report:
Mr. President:

Your committee on state affairs to whom was referred
House bill No. 135,

A bill for an act to amend section 1216 of the Revised
Codes of 1895, being section 1531 of the Revised Codes of
1905 of the State of North Dakota, relating to the state
board of equalization.

Have had the same under consideration and recommend
that the same be indefinitely postponed.

J. B. SHARPE,
Chairman.

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

The committee on state affairs made the following report:
Mr. President:

Your committee on state affairs to whom was referred
 Senate Bill No. 262,

A bill for an act relating to the licensing of transient
 merchants, and providing a penalty for the violation
 thereof.

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

J. B. SHARPE,
 Chairman.

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

The committee on judiciary made the following report:
Mr. President:

Your committee on judiciary to whom was referred

Concurrent resolution amending section 158 of the con-
 stitution of the state of North Dakota, relating to the sale
 of state lands.

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

C. B. LITTLE,
 Chairman.

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

The committee on appropriations made the following re-
 port:

Mr. President:

Your committee on appropriations to whom was referred
 Senate Bill No. 86,

A bill for an act to amend sections 838, 839, 840, 841 and
 842, chapter 9 of the Political Code of the state of North
 Dakota, Revised Codes of 1905, relating to education.

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

That section 3 of said bill be amended so as to read as follows:
 "SEC. 3. That section 840 be, and the same is hereby, amended to read as
 follows:

"Sec. 840. Taxes, How Apportioned.] Such taxes so levied shall be apportioned by the state treasurer to the several institutions herein mentioned, as follows: Thirty-three one-hundredths of a mill to the state university and school of mines at Grand Forks; twenty one-hundredths of a mill to the agricultural college at Fargo; fifteen one-hundredths of a mill to the state normal school at Valley City; thirteen one-hundredths of a mill to the state normal school at Mayville; six one-hundredths of a mill to the school for the deaf at Devils Lake; two one-hundredths of a mill to the school of forestry at Bottineau; four one-hundredths of a mill to the North Dakota academy of science at Wahpeton; seven one-hundredths of a mill to the industrial school at Ellendale; provided, that all moneys hereafter collected from any tax heretofore levied shall be apportioned as herein provided."

That section 4 of said bill be amended so as to read as follows:

"SEC. 4. That section 841 be, and the same is hereby, amended to read as follows:

"Sec. 841. Moneys, How Appropriated.] The moneys arising from the taxes hereinbefore levied are hereby appropriated for the maintenance of the state university and school of mines at Grand Forks, the agricultural college at Fargo, the state normal school at Valley City, the state normal school at Mayville, the school for the deaf at Devils Lake, the school of forestry at Bottineau, the North Dakota academy of science at Wahpeton and the industrial school at Ellendale, the same to be paid monthly to the board of trustees of the several institutions herein mentioned and in proportion as herein provided, upon vouchers of said board signed by their respective presidents, and to be expended by the several boards, in their discretion, in the maintenance of said institutions hereinbefore mentioned."

That section 5 of said bill be amended so as to read as follows:

"SEC. 5. That section 842 be, and the same is hereby, amended to read as follows:

"Sec. 842. Funds, When Paid Over.] All moneys received as interest, and all moneys received for rents, for penalties, for permits, and all moneys received from any other source from the respective lands of the different educational institutions hereinafter mentioned, including the North Dakota blind asylum (except moneys received as principal from the sale of lands belonging to the state university and school of mines, lands belonging to the school for the deaf, lands belonging to the two normal schools, lands belonging to the North Dakota academy of science, lands belonging to the industrial school), shall be paid over to the respective treasurers of the educational institutions above mentioned, by the state auditor on the first day of January, April, July and October in each year. The funds herein referred to shall be subject to the order of the respective boards of trustees of each institution hereinbefore mentioned and shall be used for the maintenance of such institutions respectively."

And when so amended recommend the same do pass

J. LAMOURE,
Chairman.

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

The committee on cities and municipal corporations made the following report:

Mr. President:

Your committee on cities and municipal corporations to whom was referred

Senate Bill No. 2,

A bill for an act to amend chapter 30 of the Political Code of the state of North Dakota Revised Code of 1905, relating to cities.

Have had the same under consideration and recommend that the same do pass as amended by the house.

H. H. STEELE,
Chairman.

Mr. Steele moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on insurance made the following report:

Mr. President:

Your committee on insurance to whom was referred

Senate Bill No. 189,

A bill for an act providing that the amount of insurance written upon real property shall be taken conclusively to be the true value thereof.

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

L. A. SIMPSON,
Chairman.

Mr. Simpson moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on engrossed and enrolled bills made the following report:

Mr. President:

Your committee on engrossed and enrolled bills to whom was referred

Senate Bill No. 194,

A bill for an act providing for the giving of notice by merchants to their creditors before making sale of their entire stock of business.

Also,

Senate Bill No. 249,

A bill for an act to amend section 2928 of the Revised Codes of the state of North Dakota for 1905, relating to establishing permanent corners in cities and towns.

Also,

Senate Bill No. 225,

A bill for an act making it a misdemeanor to fraudulently connect wires or instruments with electric wires or altering meters for the purpose of evading payment for electric current.

Also,

Senate Bill No. 273,

A bill for an act to amend section 4392 of the Revised Codes of the state of North Dakota for 1905, relating to the construction of "Ys" and transfer facilities at railroad crossings, and providing a penalty for the violation thereof.

Also,

Senate Bill No. 255,

A concurrent resolution amending the constitution of the state of North Dakota, relating to the number of judges of the supreme court.

Also,

Senate Bill No. 71,

A bill for an act to amend section 3111 of the Revised Codes of North Dakota 1905, relating to the term of office of township officers.

Have carefully examined the same and find the same correctly engrossed.

GEORGE M. YOUNG,
Chairman.

The committee on state affairs made the following report:
Mr. President:

Your committee on state affairs to whom was referred

Senate Bill No. 66,

A bill for an act to establish a parole system, and providing for indeterminate sentences of persons convicted of certain crimes, and providing for the care, treatment, parole and release of such persons, and prescribing the duties of officials in connection therewith.

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

In line 2 of the title after the word "crimes" strike out "and providing for the care, treatment, parole and release of such persons."

Also, in section 1, line 2, of the printed bill, the words "over twenty-one years of age" be stricken out.

Also, in section 1, line 8, of the printed bill, the words "six months" be stricken out and the words "one year" be inserted in lieu thereof.

Also, strike out all of section 2.

Also, section 3 of the printed bill be renumbered as section 2.

Also, in section 3, line 3, of the printed bill, the words "to the reform school, or sentenced" be stricken out; also, in section 3, line 4, of the printed bill, the word "the" be inserted between the words "of" and "county;" also, in section 3 line 8 of the printed bill, after the word "convicted" the words "his age as near as can be ascertained."

Also, strike out all of sections 4, 5, 6, 7, 8 and 9 of the printed bill.

Also, renumber section 10 of the printed bill as section 3.

Also, in section 10, line 13, of the printed bill, strike out the words "or the superintendent of the reform school as the case may be;" also, in section 10, line 14, of the printed bill, strike out the words "or superintendent."

Also renumber section 11 of the printed bill as section 4.

And when so amended recommend the same do pass.

J. B. SHARPE,
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. Steele moved

That the majority report of the committee on counties on Senate Bill No. 9 be adopted.

Which motion prevailed, and

The majority report was adopted.

MOTIONS AND RESOLUTIONS.

Mr. LaMoure presented the following

CONCURRENT RESOLUTION.

A concurrent resolution authorizing the emergency commission of the state to transfer the sum of seventy-five thousand dollars from the sinking fund of the twine plant at the state penitentiary to the general fund of the state of North Dakota.

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

That the emergency commission of the state is hereby authorized and directed to transfer the sum of seventy-five thousand dollars from the sinking fund of the twine plant at the state penitentiary to the general fund of the

state of North Dakota, for the reason that the general fund of the state, during the years 1904 and 1905, advanced to the twine plant at the state penitentiary the above mentioned sum, and which sum was thereafter paid to the sinking fund of the said twine plant by the sale of bonds as thereafter authorized by the legislative assembly of this state, and for the further reason that the moneys arising and being received from the profits of said institution will be ample to retire and cancel the said bonds of the twine plant when the same mature.

Mr. LaMoure moved

That the resolution be adopted,

Which motion prevailed, and

The resolution was adopted.

MESSAGE FROM THE HOUSE.

The following message was received from the house :

HOUSE OF REPRESENTATIVES,

BISMARCK, NORTH DAKOTA,

February 20, 1907.

Mr. President:

I have the honor to transmit herewith

House Bill No. 175,

A bill for an act to amend section 9921 of the Revised Codes of the state of North Dakota.

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

Also,

I have the honor to return herewith

Senate Bill No. 138,

A bill for an act to amend and re-enact section 2613 of the Revised Codes of 1905, relating to the compensation and expenses for county commissioners.

Which the house has indefinitely postponed.

Very respectfully,

P. D. NORTON,

Chief Clerk.

INTRODUCTION AND FIRST READING OF SENATE BILLS.

Mr. Rice introduced

Senate Bill No. 303,

A bill for an act to amend section 7033 of the Revised Codes of North Dakota of 1905, relating particularly to special verdicts, when to be submitted, what to embrace, and instructions of court to jury thereunder.

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

Mr. LaMoure introduced

Senate Bill No. 304,

A bill for an act to amend and re-enact section 2329 and 2330 of the Revised Codes of North Dakota for the year 1905, relative to the division of counties.

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

SECOND READING OF SENATE BILLS.

Senate Bill No. 297,

A bill for an act requiring county officers to reside at and maintain their offices at the county seat of their respective counties.

Was read the second time, and
Referred to the committee on state affairs.

Senate Bill No. 275,

A bill for an act creating the office of field officer and curator of the state historical society of North Dakota, authorizing the appointment of a field officer and curator for such society, defining the duties of the incumbent of such office and providing for an appropriation.

Was read the second time, and
Referred to the committee on appropriations.

Senate Bill No. 276,

A bill for an act relating to liability of common carriers to their employes.

Was read the second time, and
Referred to the committee on judiciary.

Senate Bill No. 278,

A bill for an act entitled an act to provide for a commission system of government in cities which shall adopt the provisions of this act.

Was read the second time, and

Referred to the committee on cities and municipal corporations.

Senate Bill No. 279,

A bill for an act authorizing the use of typewritten abstracts and briefs in certain criminal cases on appeal to the supreme court.

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 280,

A bill for an act entitled, "An act to amend subdivision 3 of section 7225 of the Revised Codes of North Dakota, relating to appeals to the supreme court from orders made in certain cases."

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 281,

A bill for an act entitled an act to provide for the vacation of alleys in cemeteries owned by cemetery corporations.

Was read the second time, and

Referred to the committee on cities and municipal corporations.

Senate Bill No. 282,

A bill for an act to establish regular sessions for state board of railway commissioners and fixing the time, manner, and place, where such sessions shall be held, and otherwise defining their powers, and duties; also defining the duties of the attorney general in relation thereto.

Referred to the committee on railroads.

Senate Bill No. 286,

A bill for an act to authorize holders of state or school land contracts for lands over which railroads have been or may be located and established subsequent to the issuance of such contracts, to surrender such contracts, and obtain new contracts for the land less the rights of way required for such railroad, and providing for the payment to the state of the balance of the purchase price of the land required for such rights of way and issuance of deed therefor.

Was read the second time, and

Referred to the committee on state affairs.

Senate Bill No. 287,

A bill for an act to amend section 183 of the Revised Codes of 1905 of chapter 4 of the Political Code of the state of North Dakota, providing for the surrender of state or school land contracts and division of the land covered thereby, and the issuance of new contracts for such subdivisions.

Was read the second time, and

Referred to the committee on state affairs.

Senate Bill No. 288,

A bill for an act to amend section 4400 of the Revised Codes of 1905 of the state of North Dakota, relating to railroads' liability for damages to employees.

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 289,

A bill for an act to amend section 2231 of the Revised Codes of North Dakota for 1905, relating to abstractors of title—bonds to be given.

Referred to the committee on state affairs.

Senate Bill No. 290,

A bill for an act to amend and re-enact section 468 of the Revised Codes of North Dakota for the year A. D. 1905, relating to judicial districts within the state.

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 291,

A bill for an act defining the sixth judicial district within the state of North Dakota.

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 292,

A bill for an act creating and defining the Tenth judicial district within the state of North Dakota; providing for the election of a judge therein and fixing the terms of court in said district.

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 293,

A bill for an act to amend section 394 of chapter 5 of the Political Code of the Revised Codes of 1905 for North Dakota, relative to verified claims against the state.

Was read the second time, and

Referred to the committee on state affairs.

Senate Bill No. 294,

A bill for an act to amend and re-enact section 40 of the Revised Codes of 1905.

Was read the second time, and

Referred to the committee on public printing.

Senate Bill No. 295,

A bill for an act to amend section 8983 of the Revised Codes of 1905.

Was read the second time, and

Referred to the committee on temperance.

THIRD READING OF SENATE BILLS.

Senate Bill No. 183,

A bill for an act regulating the retirement of capital stock in certain cases.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 35, nays none, absent and not voting 5.

and those voting in the affirmative were:

Messrs.—

Albright
Cashel
Crane
Dyste
Halliday
Hanna
Johnson of McLean
Johnson of Walsh
Koffel
Kraabel
Leutz
Little

Messrs.—

McArthur
McDonald
McLean
Movius
Palmer
Pierce
Plain
Purcell
Ramsett
Regan
Rice
Sifton

Messrs.—

Simpson
Spoonheim
Stade
Steele
Strom
Swenson
Talcott
Taylor
Turner
Wagner
Young

Absent and not voting:

Messrs.—

Gilbert
Kelly

Messrs.—

LaMoure
Sharpe

Messrs.—

Thatcher

So the bill passed and the title was agreed to.

Senate Bill No. 67,

A bill for an act to amend section 5404 of the Revised Codes, relating to effect of highways or railways, or right of way therefor, over or upon the lands conveyed.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 35, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McArthur	Simpson
Cashel	McDonald	Spoonheim
Crane	McLean	Stade
Dyste	Movius	Steele
Halliday	Palmer	Strom
Hanna	Pierce	Swenson
Johnson of McLean	Plain	Talcott
Johnson of Walsh	Purcell	Taylor
Kelly	Ramsett	Thatcher
Koffel	Regan	Turner
Kraabel	Rice	Wagner
Leutz	Sifton	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gilbert	Little	Young
LaMoure	Sharpe	

So the bill passed and the title was agreed to.

Senate Bill No. 194,

A bill for an act providing for the giving of notice by merchants to their creditors before making sale of their entire stock of business.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 35, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Simpson
Cashel	McArthur	Spoonheim
Crane	McLean	Stade
Dyste	Movius	Steele
Halliday	Palmer	Strom
Hanna	Pierce	Swenson
Johnson of McLean	Plain	Taylor
Johnson of Walsh	Purcell	Thatcher
Kelly	Ramsett	Turner
Koffel	Regan	Wagner
Kraabel	Rice	Young
Leutz	Sifton	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gilbert	McDonald	Talcott
LaMoure	Sharpe	

So the bill passed and the title was agreed to.

Mr. Young moved

That the vote by which Senate Bill No. 194 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 249,

A bill for an act to amend section 2928 of the Revised Codes of the state of North Dakota for 1905, relating to establishing permanent corners in cities and towns.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 34, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sifton
Cashel	McArthur	Simpson
Crane	McLean	Spoonheim
Dyste	Movius	Stade
Halliday	Palmer	Strom
Hanna	Pierce	Swenson
Johnson of McLean	Plain	Taylor
Johnson of Walsh	Purcell	Thatcher
Kelly	Ramsett	Turner
Koffel	Regan	Wagner
Kraabel	Rice	Young
Leutz		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gilbert	McDonald	Steele
LaMoure	Sharpe	Talcott

So the bill passed and the title was agreed to.

Senate Bill No. 225,

A bill for an act making it a misdemeanor to fraudulently connect wires or instruments with electric wires or altering meters for the purpose of evading payment for electric current.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 34, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Simpson
Cashel	McLean	Spoonheim
Crane	Movius	Stade
Dyste	Palmer	Strom
Halliday	Pierce	Swenson
Hanna	Plain	Talcott
Johnson of McLean	Purcell	Taylor
Johnson of Walsh	Ramsett	Thatcher
Kelly	Regan	Turner
Koffel	Rice	Wagner
Kraabel	Sifton	Young
Leutz		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gilbert	McArthur	Sharpe
LaMoure	McDonald	Steele

So the bill passed and the title was agreed to.

Senate Bill No. 273,

A bill for an act to amend section 4392 of the Revised Codes of the state of North Dakota for 1905, relating to the construction of "Ys" and transfer facilities at railroad crossings, and providing a penalty for the violation thereof.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 33, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sifton
Cashel	Little	Simpson
Crane	McLean	Spoonheim
Dyste	Movius	Stade
Halliday	Palmer	Strom
Hanna	Pierce	Swenson
Johnson of McLean	Plain	Taylor
Johnson of Walsh	Purcell	Thatcher
Kelly	Ramsett	Turner
Koffel	Regan	Wagner
Kraabel	Rice	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gilbert	McDonald	Steele
LaMoure	Sharpe	Talcott
McArthur		

So the bill passed and the title was agreed to.

Senate Bill No. 255,

A concurrent resolution amending the constitution of the state of North Dakota, relating to the number of judges of the supreme court.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 30, nays 4, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sifton
Cashel	Little	Simpson
Crane	McLean	Stade
Dyste	Movius	Swenson
Halliday	Palmer	Talcott

Messrs.—	Messrs.—	Messrs.—
Hanna	Pierce	Taylor
Johnson of McLean	Purcell	Thatcher
Johnson of Walsh	Ramsett	Turner
Kelly	Regan	Wagner
Koffel	Rice	Young

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Kraabel	Spoonheim	Strom
Plain		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gilbert	McArthur	Sharpe
LaMoure	McDonald	Steele

So the bill passed and the title was agreed to.

Mr. Plain explained his vote and said:

Some time ago this fall I read in the paper that Judge Engerud said it was not at all necessary to have five judges, no more than to have five wheels on a wagon. Therefore I vote No.

Mr. Rice explained his vote and said:

I read in the paper the same proposition and because Judge Engerud said so, I vote Aye.

Senate Bill No. 71,

A bill for an act to amend section 3111 of the Revised Codes of North Dakota, 1906, relating to the term of office of township officers.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 36, nays 1, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McArthur	Simpson
Cashel	McDonald	Spoonheim
Crane	McLean	Stade
Dyste	Movius	Steele
Hanna	Palmer	Strom
Johnson of McLean	Pierce	Swenson
Johnson of Walsh	Plain	Talcott
Kelly	Purcell	Taylor
Koffel	Ramsett	Thatcher
Kraabel	Regan	Turner
Leutz	Rice	Wagner
Little	Sifton	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gilbert	LaMoure	Sharpe

Mr. Halliday voting in the negative.

So the bill passed and the title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 20, 1907.

Mr. President:

I have the honor to inform you that the house has concurred in the senate memorial relating to meandered lakes and navigable streams.

MEMORIAL.

WHEREAS, Numerous "meandered lakes and navigable streams" located in North Dakota, by reason of higher altitudes or of obstructions made by silt and other materials, thus holding back the water, are made to overflow and annually flood and keep in a state of moisture many thousands of acres of swamp or semi-swamp lands; and

WHEREAS, By virtue of large spring freshets many of such lakes, streams or rivers overflow and inundate vast areas of land; and

WHEREAS, In order to drain such lands it becomes necessary to ditch into, alter or destroy such lakes, streams or rivers by which means the water can be conducted away and thereby drain such named lakes, fitting them for tillage or agricultural use; and

WHEREAS, By such method of drainage the wealth of the people of North Dakota can be increased millions of dollars, and the taxable property of the state can be equally multiplied; now, therefore, the legislative assembly of North Dakota hereby passes a joint memorial or resolution to the congress of the United States of America, praying that body to pass a law giving to each respective state of the union the right to ditch into, alter, modify or destroy, if need be, part or the whole of any "meandered lakes or navigable streams," if the same shall be necessary to drain any swamp or semi-swamp lands within their respective borders. Provided, said drainage, alterations or modifications of such lakes, streams or rivers shall be done under the sanction of, or in co-operation with, national commissioners or agents, who shall be appointed or detailed, under law, for such purposes, therefore, be it

Resolved by the Legislative Assembly of North Dakota, That engrossed copies of the joint memorial be at once sent to the North Dakota senators and representatives in congress and they be instructed to draw up and introduce a bill in congress that shall cover in a clear and comprehensive manner the different features or phases herein named of the question of drainage in the different states of the nation.

Very respectfully,

P. D. NORTON,
Chief Clerk.

SPECIAL ORDER.

Mr. Crane in the chair.

House Bill No. 18 as amended was read.

Mr. Spoonheim moved to amend House Bill No. 18 as follows:

By striking out in line 9 of the reprinted bill all after the word "made."

And by striking out all of line 10 and all of line 11 except the word "provided" and inserting in lieu thereof the following: "But the fare shall always be made that multiple of five nearest reached by multiplying the rate by the distance."

Which motion prevailed and
The amendment was adopted.

Mr. Pierce moved to amend House Bill No. 18 as follows:

By striking out in the reprinted bill all of line 25, page 2, after the period. By striking out all of lines 26, 27, 28 and 29, page 2, of the reprinted bill.

Which motion prevailed, and
The amendment was adopted.

Mr. Spoonheim moved to amend House Bill No. 18 as follows:

In line 4, after the word "mile" insert the words "for distances exceeding six miles."

Which motion prevailed, and
The amendment was adopted.

Mr. LaMoure moved to amend House Bill No. 18 as follows:

In line 4 of the reprinted bill after the word "exceed" strike out the word "two" and inserting the word "three" in lieu thereof.

Which motion was lost.

Mr. Spoonheim moved to amend House Bill No. 18 as follows:

By striking out section 3 of the reprinted bill and inserting the following in lieu thereof:

"SEC. 3. Every such railroad, railroad corporation or common carrier violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than five hundred dollars nor more than five thousand dollars; and any agent or officer so offending shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars or by imprisonment in the county jail for not less than thirty days or more than ninety days, or both such fine and imprisonment in the discretion of the court."

Which motion prevailed, and
The amendment was adopted.

Mr. Regan moved to amend House Bill No. 18 as follows:

And that the reprinted bill be amended by inserting the words "one-half" after the word "two" where it appears in line 4 of section 1 of the printed bill.

And that after line 9 in section 1 the following be inserted: "Provided further that every railroad, railroad corporation and common carrier doing business in this state shall issue upon request of any person, mileage books in denomination of one thousand miles, with baggage and other facilities

similar to those accompanying regular trip tickets, at a price of twenty dollars each; that such mileage books shall be good for travel by the purchaser and by such adult members of his family as he may designate and whose names are then and there written thereon."

Which motion was lost.

House bill No. 18,

A bill for an act entitled an act providing for a maximum rate of fare to be charged and collected by railroads, railroad corporations and common carriers for the transportation of passengers and baggage, and prohibiting railroads, railroad corporations and common carriers from carrying any passengers free or at a less rate than is charged the general public, and providing a penalty therefor and making it unlawful for any person to ask for or accept any such free transportation, or transportation purchased at a less rate than that charged the public, and providing a penalty therefor.

Was read the third time.

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 35, nays 4, absent and not voting 1.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Cashel	McDonald	Sifton
Dyste	McLean	Simpson
Gilbert	Movius	Spoonheim
Halliday	Palmer	Stade
Hanna	Pierce	Steele
Johnson of McLean	Plain	Strom
Johnson of Walsh	Purcell	Talcott
Koffel	Ramsett	Taylor
Kraabel	Regan	Thatcher
Leutz	Rice	Turner
Little	Sharpe	Young
McArthur		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kelly	LaMoure
Crane		

Absent and not voting Mr. Swenson.

So the bill passed as amended and the title was agreed to.

Mr. Pierce moved

That the vote by which House Bill No. 18 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 20, 1907.

Mr. President:

I have the honor to transmit herewith the following

CONCURRENT RESOLUTION.

WHEREAS, The interior department has issued an order to the effect that homestead proofs shall not be approved by the local land offices in this state and receiver's receipts issued thereon until investigation on the ground shall have been made by an authorized agent of the United States and the proof approved by him; and

WHEREAS, Owing to the limited number of inspectors and the large number of final proofs being submitted such order will indefinitely delay the issuance of final certificates and receipts; and

WHEREAS, The homestead entrymen on public agricultural lands in this state are necessarily obliged to borrow money upon their homesteads as soon as final proof is made and approved, for the purpose of procuring seed grain, stock and machinery for the improvement and cultivation of their lands; and

WHEREAS, There are practically no attempts at fraud in the making of final proofs on agricultural lands in this state and there appears to be no necessity for said order and the enforcement of the same will work a great hardship to settlers on public lands in this state and greatly delay the development of North Dakota; now, therefore, be it

Resolved by the House of Representatives, the Senate Concurring: That the secretary of the interior be, and is hereby, requested to rescind or modify said order in so far as the same affects public agricultural lands within the state of North Dakota.

Resolved, further, That the secretary of state be, and he hereby is, requested to forward to His Excellency, President Theodore Roosevelt and to the Hon. H. C. Hansbrough, Hon. Porter J. McCumber, Hon. Thos. F. Marshall and Hon. A. J. Gronna certified copies of this resolution.

Which the house has adopted and the concurrence of the senate therein is respectfully requested.

Very respectfully,

P. D. NORTON,
Chief Clerk.

Mr. Regan moved

That the senate resolve itself into the committee of the whole for the consideration of Senate Bill No. 197.

Which motion prevailed.

The president called Mr. Little to the chair.

COMMITTEE OF THE WHOLE.

Mr. Little in the chair.

When the committee arose it made the following report:

Mr. President:

Your committee of the whole which has had under consideration

Senate Bill No. 197,

A bill for an act regulating the salaries of state officers, expenses, residence and penalty.

Report progress and beg leave to sit again.

C. B. LITTLE,

Chairman.

The senate reconvened.

The president presiding.

Mr. Little moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. Stade moved

That the vote by which Senate Bill No. 71 passed be reconsidered and that the bill be re-referred to committee on cities and municipal corporations.

Which motion prevailed, and

The bill was so re-referred.

COURTESIES OF THE FLOOR.

The courtesies of the floor were extended to O. A. Houg, Hillsboro; Henry Boyle, Alice; W. E. Hunt, Fargo; S. F. Crabbe, Fargo; W. A. McClure, Dickinson; J. G. Quinliven, Dickinson.

Mr. Crane moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

J. W. FOLEY,

Secretary.

FORTY-FIFTH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 21, 1907.

The senate convened at 2 o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

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

Mr. Little moved

That the rules be suspended and that Senate Bill No. 86 and Senate Bill No. 301 be given their third reading and placed on final passage.

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 21, 1907.

Mr. President:

I have the honor to transmit herewith

House Bill No. 214,

A bill for an act empowering boards of county commissioners to dispose of property which any county may have acquired through purchase, forfeiture or operation of law.

Also,

House Bill No. 237,

A bill for an act to amend section 444 of the Revised Codes of North Dakota for 1905, relating to the employment or stenographer by the supreme court.

Also,

House Bill No. 271,

A bill for an act to amend section 6266 of chapter 82 of the Revised Codes of North Dakota for 1905 relating to liens for keeping and pasturing stock.

Also,

House Bill No. 198,

A bill for an act to amend section 777 of the Revised Codes of 1905, relating to education.

Also,

House Bill No. 129,

A bill for an act making an appropriation to pay school teachers for teaching under contract in school districts in unorganized territory in this state which school districts were not lawfully organized, and providing the manner of submitting their respective claims.

Also,

House Bill No. 221,

A bill for an act authorizing the state auditor to audit the salary and expense account of E. F. Chandler, state engineer for the months of February and March, 1905, and making an appropriation to pay the same.

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

Also,

I have the honor to transmit the following house concurrent resolution and memorial to congress:

CONCURRENT RESOLUTION AND MEMORIAL TO CONGRESS
FOR CONSTITUTIONAL AMENDMENT.

WHEREAS, The recent investigation made by the senate of the United States as to the qualifications of one of its members has developed the fact that polygamy exists in several of the states notwithstanding the laws that exist in said states prohibiting the same; and

WHEREAS, The practice of polygamy is condemned by the lawabiding people of the United States, and there is a sentiment prevailing throughout the country for a more effectual remedy to eradicate the evil complained

of by giving the federal courts jurisdiction over and control of that question as well as that of divorces, at the same time reserving to each state the right to make and enforce its own laws relating to marriages; therefore, be it

Resolved by the House of Representatives of North Dakota, the Senate Concurring, That the congress of the United States is hereby petitioned to take the necessary steps to provide for a constitutional amendment to be submitted to the several states, whereby polygamy and polygamous co-habitation shall be prohibited, by giving the federal courts jurisdiction to enforce any and all acts of the United States congress upon the subject of polygamy and polygamous practices, as well as upon uniform divorce laws throughout the several states. Be it further

Resolved, That the secretary of state be, and he hereby is, directed to transmit copies of this memorial to the senate and house of representatives of the United States and to the members of said bodies representing this state therein; also to transmit copies hereof to the legislature of all other states of the United States.

Which the house has adopted and your concurrence therein is respectfully requested.

Also,

I have the honor to inform you that the house has concurred in the senate concurrent resolution relating to the transfer of monies from twine plant sinking fund to the state general fund.

CONCURRENT RESOLUTION.

A concurrent resolution authorizing the emergency commission of the state to transfer the sum of seventy-five thousand dollars from the sinking fund of the twine plant at the state penitentiary to the general fund of the state of North Dakota.

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

That the emergency commission of the state is hereby authorized and directed to transfer the sum of seventy-five thousand dollars from the sinking fund of the twine plant at the state penitentiary to the general fund of the state of North Dakota, for the reason that the general fund of the state, during the years 1904 and 1905, advanced to the twine plant at the state penitentiary the above mentioned sum, and which sum was thereafter paid to the sinking fund of the said twine plant by the sale of bonds as thereafter authorized by the legislative assembly of this state, and for the further reason that the moneys arising from the profits of said institution will be ample to retire and cancel the said bonds of the twine plant when the same mature.

Very respectfully,

P. D. NORTON,

Chief Clerk.

Senate Bill No. 86,

A bill for an act to amend sections 838, 839, 840, 841 and 842, chapter 9 of the Political Code of the state of North Dakota, Revised Codes of 1905, relating to education.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 29, nays 9, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Cashel	Kraabel	Rice
Crane	LaMoure	Sharpe
Dyste	Leutz	Simpson
Gilbert	Little	Steele
Halliday	McLean	Strom
Hanna	Movius	Swenson
Johnson of McLean	Palmer	Talcott
Johnson of Walsh	Purcell	Thatcher
Kelly	Ramsett	Young
Koffel	Regan	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
McArthur	Sifton	Turner
McDonald	Spoonheim	Wagner
Plain	Stade	Taylor

Absent and not voting Messrs. Albright and Pierce.

Mr. Albright being excused.

So the bill passed and the title was agreed to.

Mr. Plain explained his vote and said:

Under the provisions of the bill the university of North Dakota, the best institution in the state, as I consider it, is cut down seven one-hundredths of a mill. Therefore I vote No.

Senate Bill No. 301,

A bill for a joint resolution authorizing the state auditing board, in their discretion, from time to time, as the necessities may arise, to employ additional clerical assistance in the various state offices and authorizing an appropriation for the payment thereof.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 38, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Cashel	Little	Sifton
Crane	McArthur	Simpson
Dyste	McDonald	Spoonheim
Gilbert	McLean	Stade
Halliday	Movius	Steele
Hanna	Palmer	Strom
Johnson of McLean	Pierce	Swenson

Messrs.—	Messrs.—	Messrs.—
Johnson of Walsh	Plain	Talcott
Kelly	Purcell	Taylor
Koffel	Ramsett	Thatcher
Kraabel	Regan	Turner
LaMoure	Rice	Wagner
Leutz	Sharpe	

Absent and not voting Messrs. Albright and Young.
 Mr. Albright being excused.
 So the bill passed and the title was agreed to.

COMMUNICATION FROM THE GOVERNOR.

A sealed communication was received from the governor.
 Mr. Sharpe moved
 That House Bill No. 158 be placed on its third reading
 and final passage.

Which motion prevailed.

Senate Bill No. 158,

A bill for an act to amend section 1172 of the Revised
 Codes of 1905, relating to the industrial school and school
 for manual training.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were ayes 34, nays 4, ab-
 sent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Cashel	McDonald	Sifton
Crane	McLean	Simpson
Dyste	Movius	Spoonheim
Gilbert	Palmer	Stade
Hanna	Pierce	Steele
Johnson of McLean	Plain	Swenson
Johnson of Walsh	Purcell	Talcott
Kelly	Ramsett	Taylor
Koffel	Regan	Thatcher
LaMoure	Rice	Turner
Leutz	Sharpe	Wagner
McArthur		

Those voting in the negative were:

Messrs.—	Messrs.—	Messrs.—
Halliday	Strom	Young
Kraabel		

Absent and not voting Messrs. Albright and Little.

Mr. Albright being excused.

So the bill passed and the title was agreed to.

Mr. Gilbert moved

That the senate return to the regular order.

Which motion prevailed.

REFERENCE OF THE JOURNAL.

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

Mr. President:

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

On page 4, line 35, strike out the words "bill for a."

On line 39, same page, strike out the word "thereof" and insert the word "therefor."

On page 11, line 6, after the word "arising" insert the words "and being received."

On page 2, line 9, erase the word "on."

On page 6, line 19, erase "128" and insert "158."

And when so amended recommend that the same be approved.

J. D. TAYLOR,
Chairman.

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

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

Mr. Movius presented the following communication:

FAIRMOUNT, NORTH DAKOTA,
February 16, 1907.

Hon. E. A. Movius, Bismarck, N. D.

DEAR SIR: The undersigned, members of the school board, and citizens of Fairmount, North Dakota, do herein urge and petition you to assist in every possible way in the making of Senate Bill No. 129, a law. This bill you will find is in reference to the high schools of the state of North Dakota, and we believe that it is the best law that can be enacted to protect and assist in the building up and strengthening the high schools of the state.

Thanking you in advance for what assistance you may render in the passing of this bill, we beg to remain.

CHARLES A. TUTTLE,
AND ELEVEN OTHERS.

COMMUNICATION FROM THE SECRETARY OF
STATE.

The following communication was received from the secretary of state:

STATE OF NORTH DAKOTA,
DEPARTMENT OF STATE,
BISMARCK, February 21, 1907.

Mr. J. W. Foley, Secretary of the Senate:

SIR: I beg to state that I have this day forwarded the following Concurrent Resolutions offered by Mr. Rice indorsing that certain bill pending before congress forbidding the internal revenue department to issue liquor licenses in states where prohibition laws prevail, to any one without proof that the applicant has complied with the laws of the state wherein the applicant resides.

One copy to the secretary of the United States senate, one copy to the chief clerk of the national house of representatives, also one copy to Hon. H. C. Hansbrough, Hon. P. J. McCumber, Hon. T. F. Marshall and Hon. A. J. Gronna.

Yours truly,

ALFRED BLAISDELL,
Secretary of State.

Mr. Cashel presented the following petition:

To the Members of the Senate and the House of Representatives of the Legislature of the State of North Dakota:

GENTLEMEN: We, the undersigned, residents and voters of the state of North Dakota, respectfully petition your honorable bodies to support and vote for a bill to be introduced at the coming session of the legislature, said bill being known as "A bill for an act to amend section 6295 of the Revised Codes of 1905, providing for a lien for repairs of personalty."

That you will use every honorable means to support and secure the passage of said bill is urgently and respectfully requested.

CHAS. BAILLARGEON,
AND FIFTY-THREE OTHERS.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 21, 1907.

Mr. President:

I have the honor to inform you that the house respectfully requests the return of

Senate Bill No. 3,

A bill for an act to amend section 6710 of chapter 101 of the Civil Code of the Revised Codes of North Dakota, 1905.

Which the house failed to pass and which was erroneously transmitted to the senate February 15, 1907 as having been indefinitely postponed.

Very respectfully,

P. D. NORTON,
Chief Clerk.

REPORTS OF STANDING COMMITTEES.

The committee on temperance made the following report:

Mr. President:

The committee on temperance to whom was referred
Senate Bill No. 295,

A bill for an act to amend section 8983 of the Revised Codes of 1905.

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

H. H. STROM,
Chairman.

Mr. Strom moved

That the report be adopted,

Which motion prevailed and

The report of the committee was adopted.

The committee on temperance made the following report:

Mr. President:

Your committee on temperance to whom was referred
Senate Bill No. 102,

A bill for an act to prohibit the manufacture and sale of cigarettes, cigarette paper or wrappers, or substitute

therefor, and providing a penalty for the violation thereof.

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

In line 16 of the printed bill strike out the word "more" and insert the word "less" in lieu thereof; also strike out the word "fifty" and insert the word "five" in lieu thereof; also strike out the word "less" and insert the word "more" in lieu thereof; also strike out the word "five" and insert the word "fifty" in lieu thereof; and strike out all of line 17 after the word "dollars;" and strike out the word "days" in line 18; in line 19 strike out the word "more" and insert the word "less" in lieu thereof; and strike out the words "five hundred" and insert the words "twenty-five" in lieu thereof; also strike out the word "less" and insert the word "more" in lieu thereof; also strike out all of line 20 and the words "nor less than thirty days" in line 21.

And when so amended recommend the same do pass.

H. H. STROM,
Chairman.

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

EXECUTIVE SESSION.

Mr. Hanna moved
That the senate do now go into executive session
Which motion prevailed.

OPEN SESSION.

In open session it was announced that the following executive nominations had been confirmed:

Frank Willson to be oil inspector.

E. J. Walsh to be district veterinarian for the Ninth district.

Mr. Taylor moved

That the senate do now concur in the house amendments to Senate Bill No. 2.

Which motion prevailed.

The roll was called and there were ayes 34, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—

Cashel
Crane
Dyste
Halliday

Messrs.—

McLean
Movius
Palmer
Pierce

Messrs.—

Simpson
Spoonheim
Stade
Steele

Messrs.—	Messrs.—	Messrs.—
Hanna	Plain	Strom
Johnson of McLean	Purcell	Swenson
Johnson of Walsh	Ramsett	Talcott
Kelly	Regan	Taylor
Koffel	Rice	Thatcher
Kraabel	Sharpe	Turner
Leutz	Sifton	Wagner
McArthur		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	McDonald
Gilbert	Little	Young

Messrs. Albright and Little being excused.

So the bill passed as amended and the title was agreed to.

REPORT OF STANDING COMMITTEES

The committee on railroads made the following report:
Mr. President:

Your committee on railroads to whom was referred
Senate Bill No. 203,

A bill for an act to regulate the employment and occupation of railway telegraphers, and establishing a board of telegraph examiners.

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

In section 4, line 5, of the printed bill, the word "the commonwealth" be stricken out and the word "state" be inserted in lieu thereof.

Also section 7, line 5, of the printed bill, the word "state" be inserted before the word "treasurer."

Also, in same line the words "of the commonwealth" be stricken out.

Also, at the end of section 11 of the printed bill add "and the state shall not be held responsible in any manner for any deficiency that may be incurred."

Also, in section 3, line 3, of the printed bill, the word "ten" be stricken out and the word "five" be inserted in lieu thereof.

Also, in section 5, line 38, of the printed bill, the word "ten" be stricken out and the word "five" be inserted in lieu thereof.

And when so amended recommend the same do pass.

E. F. GILBERT,
Chairman.

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

The committee on railroads made the following report:
Mr. President:

Your committee on railroads to whom was referred
Senate Bill No. 282,

A bill for an act to establish regular sessions for state board of railway commissioners and fixing the time, manner, and place, where such sessions shall be held, and otherwise defining their powers, and duties; also defining the duties of the attorney general in relation thereto.

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

In line 2 of the printed bill strike out word "four" and insert the word "five" in lieu thereof. In line 12 insert after word "year" the following: "The fifth session shall be held in the city of Carrington, in county of Foster, commencing on the first Tuesday after the first Monday in December of each year."

And when so amended recommend the same do pass.

E. F. GILBERT,
Chairman.

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

The committee on railroads made the following report:
Mr. President:

Your committee on railroads to whom was referred
Senate Bill No. 263,

A bill for an act prohibiting servants and employees on sleeping cars and dining cars from accepting gratuities or tips, and prohibiting persons giving gratuities or tips.

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

E. F. GILBERT,
Chairman.

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

The committee on railroads made the following report:
Mr. President:

Your committee on railroads to whom was referred:
House Bill No. 137,

A bill for an act relating to the use of railroad tracks for highway purposes.

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

E. F. GILBERT,
Chairman.

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

The committee on railroads made the following report:
Mr. President:

Your committee on railroads to whom was referred
Senate Bill No. 167,

A bill for an act to amend section 2245 relating to license. How obtained. Fee, how determined.

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

In section 1 of the engrossed bill after the word "bushels," where the word appears last in said section, the following be added: "And not to exceed fifty thousand bushels, and twenty dollars for all warehouses over fifty thousand bushels and not to exceed eighty thousand bushels, and twenty-five dollars for all warehouses over eight thousand bushels."

And when so amended recommend the same do pass

E. F. GILBERT,
Chairman.

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

The committee on cities and municipal corporations made the following report:

Mr. President:

Your committee on cities and municipal corporations to whom was referred

Senate Bill No. 281,

A bill for an act entitled an act to provide for the vaca-

tion of alleys in cemeteries owned by cemetery corporations.
Have had the same under consideration and recommend
that the same do pass.

H. H. STEELE,
Chairman.

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

The committee on cities and municipal corporations
made the following report:

Mr. President:

Your committee on cities and municipal corporations to
whom was referred

Senate Bill No. 278,

A bill for an act entitled an act to provide for a com-
mission system of government in cities which shall adopt
the provisions of this act.

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

In section 1, in the last line strike out the word "two" and insert the
word "four."

And when so amended recommend the same do pass.

H. H. STEELE,
Chairman.

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

The committee on agriculture made the following report:

Mr. President:

Your committee on agriculture to whom was referred
House Bill No. 132,

A bill for an act to regulate the manufacture of dairy
products and imitations and substitutes therefor, prescrib-
ing penalties for violations; to create the office of assistant
dairy commissioner; prescribing his duties and fixing his
salary; and to repeal sections 2090, 2091, 2092, 2093, 2094,
2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104,
2105 and 2106 of the Revised Codes of 1905.

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

IVER SWENSON,
Chairman.

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

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 286,

A bill for an act to authorize holders of state or school land contracts for lands over which railroads have been or may be located and established subsequent to the issuance of such contracts, to surrender such contracts, and obtain new contracts for the land less the rights of way required for such railroad, and providing for the payment to the state of the balance of the purchase price of the land required for such rights of way and issuance of deed therefor.

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

J. B. SHARPE,
Chairman.

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

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 287,

A bill for an act to amend section 183 of the Revised Codes of 1905 of chapter 4 of the Political Code of the state of North Dakota, providing for the surrender of state or school land contracts and division of the land covered thereby, and the issuance of new contracts for such subdivisions.

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

J. B. SHARPE,
Chairman.

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

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 297,

A bill for an act requiring county officers to reside at and maintain their offices at the county seat of their respective counties.

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

J. B. SHARPE,
Chairman.

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

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred
House Bill No. 90,

A bill for an act requiring elevator companies transacting business in this state, to return certificate of inspection and weigh-master's certificate of weight to local buyer.

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

J. B. SHARPE,
Chairman.

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

The committee on judiciary made the following report:
Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 72,

A bill for an act defining pools and trusts and providing the penalties and remedies therefor.

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

That all of sections 14, 15 and 16 of the printed bill be stricken out.

That section 17 of the printed bill be numbered so as to read "section 14."

That section 18 of the printed bill be numbered so as to read "section 15."

That section 19 of the printed bill be numbered so as to read "section 16."

And when so amended recommend the same do pass.

C. B. LITTLE,
Chairman.

Mr. Young moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 131,

A bill for an act to amend section 1597 of the Revised Code of 1905 of the state of North Dakota, relative to duty of county auditor.

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

That on page 2 in line 31 of the printed bill strike out the word "and."

And when so amended recommend the same do pass.

C. B. LITTLE,
Chairman.

Mr. Young moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 247,

A bill for an act to amend section 7598 of the Code of 1905, relating to the law of eminent domain.

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

That on page 1 in line 5 of section 1 insert the following after the word "land:": "Upon which no contract is outstanding."

That in line 6 of section 1 of the printed bill the words "may at his option" be stricken out and the word "shall" be inserted in lieu thereof.

And when so amended recommend the same do pass.

C. B. LITTLE,
Chairman.

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

The committee on judiciary made the following report:
Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 248,

A bill for an act to amend section 6146 of the Revised Codes of 1905 of the state of North Dakota, relating to extinction of liens.

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

That on page 1 in line 6 of the printed bill after the word "mortgage" insert the following: "Provided the mortgagor or his successor in interest has not assented in writing to the continuance of said debt."

And when so amended recommend the same do pass.

C. B. LITTLE,
Chairman.

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

The committee on judiciary made the following report:
Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 233,

A bill for an act making it unlawful for boards of trustees, commissioners, directors, regents, person or persons having control or management of the state institutions of North Dakota to expend amounts in excess of appropriation, providing for monthly reports to the governor and repealing section 1283 of the Revised Codes of the state of North Dakota of 1905.

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

C. B. LITTLE,
Chairman.

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

The committee on judiciary made the following report:
Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 296,

A concurrent resolution to amend section 182 of the Constitution of the State of North Dakota, relating to a public debt and public works.

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

That on page 1 in line 6 of section 2 of the printed bill the word "one-fourth" be stricken out and the word "one-half" be inserted in lieu thereof.

And when so amended recommend the same do pass

C. B. LITTLE,
Chairman.

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

The committee on engrossed and enrolled bills made the following report:

Mr. President:

Your committee on engrossed and enrolled bills to whom was referred

Senate Bill No. 86,

A bill for an act to amend sections 838, 839, 840, 841 and 842, chapter 9 of the Political Code of the state of North Dakota, Revised Codes of 1905, relating to education.

Also,

Senate Bill No. 301,

A bill for a joint resolution authorizing the state auditing board, in their discretion, from time to time, as the

necessities may arise, to employ additional clerical assistance in the various state offices and authorizing an appropriation for the payment thereof.

Also,

Senate Bill No. 9,

A bill for an act to amend and re-enact section 2330 of the Revised Code of 1905, relating to the formation of new counties.

Also,

Senate Bill No. 229,

A bill for an act amending sections 1278 and 1279 of the Revised Codes of North Dakota.

Also,

Senate Bill No. 250,

A bill for an act to amend section 2771 of the Revised Codes of 1905, regulating sewers.

Also,

Senate Bill No. 90,

A bill for an act to amend section 122 of the Revised Codes of 1905 of the state of North Dakota, relating to state treasurer's bond.

Also,

Senate Bill No. 205,

A bill for an act entitled an act to amend sections 1819, 1820, 1821, 1822, 1823, 1827, 1828, 1831, 1832, 1835, 1840 and 1849 of the Revised Codes of 1905, the same being embraced in chapter 23 of the Political Code relating to drainage.

Also,

Senate Bill No. 274,

A bill for an act requiring the secretary or other executive officer of every county, district or state fair association or other exhibit at which the resources or products of the state are placed on exhibition, to file with the commissioner of agriculture and labor a list of the dates claimed by said association for the purpose of conducting the same.

Also,

Senate Bill No. 66,

A bill for an act to establish a parole system, and pro-

viding for indeterminate sentences of persons convicted of certain crimes, and providing for the care, treatment, parole and release of such persons, and prescribing the duties of officials in connection therewith.

Also,

Senate Bill No. 226,

A bill for an act for paroling inmates of the reform school.

Also,

Senate Bill No. 210.

A bill for an act in relation to the taxation of grain grown within this state and held therein in elevators, warehouses and granaries.

Also,

Senate Bill No. 215,

A bill for an act requiring the party in charge of a state institution to make an inventory of property therein.

Have examined same and find same correctly engrossed.

GEORGE M. YOUNG,

Chairman.

Mr. Taylor moved

That the vote by which the amendments to Senate Bill No. 2 were concurred in be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 259,

A bill for an act to amend and re-enact sections 4639-4658 and 4662 of chapter 21, of the Revised Codes of 1905, relating to banking corporations.

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

That all of section 1 following the word "follows" in line 2 of the printed bill be stricken out and the following be inserted in lieu thereof:

"Sec. 4639. Powers.] Upon making and filing articles of association and an organization certificate, the association shall become as from the date of the execution of the same a body corporate, and as such, and in the name designated in the certificate, it shall have the power:

"1. To adopt and use a corporate seal.

"2. To have succession for a period of twenty-five years from its organi-

zation, unless it is sooner dissolved according to the provisions of this chapter, or unless its franchise becomes forfeited by some violation of the law.

"3. To make contracts.

"4. To sue and be sued.

"5. To elect or appoint directors, two-thirds of whom must be residents of this state, and by its board of directors to appoint a president and vice president, who shall be members of said board, a cashier and assistant cashier, and such other employes as may be required; define their duties, require bonds of them and fix the penalty thereof; dismiss such officers or any of them, and appoint others to fill their places.

"6. To provide, by its board of directors, by-laws not inconsistent with the laws of this state; to regulate the manner in which its stock shall be transferred, its directors elected or appointed, its officers appointed, its property transferred, its business conducted and the privileges granted it by law exercised and enjoyed.

"7. To exercise by its board of directors, or duly authorized officers or agents, subject to law, all such incidental powers as shall be necessary to carry on the business of banking, by discounting and negotiating promissory notes, bills of exchange, drafts and other evidences of debt, by receiving deposits, by receiving on deposit money to be paid out at other places upon orders, receipts, vouchers or similar devices, by buying and selling exchange, money orders, coin and bullion, by loaning money upon real or personal security, or both; but no association shall transact any business except such as is incidental and necessarily preliminary to its organization, until it has been authorized by the secretary of state to commence the business of banking; and the secretary of state may withhold from any association his certificate authorizing the commencement of business whenever he has reason to suppose that the shareholders have formed the same for any other than legitimate objects as contemplated by this chapter.

"8. No such association shall have or carry among its assets at any one time loans dependent wholly upon real estate security (and they shall only be upon first mortgages) in an amount exceeding one-half of its capital stock and surplus, and in selling or disposing of said loans so made upon real estate security no such association shall have power to guarantee the payment or collection thereof, and any such guaranty made in violation of this provision shall not be binding upon such association, but shall be upon the person or officer making the same."

That on page 2, section 2, in line 3, after the word "officer" insert the words "or agent."

And when so amended recommend the same do pass.

C. B. LITTLE,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Kraabel introduced the following

CONCURRENT RESOLUTION.

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

WHEREAS, Many false, misleading and grossly exaggerated reports have been published during the past few months regarding the climatic conditions and loss of life resulting therefrom in North Dakota; and

WHEREAS, Many malicious and sensational stories have been published in the metropolitan press of other states which were far from the truth; and

WHEREAS, Many of these mendacious and untruthful articles emanated from and were published at the instance of men who have sought to make these false reports profitable to themselves, and to divert the tide of immigration from the fertile fields and rapidly developing state of North Dakota; and

WHEREAS, The Minneapolis Journal, of all metropolitan northwestern papers, has consistently investigated the sensational reports responsible for such articles, and denied and denounced the same when shown to be without foundation in fact, and truthful publication made of the real facts and conditions; and

WHEREAS, North Dakota, according to government reports, has more sunny, pleasant days in the year than other northern or eastern states; that it has never been, within the knowledge of the oldest inhabitant, visited by a summer cyclone; that it has never had a serious epidemic of disease in any of its cities; that its death rate is lower, according to the government census, than any state in the union; that its per capita wealth is greater than any state in the United States; and

WHEREAS, In the magnitude of new investments; in the development of new enterprises; in the creation of new cities and towns; in the establishment of new communities; in the opening up and settlement of previously unoccupied territory; in the industrial progress made; in the enlargement and extension of commercial interests during the years of 1905 and 1906 North Dakota stands without a peer in the United States; therefore, be it

Resolved, That the president of the senate be authorized to appoint a committee consisting of three senators to act in conjunction with a committee of four members to be appointed by the speaker of the house to investigate and ascertain the actual conditions that prevailed during the past two months in all sections of the state; that such committee shall be authorized to investigate and determine the truth or falsity of the reports circulated, and upon the completion of their labors report the result of such investigation. Further

Resolved, That the thanks of the legislative assembly is due to the Minneapolis Journal for its fair, impartial and truthful exposition of the true condition and its continued exposure of false and harmful reports.

Mr. Regan moved the adoption of the resolution.

Which motion prevailed, and

The resolution was adopted.

And the president announced as such committee Messrs. Pierce, Purcell and Simpson.

Mr. LaMoure moved

That the vote by which Senate Bill No. 301 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. LaMoure moved

That the vote by which Senate Bill No. 86 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Sharpe moved

That the vote by which Senate Bill No. 158 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Simpson offered the following resolution :

WHEREAS, The ninth legislative assembly for North Dakota enacted an act establishing state fairs, locating them at Grand Forks and Fargo; and

WHEREAS, Section 11 in said act provides that in the event of the failure of either of such associations to comply with the provisions of this act, then the other association shall be entitled to hold a state fair upon its grounds during each year and receive the appropriation herein made for the association failing thus to comply with this act; and such failure upon the part of either association shall operate to permanently establish the state fair upon the grounds of the other association; and

WHEREAS, By section 6 of said act it is provided that should the state of North Dakota cease to appropriate the sum of at least \$5,000 annually, then the real estate deeded to the state of North Dakota by such fair associations shall revert and become the property of the association that transferred the same to the state; and

WHEREAS, His Excellency, Governor Sarles, in his address January 9, 1907, at the opening of the senate, among other things said: "Two state fairs have been held under the provisions of the law passed during the last session, viz: at Grand Forks and Fargo. I think the appropriations should be increased. The permanent improvements made at Fargo are worthy of especial favorable comment, and the attendance demonstrated the appreciation of the people. We should aim to gradually enlarge and increase our permanent facilities until our state fairs attain popularity and efficiency similar to those of Minnesota. I believe an appropriation of at least \$5,000 annually should be made for buildings." And

WHEREAS, Should any bill be introduced appropriating money to either or both of said institutions it would become necessary for this senate assembly to be advised as to whether the provision of the act herebefore referred to have been complied with on the part of either or both of said corporations. Now, then, be it

Resolved, That this senate deprecates the location of a state fair at two points, and the waste of state funds in the duplication of grounds and buildings necessary for the one purpose; that the location of the fair at one point is ultimately in the interest of state economy, and such location may result any time under the present law; that no action, as recommended by the message of retiring-Governor Sarles, be taken at this time increasing the annual appropriation since one-half of any appropriation made would be a waste of public funds; that the executive officers of the state insist upon strict compliance with the present law relating to state fairs on the part of either and both of said state fair corporations.

Mr. Simpson moved

That the resolution be referred to the committee on state affairs.

Which motion prevailed, and

The resolution was so referred.

CONSIDERATION OF MESSAGE FROM HOUSE.

The following resolution was laid before the senate:

CONCURRENT RESOLUTION.

WHEREAS, The interior department has issued an order to the effect that homestead proofs shall not be approved by the local land offices in this state and receiver's receipts issued thereon until investigation on the ground shall have been made by an authorized agent of the United States and the proof approved by him; and

WHEREAS, Owing to the limited number of inspectors and the large number of final proofs being submitted such order will indefinitely delay the issuance of final certificates and receipts; and

WHEREAS, The homestead entrymen on public agricultural lands in this state are necessarily obliged to borrow money upon their homesteads as soon as final proof is made and approved, for the purpose of procuring seed grain, stock and machinery for the improvement and cultivation of their lands; and

WHEREAS, There are practically no attempts at fraud in the making of final proofs on agricultural lands in this state and there appears to be no necessity for said order and the enforcement of the same will work a great hardship to settlers on public lands in this state and greatly delay the development of North Dakota; now, therefore, be it

Resolved by the House of Representatives, the Senate Concurring: That the secretary of the interior be, and is hereby, requested to rescind or modify said order in so far as the same affects public agricultural lands within the state of North Dakota.

Resolved, further, That the secretary of state be, and he hereby is, requested to forward to His Excellency, President Theodore Roosevelt and to the Hon. H. C. Hansbrough, Hon. Porter J. McCumber, Hon. Thos. F. Marshall and Hon. A. J. Gronna certified copies of this resolution.

Mr. Regan moved

That House Concurrent Resolution be referred to the committee on state affairs.

Which motion prevailed, and

The resolution was so referred.

INTRODUCTION AND FIRST READING OF SENATE BILLS.

Mr. Young, by request, introduced

Senate Bill No. 305,

A bill for an act to amend section 1572 of the Revised Codes of North Dakota of 1905, being section 72 of chapter 126 of the Laws of 1897, relating to the lien of taxes.

Which was read the first time.

Mr. Simson introduced

Senate Bill No. 306,

A bill for an act to provide for the assessment of lignite coal and minerals underlying lands in cases of several ownership.

Which was read the first time.

Mr. Kelly introduced
Senate Bill No. 307,
A bill for an act prescribing additional duties of the county surveyor.

The committee on judiciary introduced
Senate Bill No. 308,
A bill for an act to amend sections 8289, 8292, 8295, 8304, 8311, 8316, and 8318 of the Revised Codes of North Dakota for 1905.

Which was read the first time.

Mr. McDonald introduced
Senate Bill No. 309,
A bill for an act defining freight line companies and equipment companies, telegraph and telephone companies, and providing for ascertaining the value as nearly as possible for the assistance of assessors in the assessment of their property and the taxation of the same.

Which was read the first time.

Mr. Talcott introduced
Senate Bill No. 310,
A bill for an act to regulate the public service of stallions and jacks in the state of North Dakota.

Which was read the first time.

Mr. Crane moved

That his remarks on House Bill No. 18 of yesterday be printed in the journal as follows:

Mr. Crane said that he would vote with Mr. LaMoure against the bill which the majority of the senate committee had reported in favor of the two and one-half (2½) cent rate with the provisions for transferable mileage books, good for any member of a family or business concern, at two (2) cents a mile. He believed that a two-cent rate could be demonstrated to mean the conduct of passenger business at a loss. This would simply be confiscatory legislation which the courts would not sustain, and a vote for this bill would simply mean the retention of a three-cent fare with no additional mileage book favors. The senator from Ransom had stated on a previous occasion that the majority committee report favoring the two and one-half cent rate and transferable mileage simply handed the public a gold brick. Mr. Crane further stated that if the senator from Ransom was candid in making this remark, he, Mr. Crane, would like to know what sort of a brick we were handing the people in voting for a two-cent flat rate which the courts could not enforce.

To a question of Senator McArthur as to whether he had any information that would show that a two-cent rate would mean a loss to the companies, he said that none of the senators could have much technical information on the subject, but he did know that it had been decided that a two-cent rate could not be practicably enforced in Wisconsin and Minnesota, and if it was not profitable in those states it certainly would not be in North Dakota, which was more thinly settled and where business was done at a greater expense.

Mr. LaMoure moved

That the remarks of all senators on House Bill No. 18 be placed in the journal.

Mr. Pierce moved as a substitute

That all senators who are candidates for governor be permitted to have printed in the journal their remarks on the passage of House Bill No. 18.

Mr. Simpson moved as a substitute

That the remarks on House Bill No. 18 be not printed in the journal.

Which substitute motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 21, 1907.

Mr. President:

I have the honor to transmit herewith

House Bill No. 153,

A bill for an act to regulate the operation of passenger and freight trains over railway lines in this state, and to regulate the receipt, transportation and delivery of freight by common carriers, and providing penalties for violations of the act.

Also,

House Bill No. 134.

A bill for an act to appropriate \$5,894.93 to balance overdraft and reimburse citizens who advanced money to help defray expenses incurred in making the state's exhibit at the Portland (Lewis & Clark) exposition.

Also,

House Bill No. 84,

A bill for an act to prevent the adulteration, misbranding, and selling of adulterated and insufficiently labeled drugs or medicines, restricting or prohibiting the sale of certain drugs, prescribing a penalty for the violation hereof, providing for the inspection, testing and analyzing of said drugs and medicines, charging the North Dakota experiment station with the duty thereof, and charging the state's attorney with the enforcement hereof.

Also,

House Bill No. 248,

A bill for an act to amend section 5678 of the Civil Code of the Revised Codes of the state of North Dakota, edition of 1905, (being section 4230 of the Civil Code of the Revised Codes of the state of North Dakota, edition of 1895) and re-enact the same as amended.

Also,

House Bill No. 108,

A bill for an act amending section 8279 of the Revised Codes of 1899, relating to criminal procedure.

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

Very respectfully,

P. D. NORTON,
Chief Clerk.

Mr. Regan moved a call of the senate.

Mr. Regan moved

That further proceedings under the call be dispensed with.

Which motion prevailed.

Senate Bill No. 9,

A bill for an act to amend and re-enact section 2330 of the Revised Code of 1905, relating to the formation of new counties.

Was read the third time.

Mr. Sifton moved

That Senate Bill No. 9 be amended as follows:

After word "counties," line 18, page 2: "Provided, however, that where a county sought to be divided has more than fifty congressional townships and less than 140 congressional townships, then there shall be a majority vote of the county interested, the proposed new county and the remaining part of the county affected, before the governor shall act under this article."

Mr. Sifton moved

That the amendment be adopted.

Which motion was lost, and

The amendment was not adopted.

The roll was called and there were ayes 30, nays 7, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—
Cashel
Dyste

Messrs.—
McDonald
McLean

Messrs.—
Spoonheim
Stade

Messrs.—	Messrs.—	Messrs.—
Gilbert	Movius	Steele
Halliday	Palmer	Strom
Hanna	Pierce	Swenson
Johnson of Walsh	Plain	Talcott
Kelly	Ramsett	Taylor
Koffel	Regan	Thatcher
Kraabel	Rice	Turner
LaMoure	Sharpe	Young

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Crane	Purcell	Simpson
Johnson of McLean	Sifton	Wagner
Leutz		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	McArthur

Messrs. Albright and Little being excused.

Mr. Steele moved

To amend the title of Senate Bill No. 9 as follows:

By striking the words "formation of new counties" and inserting in lieu thereof the words "division of counties;" and by striking out the word "code" and inserting in lieu thereof the word "codes."

Which motion prevailed, and

The amendment was adopted.

So the bill passed and the title as amended was agreed to.

Mr. Steele moved

That the vote by which Senate Bill No. 9 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 229,

A bill for an act amending sections 1278 and 1279 of the Revised Codes of North Dakota.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 33, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Cashel	Leutz	Sharpe
Crane	McDonald	Sifton
Gilbert	McLean	Simpson
Halliday	Movius	Stade
Hanna	Palmer	Swenson
Johnson of McLean	Pierce	Talcott
Johnson of Walsh	Plain	Taylor
Kelly	Purcell	Thatcher
Koffel	Ramsett	Turner
Kraabel	Regan	Wagner
LaMoure	Rice	Young

Absent and not voting :

Messrs.—	Messrs.—	Messrs.—
Little	McArthur	Steele
Dyste	Spoonheim	Strom
Albright		

Messrs. Albright and Little being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 250,

A bill for an act to amend section 2771 of the Revised Codes of 1905, regulating sewers.

Was read the third time.

Mr. Movius moved

To amend Senate Bill No. 250 as follows :

Add after line 27 of printed bill: "Prior to discharging same into the lake, coulee, slough or other outlet, but that any drainage from basements, cellars or surface may be discharged direct into the lake, coulee, slough or other outlet."

Which motion prevailed and

The amendment was adopted.

The question being on the passage of the bill as amended.

The roll was called and there were ayes 29, nays none, absent and not voting 11.

Those who voted in the affirmative were :

Messrs.—	Messrs.—	Messrs.—
Cashel	McLean	Sifton
Gilbert	Movius	Simpson
Halliday	Palmer	Stade
Hanna	Pierce	Swenson
Johnson of McLean	Plain	Talcott
Johnson of Walsh	Purcell	Taylor
Koffel	Ramsett	Turner
Kraabel	Regan	Wagner
Leutz	Rice	Young
McArthur	Sharpe	

Absent and not voting :

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Steele
Crane	Little	Strom
Dyste	McDonald	Thatcher
Kelly	Spoonheim	

Messrs. Albright and Little being excused.

So the bill passed as amended and the title was agreed to.

Mr. Plain moved

That the vote by which Senate Bill No. 229 passed be reconsidered for the purpose of amending the title of the same.

Which motion prevailed, and

Mr. Pierce moved

That the title of Senate Bill No. 229 be amended as follows:

By adding to the title of the bill the following: "Relating to duties of store keepers and expense list of penitentiary."

Which motion prevailed, and

The amendment was adopted.

Mr. Ramsett moved

That the further consideration of the bill go over for one day.

Which motion was lost.

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 34, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Cashel	McDonald	Sifton
Crane	McLean	Simpson
Dyste	Movius	Spoonheim
Gilbert	Palmer	Stade
Halliday	Pierce	Steele
Hanna	Plain	Swenson
Johnson of McLean	Purcell	Talcott
Johnson of Walsh	Ramsett	Taylor
Koffel	Regan	Turner
Kraabel	Rice	Wagner
Leutz	Sharpe	Young
McArthur		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Strom
Kelly	Little	Thatcher

Messrs. Albright and Little being excused.

So the bill passed and the title as amended was agreed to. Senate Bill No. 90,

A bill for an act to amend section 122 of the Revised Codes of 1905 of the state of North Dakota, relating to state treasurer's bond.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 32, nays none, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Cashel	McDonald	Spoonheim
Dyste	McLean	Stade
Gilbert	Palmer	Steele

Messrs.—	Messrs.—	Messrs.—
Halliday	Pierce	Strom
Hanna	Plain	Swenson
Johnson of McLean	Purcell	Talcott
Johnson of Walsh	Ramsett	Taylor
Koffel	Rice	Turner
Kraabel	Sharpe	Wagner
Leutz	Sifton	Young
McArthur	Simpson	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Regan
Crane	Little	Thatcher
Kelly	Movius	

Messrs. Albright and Little being excused.
So the bill passed and the title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 21, 1907.

Mr. President:

I have the honor to transmit herewith

House Bill No. 161,

A bill for an act regulating the date of the meeting of the county commissioners.

Also,

House Bill No. 225,

A substitute bill for House Bills No. 4, No. 13, No. 16, No. 47, and No. 164.

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

Very respectfully,

P. D. NORTON,
Chief Clerk.

Senate Bill No. 205,

A bill for an act entitled an act to amend sections 1819, 1820, 1821, 1822, 1823, 1827, 1828, 1831, 1832, 1835, 1840 and 1849 of the Revised Codes of 1905, the same being embraced in chapter 23 of the Political Code relating to drainage.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 31, nays none, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Cashel	McDonald	Spoonheim
Crane	McLean	Stade
Dyste	Movius	Steele
Gilbert	Palmer	Strom
Halliday	Pierce	Swenson
Hanna	Plain	Talcott
Johnson of McLean	Ramsett	Taylor
Johnson of Walsh	Regan	Turner
Koffel	Sharpe	Wagner
Leutz	Sifton	Young
McArthur		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Rice
Kelly	Little	Simpson
Kraabel	Purcell	Thatcher

Messrs. Albright and Little being excused.

So the bill passed and the title was agreed to.

COURTESIES OF THE FLOOR.

The courtesies of the floor were extended to F. J. Root, O. B. Wing, H. C. Nygaard, John A. Beck, D. C. Jones, E. M. Jackson, Joe Buchheit, Oscar Greenland, F. A. Sinclair, Jas. A. Sinclair.

Mr. Cashel moved

That the vote by which Senate Bill No. 205 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Sharpe moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

J. W. FOLEY,
Secretary.

FORTY-SEVENTH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 23, 1907.

The senate convened at 2 o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Albright, Gilbert, Leutz, Movius, Palmer, Sifton, Talcott, who were excused.

REFERENCE OF THE JOURNAL.

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

Mr. President:

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

On page 4, line 17, strike out the word "Thatcher" and insert the word "Taylor."

Strike out in the 38th line, page 27, "so the bill passed and the title was agreed to."

And when so amended recommend that the same be approved.

J. D. TAYLOR,
Chairman.

Mr. Taylor moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

COMMUNICATION FROM THE SECRETARY OF STATE.

The following communication was received from the secretary of state:

STATE OF NORTH DAKOTA,
DEPARTMENT OF STATE,
BISMARCK, February 23, 1907.

J. W. Foley, Secretary of the Senate:

SIR: I beg to state that I have forwarded the Concurrent Resolution introduced by Mr. Cashel relating to grain inspection: One copy to Hon. H. C. Hansbrough, Hon. P. J. McCumber, Hon. T. F. Marshall and Hon. A. J. Gronna, also one each to the secretary of state, the president of the senate, and the speaker of the house of representatives of the state of Wisconsin and Minnesota; and to the presidents of the boards of trade of Superior, Wisconsin and Duluth, Minnesota.

Very respectfully,

ALFRED BLAISDELL,
Secretary of State.

Mr. McLean presented the following petition:

To the Members of the Senate and the House of Representatives of the Legislature of the State of North Dakota:

GENTLEMEN: We, the undersigned, residents and voters of the state of North Dakota, respectfully petition your honorable bodies to support and vote for a bill introduced at this session of the legislature, said bill being known as "A bill for an act to amend section 6295 of the Revised Codes of 1905, providing for a lien for repairs of personalty."

That you will use every honorable means to support and secure the passage of said bill is urgently and respectfully requested.

DAN McALLEN,
And Six Others.

Mr. Taylor presented the following petition:

*To the Honorable Members of the Senate of the State of
..North Dakota:*

GENTLEMEN: We, the undersigned residents and voters of the state of North Dakota, petition your honorable body to support and vote for House Bill No. 53, which is a measure providing for a mechanic's lien for blacksmiths and other mechanics. This measure simply assures the mechanic that after he performs his work he will receive his pay, which is no more than right, just and proper, and we therefore hope that you will use every honorable means to support and secure the passage of said bill.

Respectfully submitted,

J. B. WINEMAN,

And 100 Others.

Mr. Sharpe presented the following petition:

*Honorable J. B. Sharpe, Cunningham, and Ueland, Mem-
..bers of Legislature, Bismarck, North Dakota:*

DEAR SIR: A copy of House Bill 88, entitled an Act to Define and Regulate the Operation of Threshing Machine Outfits, and the Payment for Labor, Groceries, etc., has been read by us and we believe that this bill, if allowed to become a law, would practically confiscate every threshing outfit in North Dakota. It is in our opinion an unjust, unreasonable and uncalled for measure. But few if any threshermen could secure two endorsers to a bond of \$3,000 whether they are known to pay their debts in advance or not, besides, it is a class measure of the rankest kind. Why not in like manner require the groceryman and everybody else obtaining credit to give a like bond?

Common justice to us as a hard working class demands that this harmful measure be killed. We believe in paying our debts and we believe in everybody else doing likewise, but legislation of this kind is harmful and would practically ruin our business, and we, your constituents will ever pray.

F. W. MORSE,

And Eleven Others.

REPORT OF STANDING COMMITTEES.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 58,

A bill for an act to create the Ninth judicial district of the state of North Dakota, defining the boundaries of the Second, Eighth and Ninth judicial districts of the said state, and providing for terms of court in the said districts.

Have had the same under consideration and recommend that the same be re-referred to the judiciary committee.

J. B. SHARPE,
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 289,

A bill for an act to amend section 2231 of the Revised Codes of North Dakota for 1905, relating to abstractors of title—bonds to be given.

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

In section 1, line 14, of the printed bill, the word "surety" be inserted before the word "bond;" also in section 1, line 17, of the printed bill, the word "surety" be inserted before the word "bond;" also in section 1, line 18, of the printed bill, the words "with not less than three sureties" be stricken out;" also in section 1, line 24, of the printed bill, the words "this is" be stricken out.

In line 18 of section 1 after the word "approved" insert the words "as to form and security."

And when so amended recommend the same do pass.

J. B. SHARPE,
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 293,

A bill for an act to amend section 394 of chapter 5 of the
Political Code of the Revised Codes of 1905 for North Da-
kota, relative to verified claims against the state.

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

J. B. SHARPE,
Chairman.

Mr. Sharpe moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on temperance made the following report:

Mr. President:

Your committee on temperance to whom was referred
House Bill No. 120,

A bill for an act to amend chapter 65 of the Penal Code
of the Revised Codes of 1905 of the state of North Dakota,
relating to the enforcement of the prohibition law.

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

H. H. STROM,
Chairman.

Mr. Strom moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 181,

A bill for an act to amend section 911 of the Revised
Code of North Dakota for 1905, relating to notice of elec-
tions to vote bonds of school districts.

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

C. B. LITTLE,
Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 256,

A bill for an act to prevent frauds on the exemption laws
of this state and providing a penalty for its violation.

Have had the same under consideration and recommend
that the same be indefinitely postponed.

C. B. LITTLE,
Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 277,

A bill for an act providing the manner in which the right
of way for railroad companies over lands belonging to
wards or deceased persons may be acquired.

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

C. B. LITTLE,
Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 199,

A bill for an act entitled, an act to provide for organizing
counties from the unorganized territory in this state.

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

That all of section 8 on page 4 of the printed bill be stricken out.

And when so amended recommend the same do pass.

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred Senate Bill No. 202,

A bill for an act to re-enact sections 2297 to 2321, both inclusive, of the Revised Codes of North Dakota for the year A. D. 1905, relating to organization of counties.

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

That all of section 2 of the printed bill be stricken out.

And when so amended recommend the same do pass.

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred Senate Bill No. 253,

A bill for an act to legalize the execution and acknowledgment of certain deeds, mortgages and other instruments in writing, and the record thereof, and making the same or certified copies thereof admissible in evidence.

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

That on page 2 in line 3 of section 4 of the printed bill the following words be added after the word "instruments:" "And it shall be prima facie presumed that such officer acted within the scope of his authority."

And when so amended recommend the same do pass.

C. B. LITTLE,
Chairman.

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

The committee on apportionment made the following report:

Mr. President:

A majority of your committee on apportionment to whom was referred

Senate Bill No. 240,

A bill for an act to divide the state of North Dakota into two congressional districts, and defining the boundaries of each of said congressional districts in North Dakota.

Have directed me to report to you that they

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

J. AUSTIN REGAN,
 Chairman.

A minority of the committee on apportionment made the following report:

Mr. President:

A minority of your committee on apportionment to whom was referred

Senate Bill No. 240,

A bill for an act to divide the state of North Dakota into two congressional districts, and defining the boundaries of each of said congressional districts in North Dakota.

Have directed me to report to you that they

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

Strike out all of said bill after the enacting clause and substitute the following:

"SECTION 1. Until otherwise provided by law, the state of North Dakota shall be, and is hereby, divided into two (2) congressional districts, as follows, to wit:

"The 1st congressional district shall consist of the counties of Dickey, Sargent, Richland, Ransom, Barnes, Cass, Griggs, Steele, Traill, Nelson, Grand Forks, Ramsey, Walsh, Towner, Cavalier and Pembina, and shall be entitled to one representative in congress, who shall be elected at the general elections every two years.

The 2nd congressional district shall consist of the counties of Benson, Billings, Bottineau, Burleigh, Eddy, Emmons, Foster, Kidder, LaMoure, Logan, McHenry, McIntosh, McKenzie, McLean, Mercer, Morton, Oliver, Pierce, Rollette, Stark, Stutsman, Ward, Wells, Williams, Dunn and Hettinger, and all unorganized territory lying west of the Missouri river in the state of North Dakota, and shall be entitled to one representative in congress, who shall be elected at the general election every two years.

And when so amended recommend the same do pass.

J. AUSTIN, REGAN,
Chairman.

Mr. Regan moved

That the majority and minority committee reports on Senate Bill No. 240 go over for one day.

Which motion prevailed.

The committee on insurance made the following report:
Mr. President:

Your committee on insurance to whom was referred Senate Bill No. 172,

A bill for an act establishing standard forms in which policies of life insurance may be issued in this state and in which policies of life insurance companies organized under the laws of this state may be issued; and regulating the conditions and provisions to be contained in policies of life insurance companies that do not adopt such standard forms.

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

In line 3 of printed bill, after the word "insurance" insert words "of life insurance."

In line 30 of the printed bill, after word "beneficiary" insert words "with or."

In line 49 after word "two" strike out "any" and insert "and" in lieu thereof.

In line 54 of the printed bill strike out word "thereon" insert word "hereon" in lieu thereof.

In line 57 of printed bill after word "restrictions" insert "except."

In line 58 of printed bill after word "only" strike out "in" and insert word "to" in lieu thereof.

In line 76 of printed bill strike out word "thereon" and insert "hereon" in lieu thereof.

In line 88 of printed bill strike out words "at the" and insert "on any" in lieu thereof.

In line 96 of printed bill after word "rate" insert words "of interest."

In line 96 of printed bill strike out word "higher" and insert "greater" in lieu thereof.

In line 102 of printed bill strike out word "of" and insert "for" in lieu thereof.

In line 105 of printed bill strike out word "for" and insert words "per centum of" in lieu thereof.

In line 115 of printed bill strike out word "such" and insert "this" in lieu thereof; and in same line after word "indebtedness" insert "hereon."

In line 122 of printed bill after word "its" insert "said."

In line 126 of printed bill after word "three" insert "full."

In line 132 of printed bill after word "the" insert "same."

In line 134 of printed bill strike out word "of" and insert "on" in lieu thereof.

In line 135 of printed bill strike out word "company" and insert "policy" in lieu thereof.

In line 245 of printed bill after word "Dakota" insert words "herein called the insured, on the.....day of....."

In line 246 of printed bill after word "receipt" strike out "of" and insert "at" in lieu thereof.

In line 253 of printed bill strike out last three letters of word "subjecting."

In line 259 of printed bill strike out word "any" and insert "a" in lieu thereof.

In line 260 of printed bill strike out word "paid" and insert "payable" in lieu thereof.

In line 268 of printed bill after word "when" insert "the."

In line 275 of printed bill after word "for" insert words "the payment of."

In line 276 of printed bill strike out word "will" and insert "shall" in lieu thereof.

In line 281 of printed bill strike out word "for" and insert "by" in lieu thereof.

In line 283 of printed bill after word "only" strike out "in" and insert "to" in lieu thereof.

In line 289 of printed bill after word "in" strike out "the" and insert "this" in lieu thereof.

In line 301 of printed bill strike out word "thereon" and insert "hereon" in lieu thereof.

In line 303 of printed bill after word "inserted" insert "after the first policy year."

In line 316 of printed bill after word "of" strike out "the" and insert "a" in lieu thereof.

In line 327 of printed bill strike out word "added" and insert "additions" in lieu thereof.

In line 333 of printed bill strike out word "divided" and insert "dividend" in lieu thereof.

In line 333 of printed bill strike out word "would" and insert "will" in lieu thereof.

In line 337 of printed bill strike out word "loans" and insert "loan" in lieu thereof.

In line 352 of printed bill strike out word "thirty-four" and insert words "three full" in lieu thereof.

In line 354 of printed bill strike out word "continue," insert "continued" in lieu thereof.

In line 357 of printed bill strike out word "thereon," insert words "hereon, or" in lieu thereof.

In line 358 of printed bill after word "the" insert "same."

In line 359 of printed bill after word "be" insert "the."

In line 360 of printed bill strike out word "reserved" and insert "reserve" in lieu thereof.

In line 365 of printed bill after word "not" strike out "less" and insert word "more" in lieu thereof.

In line 372 of printed bill strike out word "policies," insert "policy" in lieu thereof.

In line 374 of printed bill strike out word "as."

In line 376 of printed bill strike out word "as."

In line 380 of printed bill strike out word "plan" and insert word "term" in lieu thereof.

In line 383 of printed bill strike out word "after" and insert "from" in lieu thereof.

In line 384 of printed bill strike out word "the" before word "home" and insert "its" in lieu thereof.

In line 386 of printed bill strike out figure "(2)" and insert "(a)" in lieu thereof.

In line 395 of printed bill strike out "on" and insert "or" in lieu thereof.

In line 396 of printed bill before word "amount" insert "the."

In line 397 of printed bill strike out word "this" and insert "that" in lieu thereof.

In line 421 of printed bill strike out word "or" and insert "of" in lieu thereof.

In line 453 of printed bill after word "life" place a comma; and after word "and" place a quotation mark.

In line 478 of printed bill strike out word "the" and insert "this" in lieu thereof.

In line 482 of printed bill after word "payable" insert "to."

In line 524 of printed bill after word "restrictions" insert "except."

In lines 554 and 555 of printed bill strike out word "payments" and insert "payment" in lieu thereof.

In line 555 of printed bill before word "after" insert title "Loans."

In line 607 of printed bill strike out word "herein" and insert "hereinafter" in lieu thereof.

In line 610 of printed bill strike out word "thereto" and insert "hereto" in lieu thereof.

In line 633 of printed bill strike out word "of" and insert "under" in lieu thereof.

In line 662 of printed bill strike out word "the."

In line 681 of printed bill after word "acknowledge" insert a comma; after word "and" insert "of."

In line 695 of printed bill after word "otherwise" insert "to."

In line 700 of printed bill after word "otherwise" insert "to."

In line 729 of printed bill after word "than" insert "as."

In line 739 of printed bill strike out word "the" and insert "all" in lieu thereof.

In line 772 of printed bill strike word "thereon" and insert "hereon" in lieu thereof.

In line 802 of printed bill after word "thereto" strike out the comma.

In line 806 of printed bill after the word "annum" insert "less (here may be inserted not more than two and one-half) per centum."

In line 808 of printed bill after word "value" insert "any."

In line 815 of printed bill strike out word "thereon," insert "hereon" in lieu thereof.

In line 844 of printed bill strike out word "of" and insert "to" in lieu thereof.

In line 845 of printed bill strike out word "any."

In line 854 of printed bill strike out word "a" and insert "the" in lieu thereof.

In line 858 of printed bill after word "up" insert "pure."

In line 874 of printed bill strike out word "of" and insert "for" in lieu thereof.

In line 875 of printed bill strike out word "this" and insert "the" in lieu thereof.

In line 875 of printed bill after word "loan" insert "cash."

In lines 909 and 910 of printed bill strike out word "company" and insert "police" in lieu thereof.

In line 968 of printed bill strike out word "the" and insert "this" in lieu thereof.

In line 973 of printed bill strike out word "continued" and insert "contained" in lieu thereof.

In line 979 of printed bill strike out word "the" and insert "this" in lieu thereof.

In line 998 of printed bill after word "mailing" strike out word "of" and insert "by" in lieu thereof.

In line 1014 of printed bill strike out word "the" where it occurs the second time and insert "this" in lieu thereof.

In line 1015 of printed bill strike out words "on non-particular" and insert "of non-participating" in lieu thereof.

In line 1042 of printed bill strike out word "on" and insert "in" in lieu thereof.

In line 1045 of printed bill strike out word "if" and insert "is" in lieu thereof.

In line 1051 of printed bill after word "paid" insert "either."

Strike out all of lines 1090 to 1111, inclusive, same being a duplication of lines 1112 to 1133, inclusive.

In line 1146 of printed bill strike out word "state" and insert "stated" in lieu thereof.

In line 1149 of printed bill after word "of" insert "a."

In line 1159 of printed bill strike out word "insurance" and insert "insured" in lieu thereof.

In line 1165 of printed bill strike out word "in" and insert "to" in lieu thereof.

In line 1168 of printed bill after word "incontestability" strike out "the" and insert "this" in lieu thereof.

In line 1181 of printed bill strike out word "and" and insert "or" in lieu thereof.

In line 1232 of printed bill after word "continuance" insert "of insurance."

In line 1234 of printed bill after word "insurance" insert "on."

In line 1267 of printed bill strike out the word "given" and insert "furnished" in lieu thereof.

In line 1275 of printed bill strike out word "of" and insert "to" in lieu thereof.

In line 1277 of printed bill after word "have" insert "the."

In line 1282 of printed bill after word "and" strike out "the."

In line 1285 of printed bill after word "of" strike out "the."

In line 1305 of printed bill after word "commutation" insert "will."

In line 14 of section 4 of printed bill after "at" insert "the."

In line 53 of section 5 of printed bill strike out "thereof" and insert "therefor" in lieu thereof.

In line 60 of section 5 of printed bill after word "other" insert "than."

In line 95 of section 5 of printed bill after words "receipt of" insert "such."

In line 17 of section 6 of printed bill after word "or" insert "to."

In line 3 of section 9 strike out word "county" and insert "country" in lieu thereof; making the same correction in lines 7 and 9 of section 9.

Wherever word "beneficiar" occurs change same to "beneficiary."

Wherever the word "void" occurs used as a verb, change same to "avoid."

And when so amended recommend the same do pass

L. A. SIMPSON,
Chairman.

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

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills to whom was referred

Senate Bill No. 302,

A Concurrent Resolution for an amendment to the constitution, relating to the sale of school lands.

Also,

Senate Bill No. 236,

A bill for an act regulating the duties of keepers of slaughter houses, power and duties of county boards of health, and providing a penalty for the violation thereof.

Also,

Senate Bill No. 259,

A bill for an act to amend and re-enact sections 4639-4658 and 4662 of chapter 21, of the Revised Codes of 1905, relating to banking corporations.

Have carefully examined the same and find the same correctly engrossed.

GEORGE M. YOUNG,
Chairman.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills to whom was referred

Senate Bill No. 262,

A bill for an act relating to the licensing of transient merchants, and providing a penalty for the violation thereof.

Also,

Senate Bill No. 159,

A bill for an act designed to define the powers and increase the efficiency of the state normal and industrial school.

Also,

Senate Bill No. 125,

A bill for an act to amend section 638 of the Revised Codes 1905 relating to the conduct of elections.

Also,

Senate Bill No. 124,

A bill for an act providing that in actions hereafter brought in the justice courts of this state, filing of an affidavit of the amount due, shall be considered as prima facie evidence of the indebtedness sued on.

Have carefully examined the same, and find the same correctly engrossed.

GEORGE M. YOUNG,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Rice withdrew his objection to the consideration of Senate Bill No. 58 and moved it be re-referred to the judiciary committee.

Which motion prevailed.

Mr. Hanna moved

That the secretary of the senate be authorized to have 500 more copies of Senate Bill No. 57 printed.

Which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE.

The following House Concurrent Resolution was laid before the senate:

CONCURRENT RESOLUTION AND MEMORIAL TO CONGRESS FOR CONSTITUTIONAL AMENDMENT.

WHEREAS, The recent investigation made by the senate of the United States as to the qualifications of one of its members has developed the fact that polygamy exists in several of the states notwithstanding the laws that exist in said states prohibiting the same; and

WHEREAS, The practice of polygamy is condemned by the lawabiding people of the United States, and there is a sentiment prevailing throughout the country for a more effectual remedy to eradicate the evil complained of by giving the federal courts jurisdiction over and control of that question as well as that of divorces, at the same time reserving to each state the right to make and enforce its own laws relating to marriages; therefore, be it

Resolved by the House of Representatives of North Dakota, the Senate Concurring, That the congress of the United States is hereby petitioned to take the necessary steps to provide for a constitutional amendment to be submitted to the several states, whereby polygamy and polygamous co-habitation shall be prohibited, by giving the federal courts jurisdiction to enforce any and all acts of the United States congress upon the subject of polygamy and polygamous practices, as well as upon uniform divorce laws throughout the several states. Be it further

Resolved, That the secretary of state be, and he hereby is, directed to transmit copies of this memorial to the senate and house of representatives

of the United States and to the members of said bodies representing this state therein; also to transmit copies hereof to the legislature of all other states of the United States.

Mr. Young moved

That the resolution be concurred in.

Which motion prevailed, and

The resolution was concurred in.

INTRODUCTION AND FIRST READING OF SENATE BILLS.

Mr. Simpson introduced

Senate Bill No. 321,

A bill for an act entitled: An act to provide for changing county lines of organized counties to include unorganized territory.

Which was read the first time.

INTRODUCTION AND FIRST AND SECOND READING OF SENATE BILLS.

Mr. Koffel introduced

Senate Bill No. 311,

A bill for an act to prohibit discrimination between different sections, communities or localities; unfair competition, and providing penalties for the violation thereof.

Which was read the first and second times and

Referred to the committee on state affairs.

Mr. Purcell introduced

Senate Bill No. 312,

A bill for an act to amend sections 1311, 1312 and to repeal section 1315 of the Revised Codes of 1905, relating to county fairs.

Which was read the first and second times, and

Referred to the committee on state affairs.

Mr. Kelly introduced

Senate Bill No. 313,

A bill for an act to amend section 4224 of the Revised Codes of the state of North Dakota, relating to the increasing or diminishing of the capital stock of corporations.

Which was read the first and second times and

Referred to the committee on corporations other than municipal.

Mr. Simpson introduced

Senate Bill No. 314,

A bill for an act to appropriate money to defray the expense of prosecuting and defending litigation growing out of the enforcement of laws relating to the regulation of rates of compensation for the transportation of freight and passengers by common carriers.

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

Mr. Pierce introduced

Senate Bill No. 315,

A bill for an act authorizing and empowering the governor of the state to remove and suspend certain officers who have been guilty of malfeasance or nonfeasance in the performance of their official duties, or guilty of habitual drunkenness, and providing for the filling of vacancies caused by such suspension or removal.

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

Mr. McLean introduced

Senate bill No. 316,

A bill for an act entitled an act to provide for two judges of the district court in the Sixth judicial district.

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

Mr. Johnson of McLean, by request, introduced

Senate Bill No. 317,

A bill for an act entitled an act to amend and re-enact section 474 of the Revised Codes of 1905.

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

Mr. Spoonheim introduced

Senate Bill No. 318,

A bill for an act to amend sections 1872 and 1877 of the Revised Codes of 1905, relating to duty of superintendent of county asylum and poor farm.

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

Mr. Turner introduced

Senate Bill No. 319,

A bill for an act prohibiting blacklisting and coercion of employees and providing a penalty for its violation.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Young introduced

Senate Bill No. 320,

A bill for an act to amend sections 1077, 1078, 1079, 1082, 1084, 1085, 1086, 1087, and 1090 of the Revised Codes of North Dakota of 1905, relative to the state normal schools at Valley City and Mayville.

Which was read the first and second times and

Referred to the committee on education.

SECOND READING OF SENATE BILLS.

Senate Bill No. 298,

A bill for an act requiring each county officer who receives from any county a stated salary of not less than \$2,000 per annum, to keep a record of the fees received by him as such officer, and to pay such fees into the county treasury, and making it a misdemeanor for any such officer to neglect or omit to charge or collect the fees which he is by law allowed to charge or collect, or to fail to keep a record of the same, or to fail to turn over or pay the same into the county treasury.

Was read the second time, and

Referred to the committee on ways and means.

Senate Bill No. 299,

A bill for an act to amend sections 1484, 1487, 1490, 1492, 1494, 1495, 1496, 1497, 1500, 1503, 1504, 1517, 1519, 1520, 1521, 1523, 1528, and to repeal sections 1498, 1505, 1507, 1508, 1509, 1510, 1512, 1518, 1522 and 1529.

Was read the second time, and

Referred to the committee on ways and means.

Senate Bill No. 300,

A bill for an act to license each person, firm or corporation transacting a telephone business in the state of North Dakota, and fixing license fees; to prevent discrimination, and fixing rules for the conducting of such business, and making it a misdemeanor to charge toll for service until such license is issued and posted.

Was read the second time, and

Referred to the committee on ways and means.

Senate Bill No. 305,

A bill for an act to amend section 1572 of the Revised Codes of North Dakota of 1905, being section 72 of chapter 126 of the Laws of 1897, relating to the lien of taxes.

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 306,

A bill for an act to provide for the assessment of lignite coal and minerals underlying lands in cases of several ownership.

Was read the second time, and

Referred to the committee on ways and means.

Senate Bill No. 307,

A bill for an act prescribing additional duties of the county surveyor.

Was read the second time, and

Referred to the committee on state affairs.

Senate Bill No. 308,

A bill for an act to amend sections 8289, 8292, 8295, 8304, 8311, 8316, and 8318 of the Revised Codes of North Dakota for 1905.

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 309,

A bill for an act defining freight line companies and equipment companies, telegraph and telephone companies, and providing for ascertaining the value as nearly as possible for the assistance of assessors in the assessment of their property and the taxation of the same.

Was read the second time, and

Referred to the committee on ways and means.

Senate Bill No. 310,

A bill for an act to regulate the public service of stallions and jacks in the state of North Dakota.

Was read the second time, and

Referred to the committee on agriculture.

THIRD READING OF SENATE BILLS.

Senate Bill No. 274,

A bill for an act requiring the secretary or other executive officer of every county, district or state fair association or other exhibit at which the resources or products of the

state are placed on exhibition, to file with the commissioner of agriculture and labor a list of the dates claimed by said association for the purpose of conducting the same.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were ayes 32, nays none, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Cashel	Little	Simpson
Crane	McArthur	Spoonheim
Gilbert	McDonald	Stade
Halliday	McLean	Steele
Hanna	Plain	Strom
Johnson of McLean	Purcell	Swenson
Johnson of Walsh	Ramsett	Taylor
Kelly	Regan	Thatcher
Koffel	Rice	Turner
Kraabel	Sharpe	Wagner
LaMoure		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Albright	Movius	Talcott
Dyste	Palmer	Young
Leutz	Sifton	

Messrs. Albright, Gilbert, Leutz, Movius, Palmer, Sifton and Talcott being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 226,

A bill for an act for paroling inmates of the reform school.

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 none, absent and not voting 14.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Cashel	Little	Spoonheim
Crane	McArthur	Stade
Halliday	McLean	Strom
Hanna	Pierce	Swenson
Johnson of McLean	Plain	Taylor
Johnson of Walsh	Purcell	Thatcher
Kelly	Ramsett	Turner
Koffel	Rice	Wagner
Kraabel	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Albright	McDonald	Simpson
Dyste	Movius	Steele
Gilbert	Palmer	Talcott
LaMoure	Regan	Young
Leutz	Sifton	

Messrs. Albright, Gilbert, Leutz, Movius, Palmer, Sifton and Talcott being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 210.

A bill for an act in relation to the taxation of grain grown within this state and held therein in elevators, warehouses and granaries.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 28, nays none, absent and not voting 12.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Cashel	Little	Spoonheim
Crane	McArthur	Stade
Dyste	McLean	Steele
Halliday	Pierce	Strom
Hanna	Plain	Swenson
Johnson of McLean	Purcell	Taylor
Johnson of Walsh	Ramsett	Thatcher
Kelly	Rice	Turner
Koffel	Sharpe	Wagner
Kraabel		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Albright	McDonald	Sifton
Gilbert	Regan	Simpson
LaMoure	Movius	Talcott
Leutz	Palmer	Young

Messrs. Albright, Gilbert, Leutz, Movius, Palmer, Sifton and Talcott being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 215,

A bill for an act requiring the party in charge of a state institution to make an inventory of property therein.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 30, nays none, absent and not voting 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Cashel	LaMoure	Simpson
Crane	Little	Spoonheim
Dyste	McArthur	Stade
Halliday	McLean	Steele
Hanna	Pierce	Strom
Johnson of McLean	Plain	Swenson
Johnson of Walsh	Purcell	Taylor
Kelly	Ramsett	Thatcher
Koffel	Rice	Turner
Kraabel	Sharpe	Wagner

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Albright	Movius	Sifton
Gilbert	Palmer	Talcott
Leutz	Regan	Young
McDonald		

Messrs. Albright, Gilbert, Leutz, Movius, Palmer, Sifton and Talcott being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 269.

A bill for an act to amend and re-enact section 2894 of the Revised Codes of North Dakota for 1905, relating to extension of corporate limits of villages.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 29, nays none, absent and not voting 11.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Cashel	LaMoure	Spoonheim
Crane	McArthur	Stade
Gilbert	McLean	Steele
Halliday	Pierce	Strom
Hanna	Plain	Swenson
Johnson of McLean	Purcell	Taylor
Johnson of Walsh	Ramsett	Thatcher
Kelly	Rice	Turner
Koffel	Sharpe	Wagner
Kraabel	Simpson	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Albright	McDonald	Sifton
Gilbert	Movius	Talcott
Leutz	Palmer	Young
Little	Regan	

Messrs. Albright, Gilbert, Leutz, Movius, Palmer, Sifton and Talcott being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 159,

A bill for an act designed to define the powers and increase the efficiency of the state normal and industrial school.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 30, nays none, absent and not voting 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Cashel	LaMoure	Simpson
Crane	McArthur	Spoonheim
Dyste	McLean	Stade
Halliday	Pierce	Steele
Hanna	Plain	Strom
Johnson of McLean	Purcell	Swenson
Johnson of Walsh	Ramsett	Taylor
Kelly	Regan	Thatcher
Koffel	Rice	Turner
Kraabel	Sharpe	Wagner

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Albright	McDonald	Sifton
Gilbert	Movius	Talcott
Leutz	Palmer	Young
Little		

Messrs. Albright, Gilbert, Leutz, Movius, Palmer, Sifton and Talcott being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 262,

A bill for an act relating to the licensing of transient merchants, and providing a penalty for the violation thereof.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 30, nays 1, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Cashel	LaMoure	Spoonheim
Crane	Little	Stade
Dyste	McArthur	Steele
Halliday	Pierce	Strom
Hanna	Purcell	Swenson
Johnson of McLean	Ramsett	Taylor
Johnson of Walsh	Regan	Thatcher
Kelly	Rice	Turner
Koffel	Sharpe	Wagner
Kraabel	Simpson	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Albright	McDonald	Palmer
Gilbert	McLean	Sifton
Leutz	Movius	Talcott

Mr. Plain voting in the negative.

Messrs. Albright, Gilbert, Leutz, Movius, Palmer, Sifton and Talcott being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 124,

A bill for an act providing that in actions hereafter brought in the justice courts of this state, filing of an affidavit of the amount due, shall be considered as prima facie evidence of the indebtedness sued on.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 23, nays 3, absent and not voting 14.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Cashel	Little	Spoonheim
Crane	Pierce	Stade
Dyste	Plain	Taylor
Halliday	Purcell	Thatcher
Johnson of Walsh	Ramsett	Turner
Johnson of McLean	Rice	Wagner
Kelly	Sharpe	Young
LaMoure	Simpson	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Koffel	Kraabel	McArthur

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Albright	McLean	Steele
Gilbert	Movius	Strom
Hanna	Palmer	Swenson
Leutz	Regan	Talcott
McDonald	Sifton	

Messrs. Albright, Gilbert, Leutz, Movius, Palmer, Sifton and Talcott being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 125,

A bill for an act to amend section 638 of the Revised Codes relating to the conduct of elections.

Was read the third time.

Mr. Purcell moved

That Senate Bill No. 125 be amended as follows:

In line 12 after the words "conduct of" strike out the word "an" and insert in lieu thereof the words "any primary or general."

Which motion prevailed, and

The amendment was adopted.

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 33, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Cashel	Little	Simpson
Crane	McArthur	Spoonheim
Dyste	McDonald	Stade
Halliday	McLean	Steele
Hanna	Plain	Strom
Johnson of McLean	Purcell	Swenson
Johnson of Walsh	Ramsett	Taylor
Kelly	Regan	Thatcher
Koffel	Rice	Turner
Kraabel	Sharpe	Wagner
LaMoure	Sifton	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Albright	Movius	Pierce
Gilbert	Palmer	Talcott
Leutz		

Messrs. Albright, Gilbert, Leutz, Movius, Palmer, Sifton and Talcott being excused.

So the bill passed as amended and the title was agreed to.

COMMUNICATION FROM THE GOVERNOR.

A sealed communication was received from the governor.

COURTESIES OF THE FLOOR.

The courtesies of the floor were extended to W. R. Parsons, W. E. Petrie, Herman Backhaus, Elmer Anderson, E. E. Marten, Geo. Fiddler, A. J. Hagg, J. L. Potts, E. F. Flynn, Miss Edith Freeman.

Mr. LaMoure moved

That the senate do now take a recess until 10 o'clock a. m. of Monday, February 25, 1907.

Which motion prevailed, and

The senate took a recess.

J. W. FOLEY,

FORTY-SEVENTH DAY—AFTER RECESS

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 25, 1907.

Mr. LaMoure moved
That the senate return to the Sixth order of business.
Which motion prevailed.

REPORT OF STANDING COMMITTEES

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred
Senate Bill No. 105,

A bill for an act making an appropriation for the erection
of a building and greenhouse for the school of forestry
located at Bottineau, Bottineau county, and for the proper
furnishing and equipment of the same.

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

That section 1 be amended to read as follows:

SECTION 1. Appropriation.) For the purpose of erecting a suitable building and greenhouse for the school of forestry located at Bottineau, Bottineau county, and for the purpose of furnishing and equipping the same, there is hereby appropriated out of any funds in the state treasury, not otherwise appropriated, the sum of twenty-five thousand dollars.

And when so amended recommend the same do pass.

JUDSON LAMOURE,
Chairman.

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

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred
Senate Bill No. 132,

A bill for an act to provide for the making of permanent improvements at the Valley City state normal school, to assist in the maintenance thereof, and for other purposes, and making appropriations therefor.

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

That section 1 of said bill be amended to read as follows:

SECTION 1. Appropriation.) For making permanent improvements at the Valley City State Normal School, to assist in the maintenance thereof, and for other purposes, the following sums of money, or so much thereof as may be necessary, are hereby appropriated from any funds in the state treasury not otherwise appropriated, viz:

For new building for assembly room class rooms and library	\$ 40,000
For deficit in cost of model school, which sums was temporarily transferred from maintenance fund...	3,313
For furniture	1,000
For repair of floors	1,000
For repairs to roof, painting and other repairs	2,000
For abutting walks, as required by city	750
For improvement of grounds	500
For reference books for library	1,000
To be added to maintenance fund, one-half to be available July 1, 1907, and one-half to be available January 1, 1908	8,000
Total	\$ 57,563

That a new section, to be known as section 2, be added, as follows:

SEC. 2. Whereas, some of the sums hereby appropriated should be available before July 1st, 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 the same do pass.

JUDSON LAMOURE,
Chairman.

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

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 88,

A bill for an act to provide a site for the statue of Sakakawea, the Indian guide of the Lewis and Clark expedition.

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

JUDSON LAMOURE,
Chairman.

Mr. LaMoure moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 133,

A bill for an act to provide an appropriation for the current and contingent expenses for the state hospital for the insane at Jamestown.

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

That section 1 of said bill be amended so as to read as follows:

SECTION 1. Appropriation.) There is appropriated out of any money in the state treasury, not otherwise appropriated, for the purpose of paying the current and contingent expenses of the state hospital for the insane at Jamestown for the fiscal years 1907 and 1908, the sum of one hundred fifteen thousand nine hundred sixty dollars (\$115,960), or so much thereof as may be necessary, as follows:

Wages of employes	\$ 50,000
Salaries of resident officers	14,600
Fuel and lights	28,500
Incidental expenses and repairs	5,000
Drugs, medicines, medical books, etc.	2,000
Return of patients and burial of dead	2,000
Beds, bedding, furniture, etc.	5,000
Library of amusements and chaplain's services	1,500
Farm machinery, twine, harness, etc.	1,000
Plumbing, steamfitting and repairs to sewers	1,500
Paints, painting and window glass	2,000
Engine and boiler room supplies	850
Electric lamps and repairs to plant	650

Laundry repairs and supplies	560
Blacksmith shop supplies	350
Fire department, hose, etc.	450

Total \$ 115,960

And when so amended recommend the same do pass.

JUDSON LAMOURE,

Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 108,

A bill for an act to Provide an appropriation for the current and contingent expenses of the institution for feeble minded at Grafton, North Dakota.

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

That the title to said bill be amended to read as follows:

An act to provide an appropriation for the current and contingent expenses and for permanent improvements of the institution for the feeble minded at Grafton.

That section 1 of said bill be amended to read as follows:

SECTION 1. Appropriation.) There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purpose of paying the current and contingent expenses and for permanent improvements of the institution for the feeble minded at Grafton, for the period beginning March 1, 1907, and ending March 1, 1909, the sum of eighty-six thousand and six hundred dollars, or as much thereof as may be necessary, as follows:

For maintenance	\$ 11,500
For employes' wages, including officers' salaries	24,000
For fuel and lights	9,000
For training school supplies and amusements	400
For incidental expenses	1,000
For drugs, medicines, etc.	500
For repairs	500
For plumbing	250
For beds and bedding	600
For furniture	600
For electrical supplies and repairs	100
For supplies for engine room	400
For laundry machinery and repairs	200
For paints and painting	750
For farm implements and vehicles	600

For new power house, including water tank and tower	15,000
For remodeling west wing	12,000
For fire apparatus and water connections	1,000
For farm house repairs	500
For granary and machine sheds	800
For stock	400
For improvement to grounds	500
For additional land	6,000
	<hr/>
Total	\$ 86,600

Provided, That before any of the money hereby appropriated for the purchase of land is available, the governor of this state shall give his assent thereto.

And when so amended recommend the same do pass.

JUDSON LAMOURE,

Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 285,

A bill for an act to foster the development of mineral and allied industries by providing for experimentation, encouragement and inspection and by making an appropriation therefor.

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

That the title of said bill be amended to read as follows:

An act to foster the development of mineral and allied industries by providing for experimentation, encouragement, publicity and practical tests under the direction of the school of mines.

That all before and after the enacting clause be stricken out and the following inserted:

SECTION 1. In order to aid in the development of our mineral resources and manufacturing industries and to keep good faith with the United States government in accepting the land grant and to further the purpose of the grant, the board of trustees of the State University and School of Mines are directed to provide suitable means for experimentation and practical testing of the mineral and other allied resources in order to demonstrate their fitness for mining and manufacturing industries. It shall be the duty of the dean of the School of Mines to make or to cause to be made by suitable persons, as rapidly as may be, exhaustive and practical tests of all mineral and allied resources to show the exact value and uses of all these materials, as well as the best and most economical methods of extracting and manufacturing.

The products thus derived shall be properly labelled and kept for public inspection in the museum of said School of Mines, excepting at such times as these products may be needed as displays for the purpose of securing the development of industries. Investigations and practical tests shall be made to obtain a cheap and efficient method of lignite coal briquetting and to show by actual tests the best methods of burning lignite; to determine the possibility of utilizing lignite as a gas producing material and also for power and lighting; to determine the value of sandstones and other stones for building material; to test clays for table ware, earthenware, stoneware, sewer pipe, etc.; to take up other resources for practical testing as opportunity is afforded. In order that the greatest possible good may come from the practical testing and other provisions of this bill, and in order to promote the development of the mining and allied manufacturing industries, bulletins shall be published from time to time by the School of Mines announcing the progress and results of all tests and investigations and giving as much aid as possible relative to the best method of mining, handling, treating and manufacturing of various products. A biennial report shall also be issued.

And when so amended recommend the same do pass.

JUDSON LAMOURE,
Chairman.

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

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred
Senate Bill No. 275,

A bill for an act creating the office of field officer and curator of the state historical society of North Dakota, authorizing the appointment of a field officer and curator for such society, defining the duties of the incumbent of such office and providing for an appropriation.

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

Change the title and preamble of the bill to read as follows:

An act making an appropriation for the state historical society of North Dakota.

WHEREAS, the rapid settlement of this state renders the procuring of historical data, relics and topographical drawings, and especially data relating to the Indian tribes and of the early explorers of the upper Missouri river, yearly more difficult; and

WHEREAS, The tenth legislative assembly of the state of North Dakota reposes great confidence in the ability, integrity and devotion of E. R. Steinbrueck to the field and museum work of said historical society; and

WHEREAS, The said tenth legislative assembly is confident that money appropriated under this act will be expended to the great benefit of this state and nation, and in partial recognition of the past valuable services of the said E. R. Steinbrueck; and

WHEREAS, The standing appropriation for the state historical society is inadequate to properly pay for the services of a field officer and for a curator of the museum of the society; therefore

Be It Enacted by the Legislative Assembly of the State of North Dakota:

That all after the enacting clause be stricken out and the following inserted:

SECTION 1. Appropriation.) There is hereby appropriated annually out of any money in the hands of the state treasurer, not otherwise appropriated, for the State Historical Society of North Dakota, the following sums, viz:

Toward salary of field officer	\$ 750.00
Toward salary of curator of museum	500.00

SEC. 2. Emergency.) An emergency exists in this, that the work of the field officer shall begin in March, 1907, therefore this act shall be in force from and after its passage and approval.

And when so amended recommend the same do pass

JUDSON LAMOURE,
Chairman.

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

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 139,

A bill for an act to provide for the maintenance of the industrial school and school for manual training located at Ellendale, and for making necessary improvements, and making an appropriation therefor.

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

That the title to said bill be amended to read as follows:

An act to provide for making necessary improvements at the Industrial School and School for Manual Training, located at Ellendale, providing for the payment of interest on certificates of indebtedness and making an appropriation therefor.

That section 1 of said bill be amended to read as follows:

SECTION 1. Appropriation.) For making necessary improvements at the industrial school and school for manual training, located at Ellendale and for the payment of interest due on certificates of indebtedness, there is hereby appropriated out of the state treasury, from any moneys not otherwise appropriated, the sum of thirty-three thousand eight hundred dollars, as follows:

For dormitory	\$ 25,000
For repairs	2,500
For mechanical and industrial arts	2,000
For purchase of library books	1,000

For improvements of ground	500
For payment of interest on certificates of indebtedness	2,800
Total	\$ 33,800

And when so amended recommend the same do pass.

JUDSON LAMOURE,
Chairman.

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

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred
Senate Bill No. 84,

A bill for an act making an appropriation for the completion of the buildings of the North Dakota blind asylum, for a boiler house and connections for the same and for furniture and fixtures.

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

JUDSON LAMOURE,
Chairman.

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

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred
Senate Bill No. 243,

A bill for an act to reimburse the person or persons who advanced certain sums of money for the use and benefit of the state normal school at Mayville, the state normal school at Valley City and the industrial school at Ellendale, to provide for the interest on the said sums and making an appropriation therefor.

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

JUDSON LAMOURE,
Chairman.

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

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 18,

A bill for an act appropriating money for the enforcement of the food law, drug law, formaldehyde and Paris green laws, and the paint law. Also for making such investigations as are deemed necessary for the purpose of gaining information under the laws mentioned and for the dissemination of information.

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

That at the end of section 1 of said bill there be inserted the following:

Provided, That of the amount herein appropriated there shall be paid to Prof. E. F. Ladd, state pure food commissioner, in addition to any sum or sums he may from time to time receive as salary from the Agricultural College, so long as he shall continue to fill said position, the sum of \$500 annually, to be paid him quarterly.

That a new section be added to said bill to be known as section 2, as follows:

SEC. 2. Whereas, it is important that the provisions of this act shall be in effect prior to July 1st, an emergency exists and this act shall take effect from and after its passage and approval.

And when so amended recommend the same do pass.

JUDSON LAMOURE,
Chairman.

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

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 117,

A bill for an act appropriating money for the construction and equipment of an engineering building and for making improvements in the mechanical laboratories and shops of the North Dakota agricultural college.

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

JUDSON LAMOURE,
Chairman.

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

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 54,

A bill for an act making an appropriation for a deficit in expenses for the construction of additions to present buildings, for heating plant, erection and equipment of a dormitory for state normal school at Mayville, and for interest on overdue warrants issued in connection therewith.

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

JUDSON LAMOURE,
Chairman.

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

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 69,

A bill for an act making an appropriation for carrying into effect provisions of law relating to the duties of the commissioner of agriculture and labor.

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

JUDSON LAMOURE,
Chairman.

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

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 101,

A bill for an act making an appropriation to the Dickinson experiment station located at the city of Dickinson in Stark county.

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

By striking out the words "forty thousand" in line 1 of the printed bill, and inserting in lieu thereof the words "twenty-three thousand four hundred and seventy-five."

And when so amended recommend the same do pass.

JUDSON LAMOURE,
 Chairman.

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

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 39,

A bill for an act to provide for new buildings, and for making needed permanent improvements for the school of deaf and dumb, located at Devils Lake, North Dakota, and making an appropriation therefor.

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

That the title of said bill be amended to read as follows:

An act to provide for making needed permanent improvements for the school for the deaf at Devils Lake, and making an appropriation therefor.

That section 1 of said bill be amended to read as follows:

SECTION 1. Appropriation.) There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of

twelve thousand five hundred dollars for permanent improvements and repairs to the school for the deaf at Devils Lake, viz::

For addition to main building	\$ 8,000
For new boilers and other heating apparatus	3,000
For repairing barn	1,500

Total \$ 12,500

And when so amended recommend the same do pass.

JUDSON LAMOURE,
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 91,

A bill for an act making appropriation for improvements and furnishings for the state normal school at Mayville, and for the construction of a woman's dormitory for said school.

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

That the title of said bill be amended to read as follows:

An act making an appropriation for completing the present building and for furniture, fixtures and improvements for the state normal school at Mayville and for the erection of a women's dormitory for said school.

That section 1 of said bill be amended to read as follows:

SECTION 1. Appropriation.) There is hereby appropriated out of the money in the state treasury, not otherwise appropriated, for the state normal school at Mayville, sums of money as follows:

To complete the building now erected, including furniture, fixtures and the construction of the boy's bath room	\$ 15,000
For repairs on old building, including new roof	5,000
For shed for storing coal and necessary trackage....	1,000
For improvement of grounds, including grading, trees, seeding, walks, etc.	1,000
For equipment of biological, physical and chemical laboratory, with plumbing, furniture and apparatus	2,500
For purchase of library books	1,000
For the erection of a women's dormitory	20,000

Total \$ 45,500

And when so amended recommend the same do pass

JUDSON LAMOURE,
Chairman.

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

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 87,

A bill for an act making an appropriation towards paying deficiency or debts on armories already constructed, or towards the construction of armories for the various military companies of the state of North Dakota.

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

That the title amended as follows:

After the word "Dakota" in line 4 of the printed bill add the following: "And for the creating of a board of armory supervisors and defining its duties, for the transfer of armories upon the mustering out of any military organization enumerated, and defining the duties of the state treasurer in carrying out the provisions of this act."

That all after the enacting clause be stricken out, and that in lieu thereof the following be inserted:

SECTION 1. Board of Armory Supervisors Created. Duties.) The Governor, Adjutant General and Colonel commanding the regiment are hereby constituted a board of armory supervisors, whose duty it shall be to approve the selection of all armory sites and the purchase of buildings thereon, to approve the plans and specifications for the erection of all armories, and to audit and approve all bills, claims and accounts in connection with the construction or purchase of all armories before such bills, claims and accounts shall be paid, and to perform such other duties as the provisions of this act may require.

SEC. 2. Appropriation.) To every company, battery or regimental band of the North Dakota National Guard who shall have first deposited with the state treasurer the sum of \$2,000 as an evidence of good faith, and shall have conveyed to the state of North Dakota by a good and sufficient deed of warranty the title to a site for an armory, which site shall have first been approved by the board of armory supervisors, or shall have conveyed to the state an armory site with armory buildings thereon, such buildings to be of the value of not less than \$7,000, and to be first approved by the board of armory supervisors, there is hereby appropriated the sum of \$5,000; provided, that any one such appropriation shall be made for armory purposes, in any one city or town, and provided, further, that no more than thirteen state military organizations shall receive the benefit of this act; and provided, further, that no more than three state military organization shall receive appropriations in the amount specified in the year A. D. 1908, and two in each year thereafter until the thirteen state military organizations shall each have received an appropriation of five thousand dollars; and provided, further, that the board of armory supervisors shall designate which state military organizations shall receive aid in any one year and in determining which shall receive aid first, they shall take into consideration the proficiency of the military organization asking for aid

and its needs; and provided, further, there is hereby appropriated out of the state treasury in the year A. D. 1908 the sum of fifteen thousand dollars and the sum of ten thousand dollars annually thereafter for five years.

SEC. 2. Duty of the State Treasurer.) The state treasurer shall keep a separate account with each company, battery or regimental band that shall avail itself of the provisions of this act, crediting the same with the two thousand dollars deposited by the company, battery or regimental band with the state treasurer, together with the appropriation, made under the provisions of this act, and all bills for the constructoin or purchase of armories, or the paying of debts or mortgages against armories shall, after being approved by the board of armory supervisors and the state board of auditors, be paid out of the said account or fund upon the warrant of the state auditor.

SEC. 4. Transfer of Armories When Company, Battery or Regimental Band is Mustered Out of Service.) Whenever any company, battery or regimental band which has availed itself of the provisions of this act and has received the appropriation provided herein, shall be mustered out of the service of the state and it shall appear that there is no probability of a new company, battery or regimental band being organized in the city or town in which the armory is located, then and in that case the board of armory supervisors shall have the authority, and are hereby empowered to transfer the said property to the municipality in which the same is located for public purposes upon the repayment to the state of the said appropriation provided in this act, without interest.

SEC. 5. Providing for Mortgaging Armories to the State When Owned by Any Company, Battery or Regimental Band.) Whenever any such company, battery or regimental band shall own any site with armory building thereon of the value of \$10,000.00, exclusive of the value of the land, and such buildings and site shall have been approved by the board of armory supervisors as sufficient and desirable for armory purposes, then, such company, battery or regimental band, may, with the approval of the board of armory supervisors, obtain the benefits of the appropriation hereinbefore provided by executing to the state of North Dakota a mortgage on such property for the sum of \$5,000.00, payable on demand, and during the life of said mortgage said building and site shall be under the control and supervision of such company, battery or regimental band.

SEC. 6. Repeal.) That sections 1789, 1790, 1791, 1792 and 1793 of the Revised Codes of 1905 are hereby repealed.

And when so amended recommend the same do pass.

JUDSON LAMOURE,

Chairman.

Mr. LaMoure moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 17,

A bill 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.”

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

That section 1 of said bill be amended to read as follows:

SECTION 1. Appropriation.) There is hereby appropriated the following sums of money, or so much thereof as may be necessary, out of the moneys in the state treasury, not otherwise appropriated, for the purpose of paying the current and contingent expenses of the state penitentiary and for making permanent improvements and additions thereto, as follows:

For warden's salary	\$ 4,000
For deputy warden's salary	2,400
For clerk's salary	1,800
For matron's salary	800
For chaplains	500
For guards and employes	24,000
For maintenance	30,000
For heating and lighting	5,000
For repairs and improvements	2,000
For incidentals	1,000
For physician and medicines	2,800
For transportation of discharged inmates, including temporary aid and clothing	5,000
For clothing	5,000
For bedding	1,000
For books and stationery	500
For water supply	3,000
For building and equipping a cell house addition..	80,000
For purchase of farm land	10,000
For addition and improvements to officers' quarters and addition to office	2,500

Total \$ 181,300

Provided, that before any of the money hereby appropriated for the purchase of land is available, the governor of this state shall give his assent thereto.

And when so amended recommend the same do pass.

JUDSON LAMOURE,
Chairman.

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

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 129,

A bill for an act to amend and re-enact sections 1034, 1035, and 1036 of the Revised Codes of 1905, relating to

education.

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

That in line 7, page 2, of the printed bill, the words "one thousand" be stricken out and the words "eight hundred" be inserted; that in line 9, page 2, printed bill, the word "six" be stricken out and the word "five" inserted; that after the word "work," line 11, page 2, printed bill be inserted the following: "The sum of three hundred dollars each year to each school having a two years' high school course and doing two years' high school work."

And when so amended recommend that the same do pass:

JUDSON LAMOURE,
Chairman.

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

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 62,

A bill for an act providing for the erection of a building upon the agricultural grounds in which to conduct the experiments provided for in section 1118 of the Revised Codes of North Dakota to determine the milling values of wheat and to install therein necessary machinery, providing for the maintenance of the same and making an appropriation therefor.

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

JUDSON LAMOURE,
Chairman.

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

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 64,

A bill for an act appropriating money for paying the in-

debtedness on superintendent's residence and for building a machine shed and seed house and for other improvements at Edgeley sub experiment station.

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

JUDSON LAMOURE,
Chairman.

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

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 135,

A bill for an act to provide for the erection of necessary additional buildings and other improvements at the state hospital for the insane at Jamestown, North Dakota, and for a deficit on buildings erected in the years 1905 and 1906 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:

That all after the enacting clause of said bill be stricken out and the following inserted in lieu thereof:

SECTION 1. Appropriation.) There is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the purpose of erecting necessary additional buildings at the state hospital for the insane at Jamestown, North Dakota, and other needed and necessary improvements and for the proper equipment of such buildings, and for the purpose of providing for a deficit on buildings erected in the years 1905 and 1906 at the hospital for the insane at Jamestown, North Dakota, the sum of seventy-two thousand nine hundred twenty-four dollars and twelve cents (\$72,924.12), or as much thereof as can be actually used in the construction of such necessary additional buildings and improvements, and for the purpose of caring for the deficit which exists on the buildings erected in the years 1905 and 1906, as follows:

New artesian well	\$ 5,000.00
Needed repairs to make old buildings sanitary ..	1,500.00
Additional land	5,000.00
New building for violent patients, to be fire proof, with protected windows, etc.	35,000.00
Cold storage plant	5,000.00
Deficiency on buildings erected in 1905 and 1906.	21,424.12

Total \$ 72,924.12

Provided, that the sum of \$35,000 as above appropriated for a new building for violent patients shall not be available until May 1, 1908.

Provided, further, that before any of the money hereby appropriated for the purchase of land is available, the governor of this state shall give his assent thereto.

SEC. 2. Emergency.) Whereas, an emergency exists in this, that the money hereby appropriated should be available before July 1, 1907, 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:

JUDSON LAMOURE,
Chairman.

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

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 186,

A bill for an act making an appropriation for expenses incurred in repairs made to the so-called main building at the state university and school of mines of North Dakota during the summer of 1906.

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

JUDSON LAMOURE,
Chairman.

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

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 242,

A bill for an act making an appropriation to pay the interest due in the years 1907 and 1908 upon certain so-called institution bonds now held in the permanent school fund of the state.

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

JUDSON LAMOURE,
Chairman.

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

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred
Senate Bill No. 245,

A bill for an act to amend section 393 of the Revised Codes of 1905, providing for an appropriation for supplies for the capitol building, executive mansion and the public grounds and parks connected therewith and for necessary repairs upon the capitol building and executive mansion.

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

JUDSON LAMOURE,
Chairman.

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

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred
Senate Bill No. 195,

A bill for an act providing for the naming by the governor of the state of a board of grain commission, prescribing their duties and providing an appropriation therefor.

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

JUDSON LAMOURE,
Chairman.

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

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 246,

A bill for an act making an appropriation to pay the deficiency in the appropriation for the maintenance of the capitol for the years 1905 and 1906.

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

JUDSON LAMOURE,

Chairman.

Mr. LaMoure moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 153,

A bill for an act making appropriations for the current and contingent expenses of the state reform school of North Dakota, and for making permanent improvements thereto.

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

That section 1 of said bill be amended so as to read as follows:

SECTION 1. Appropriation.) There is hereby appropriated the following sums of money or so much thereof as may be necessary, out of the moneys in the state treasury, not otherwise appropriated, for the purpose of paying the current and contingent expenses of the state reform school at Mandan:

For repairs	\$ 800
For library	200
For building and equipping a manual training building	11,000
For purchasing land for the use of the school.....	5,000
For water supply	3,500

Total

\$ 20,500

Provided, that before any of the money hereby appropriated for the purchase of land is available, the governor of this state shall give his assent thereto.

And when so amended recommend that the same do pass

JUDSON LAMOURE,

Chairman.

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

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 14,

A bill for an act making appropriations for permanent improvements at the state university and school of mines of North Dakota.

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

That section 1 of said bill be amended to read as follows:

SECTION 1. Appropriation. There is hereby appropriated the following sums of money, or so much thereof as may be necessary, out of the moneys of the state treasury, not otherwise appropriated, for the purpose of making the following permanent improvements at the state university and school of mines of North Dakota, as follows:

To construct a sewer from the state university and school of mines to connect with the city sewer of the city of Grand Forks at the nearest point.....	\$ 10,000
For the erection of a combined assembly hall, armory and gynasium	25,000
For the erection of a building for the school of mines	20,000
For the purchase of books for the library	1,000
For needed repairs to the young women's dormitories, known as Davis' Hall and The Cottage	10,000
Total	\$ 66,000

And when so amended recommend that the same do pass

JUDSON LAMOURE,
Chairman.

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

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 118,

A bill making an appropriation for the purchase of a building, paying indebtedness on a machine shop, paying

sewer assessment, making repairs on building, for equipment and furniture, for library, book cases and library furniture, and maintenance of school for two years, beginning January 1, 1907, for the North Dakota academy of science, located at Wahpeton, North Dakota.

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

That the title of said bill be amended so as to read as follows:

An Act Making an Appropriation for the Purchase of a Building, Paying Indebtedness on a Machine Shop, Paying Sewer Assessment, Making Repairs on Building, for Furniture and Equipment and for Library, Bookcases and Library Furniture.

That section 1 of said bill be amended so as to read as follows:

SECTION 1. Appropriation.) There is hereby appropriated the following sums of money, or so much thereof as may be necessary, not otherwise appropriated, for the purpose of purchasing the Red River Valley university, making repairs on same, for equipment and furniture, for library, bookcases and library furniture, for payment of indebtedness on machine shop and for payment of sewer assessment on lands of the North Dakota academy of science, located at Wahpeton, North Dakota. as follows:

For the purchase of the Red River Valley university property	\$ 17,000
For payment of borrowed money used in building machine shop	5,100
For sewer assessment of entire property	5,000
For repairs on building	2,500
For equipment and furniture	2,000
For library, bookcases and library furniture	1,000
Total	\$ 32,600

That a new section be added to be known as section 2, as follows:

SEC. 2. Whereas, an emergency exists in this, that the funds above provided for should be available prior to July 1st; therefore, this act shall take effect and be in force from and after its passage and approval.

And when so amended recommend that the same do pass:

JUDSON LAMOURE,

Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 116,

A bill for an act appropriating money for buildings, for repairs and for making improvements at the North Dakota agricultural college and experiment station at Fargo.

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

That section 1 of said bill be amended to read as follows :

SECTION 1. Appropriation.) There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of thirty-seven thousand dollars for buildings, repairs and improvements for the North Dakota agricultural college and experiment station, as follows :

For construction and equipment of greenhouse for horticultural department	\$ 6,000
For enlargement of drill hall	6,500
For construction of shed for farm machinery	2,000
For root cellar and seed house	10,000
For repair of administration building, for a new roof on Francis Hall and for miscellaneous repairs on other buildings, including cement walks	12,500
Total	\$ 37,000

And when so amended recommend that the same do pass:

JUDSON LAMOURE,
Chairman.

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

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 268,

A bill for an act making an appropriation to pay for certain books for the state law library.

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

JUDSON LAMOURE,
Chairman.

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

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 185,

A bill for an act appropriating money to provide for the

maintenance of a public health laboratory in the medical department of the state university and school of mines at Grand Forks.

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

That the title of said bill be amended to read as follows :

An Act Appropriating Money to Provide for the Equipment and Maintenance of a Public Health Laboratory in the Medical Department of the State University and School of Mines at Grand Forks.

That all after the enacting clause of said bill be stricken out and the following inserted in lieu thereof :

SECTION 1. For the purpose of meeting the necessary expenses in the conduct of a public health laboratory in the medical department of the state university and school of mines at Grand Forks, there is hereby annually appropriated out of the state treasury, from any moneys not otherwise appropriated, the sum of five thousand dollars, or so much thereof as may be necessary, subject to the control and regulation of the board of trustees of such institution.

SEC. 2. For the purpose of providing proper equipment and apparatus for said public health laboratory there is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of two thousand dollars.

SEC. 3. Whereas, it is necessary that the apparatus herein provided for should be purchased prior to July 1st, therefore an emergency exists and section 2 of 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:

JUDSON LAMOURE,
Chairman.

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

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 111,

A bill for an act creating and establishing an agricultural experiment station at or near Hanna or Langdon in Cavalier county, providing for its management and making an appropriation therefor.

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

JUDSON LAMOURE,
Chairman.

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

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred
Senate Bill No. 244,

A bill for an act prescribing the duties and authority of
the commissioners of public printing, and making an approp-
riation for public printing and binding.

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

JUDSON LAMOURE,
Chairman.

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

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred
House Bill No. 64,

A bill for an act providing for the revision and com-
pilation of the school laws of the state of North Dakota
and appropriate money therefor.

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

That the title of said bill be amended to read as follows:

An Act Providing for the Revision and Compilation of the School Laws
of the State of North Dakota.

That section 1 of said bill be amended to read as follows:

SECTION 1. Acting under the supervision of the governor, the attorney
general shall revise, compile, arrange, simplify and classify the school laws
of this state which may be in force on the first day of July, 1907. The
laws so compiled shall be comprehensively and accurately indexed, prefaced
with a general table of contents and shall have brief and comprehensive
annotations. The said attorney general and governor shall report to the
next session of the legislative assembly any contradictions, inconsistencies
and omissions found in the existing laws and shall draft and report to that
session of the said legislative assembly such school laws as, in their judg-

ment, would be of use and benefit to the state, for the information, assistance and action of said legislative assembly.

That section 3 of this bill be stricken out.

JUDSON LAMOURE,
Chairman.

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

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills to whom was referred

Senate Bill No. 2,

A bill for an act to amend sections 2740, article 17, immediately after section 2770, section 2778, section 2780, section 2782, section 2783, section 2769, section 2798, section 2815 and special section 2779 of chapter 30 of the Political Code of the State of North Dakota, Revised Codes of 1905, relating to cities.

Have carefully examined the same, and find the same correctly enrolled.

GEORGE M. YOUNG,
Chairman.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills to whom was referred

Concurrent Resolution relating to transfer of funds.

Have carefully examined the same, and find the same correctly enrolled.

GEORGE M. YOUNG,
Chairman.

The secretary announced that the president was about to sign

Concurrent Resolution relating to twine plant funds.

Also,

Senate Bill No. 2,

A bill for an act to amend sections 2740, article 17, imme-

diately after section 2770, section 2778, section 2780, section 2782, section 2783, section 2769, section 2798, section 2815 and special section 2779 of chapter 30 of the Political Code of the State of North Dakota, Revised Codes of 1905, relating to cities.

And the president signed the same in the presence of the senate.

Mr. Regan moved

That the rules be further suspended and House Bill No. 153 be given its first and second reading and reference.

Which motion prevailed, and

House Bill No. 153,

A bill for an act to regulate the operation of passenger and freight trains over railway lines in this state, and to regulate the receipt, transportation and delivery of freight by common carriers, and providing penalties for violations of the act.

Was read the first and second time, and

Referred to the committee on railroads.

Mr. Little moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

J. W. FOLEY,
Secretary.

FORTY-NINTH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 25, 1907.

The senate convened at 2 o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Gilbert, Movius, Palmer, Talcott, who were excused.

REFERENCE OF THE JOURNAL.

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

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

On page 5, line 38, strike out the word "for" and insert the word "of."
On page 7, line 15, strike out the word "repeal" and insert the word "re-enact."

On page 8 line 13, strike out the words "of the state of" and insert the word "in."

On page 8, line 28, strike out the words "of the state of" and insert the word "in."

In line 33, page 17, strike out the words "taxation and tax laws" and insert the words "ways and means."

On page 18, line 12, strike out the words "taxation and tax laws" and insert the words "ways and means."

On page 18, line 31, strike out the words "taxation and tax laws" and insert the words "ways and means."

And when so amended recommend that the same be approved.

J. D. TAYLOR,
Chairman.

Mr. Taylor moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

Mr. Spoonheim presented the following petition:

NIAGARA, N. D., February 14, 1907.

*To the Senate and House of Representatives of the Tenth
Legislative Assembly of the State of North Dakota:*

We, the undersigned, residents and voters of Niagara, North Dakota, respectfully petition your honorable bodies to support and vote for a bill introduced by Senator J. D. Taylor of the Seventh district, known as Senate Bill No. 14.

GEO. B. KIRK, SR.,
And 21 Others.

Mr. Swenson presented the following petition:

*To the Honorable Members of the Senate and the House of
Representatives, Bismarck, North Dakota:*

GENTLEMEN: We, the undersigned, residents of Nelson county and vicinity, North Dakota, hereby urge in this petition, that your honorable bodies grant as large an appropriation as is at all possible for the use of the department of agriculture and labor, and thus enable the Hon. W. C. Gilbreath, commissioner, to further carry out his most effective work in advertising our state—a work which we regard as of the very highest order.

In view of the grossly exaggerated adverse reports regarding our state's climate, etc., and the further fact that other states of the Union (as well as Canada) are spending vast sums in exploiting the advantages of their respective sections, we think it is vitally necessary to prosecute with special vigor the work now so well under way by our department of agriculture and labor.

CHAS. R. PETTES,
And 150 Others.

Mr. Stade presented the following petition:

*To the Honorable Members of the Senate and the House of
Representatives, Bismarck, North Dakota:*

GENTLEMEN: We, the undersigned, residents of Ramsey county, North Dakota, hereby urge in this petition, that your honorable bodies grant as large an appropriation as is at all possible for the use of the department of agriculture

and labor, and thus enable the Hon. W. C. Gilbreath, commissioner, to further carry out his most effective work in advertising our state—a work which we regard as of the very highest order.

In view of the grossly exaggerated adverse reports regarding our state's climate, etc., and the further fact that other states of the Union (as well as Canada) are spending vast sums in exploiting the advantages of their respective sections, we think it is vitally necessary to prosecute with special vigor the work now so well under way by our department of agriculture and labor.

JOHN W. MAHER,
And 105 Others.

COMMUNICATION FROM THE SECRETARY OF STATE.

The following communication was received from the secretary of state:

STATE OF NORTH DAKOTA,
DEPARTMENT OF STATE,
BISMARCK, February 25, 1907.

J. W. Foley, Secretary of the Senate:

SIR: I beg to state that I have forwarded Concurrent Resolution offered by Mr. Cashel relating to a proposed survey and drainage of the valley of the Red River of the North:

One copy each to the senators and representatives in congress of the states of Minnesota, North and South Dakota, the speaker of the legislature of Manitoba, and the presiding officer of the Dominion parliament at Ottawa, Canada.

Very respectfully,

ALFRED BLAISDELL,
Secretary of State.

REPORTS OF STANDING COMMITTEES.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 207,

A bill for an act creating a state library commission, defining its duties and providing for its maintenance.

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

That the title of said bill be amended to read as follows:

An Act Creating a State Library Commission, Defining Its Duties and Providing an Appropriation for Its Maintenance.

That section 1 of said bill be amended to read as follows:

SECTION 1. There is hereby created a state public library commission consisting of three members.

That section 2 of said bill be amended to read as follows:

SEC. 2. The president of the North Dakota Library Association and the superintendent of public instruction are hereby constituted ex-officio members of the said public library commission and the governor of the state shall appoint as soon as practicable after the passage and approval of this act one suitable person within the state as a member of the said state public library commission, which appointment shall be confirmed by the senate. The commission shall elect its own officers from among its own members and shall also have power to select a competent person as librarian, who shall have control and be in charge of the library work of the commission.

That section 3 of said bill be amended to read as follows:

SEC. 3. The member appointed by the governor shall be appointed for a term of two years from April 1, 1907, and until his successor is appointed and qualified. In case of appointment to fill a vacancy caused by resignation, death or removal, the appointment shall be made for the unexpired term of the member whose death, resignation or removal caused the vacancy.

That section 9 of said bill be amended to read as follows:

SEC. 9. There is hereby appropriated for the use and purposes of the state library commission any unexpended balances in the funds appropriated for the educational reference library and traveling libraries and also an annual appropriation of fifteen hundred dollars out of any moneys in the state treasury not otherwise appropriated.

That section 10 of said bill be amended to read as follows:

SEC. 10. All acts and parts of acts in conflict with the provisions of this act are hereby repealed, especially any acts or parts of acts carrying any appropriation for the so-called educational reference library and traveling libraries.

And when so amended recommend that the same do pass:

J. LAMOURE,
Chairman.

Mr. LaMoure moved

That the report be adopted,

Which motion prevailed and

The report of the committee was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 270,

A bill for an act to provide for the payment of the necessary expenses of the state officers of the state of North Dakota.

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

That section 1 of said bill be amended to read as follows:

SECTION 1. The governor, secretary of state, state auditor, state treasurer, attorney general, commissioner of agriculture and labor, commissioner of insurance, superintendent of public instruction, clerk of the supreme court, commissioner of university and school lands, state inspector of oils and adjutant general shall each for himself receive for the years 1907 and 1908 the sum of five hundred dollars per annum for the purpose of defraying his personal expenses in the discharge of the duties pertaining to his office and for other necessary expenses, to be paid quarterly without the filing of any itemized statement.

That section 3 of said bill be stricken out.

And when so amended recommend that the same do pass:

J. LAMOURE,
Chairman.

Mr. LaMoure moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 56,

A bill for an act to amend section 242, chapter IV of the Revised Codes of 1905, relating to appropriations to the state historical society of North Dakota.

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

That all after the enacting clause be stricken out and the following inserted:

SECTION 1. That section 242, chapter 4, of the Revised Codes of 1905, be amended to read as follows:

Sec. 242. Appropriation.) For the purpose of aiding in the performance of said duties there is hereby annually appropriated to the said society the sum of two thousand dollars. The board of directors of said society shall keep a correct account of the manner of expenditure of the money hereby appropriated and report annually to the governor a detailed statement of such expenses.

Sec. 2. Whereas, there are not sufficient funds to provide for the care and equipment of the new museum, 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 the same do pass.

J. LAMOURE,
Chairman.

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

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred
Senate Bill No. 95,

A bill for an act appropriating money from the state treasury, not otherwise appropriated, to compensate the clerk of the district court of Stark county, in this state, for the years 1905 and 1906, for services in connection with his office required by law to be by him performed for cases arising in unorganized territory attached to Stark county for judicial purposes.

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

J. LAMOURE,
Chairman.

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

The committee on judiciary made the following report:
Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 292,

A bill for an act creating and defining the Tenth judicial district within the state of North Dakota; providing for the election of a judge therein and fixing the terms of court in said district.

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

That on page 1 in line 12 of section 1 of the printed bill, the word "April" be stricken out and the word "May" be inserted in lieu thereof.

That on page 1, in line 12 of section 1, of the printed bill, the word "first" be stricken out and the word "second" be inserted in lieu thereof.

That in page 1, in line 13 of section 1, the words "Wednesday after the first Monday" be stricken out and the word "Tuesday" be inserted in lieu thereof.

That on page 2, in line 27 of the printed bill, insert the word "June" after the word "in."

That on page 2, in line 28 of the printed bill, insert the word "December" after the word "in."

That on page 3, in line 3 of section 2, strike out all of said section after the figures "1908" and insert in lieu thereof the following: "And thereafter as provided by law."

That the following sections be added as sections 4 and 5 of the printed bill:

SEC. 4. Until the election and qualification of the judge of the district court for said district as hereby provided all of the territory comprehended in said 10th judicial district shall be and remain a part of said 6th judicial district.

SEC. 5. Whenever any of the unorganized counties or territory referred to in subdivision 2 of section 1 of this act become organized as counties, then there shall be held in each of such new counties two terms of court in each year at such times as the judges shall fix.

And when so amended recommend the same do pass.

C. B. LITTLE,
Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 290,

A bill for an act to amend and re-enact section 468 of the Revised Codes of North Dakota for the year A. D. 1905, relating to judicial districts within the state.

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

C. B. LITTLE,
Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 221,

A bill for an act entitled an act concerning artesian wells and the regulation and acquirement of rights to the use of water therefrom.

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

C. B. LITTLE,
Chairman.

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

The committee on insurance made the following report:
Mr. President:

Your committee on insurance to whom was referred
Senate Bill No. 254,

A bill for an act regulating the organization and operation of corporations, associations and societies to do and transact upon the assessment plan the business of accident or sickness, or accident and sickness insurance, providing for the regulation and control of the same, and to regulate and control such corporations, associations and societies organized in other states, territories and countries and doing business in this state, prescribing the duties of the insurance commissioner of the state in relation thereto, and fixing the penalty for the violation of its provisions.

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

L. A. SIMPSON,
Chairman.

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

The committee on insurance made the following report:
Mr. President:

Your committee on insurance to whom was referred
Senate Bill No. 123,

A bill for "An act regulating fraternal beneficiary societies, orders or associations, establishing a standard mortality table therefor, requiring adequate rates with an actual accounting and distribution, providing for valuation of certificates, designating plans of insurance and beneficiaries and declaring any contract in conflict herewith void.

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

L. A. SIMPSON,
Chairman.

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

The committee on ways and means made the following report:

Mr. President:

Your committee on ways and means to whom was referred Senate Bill No. 306,

A bill for an act to provide for the assessment of lignite coal and minerals underlying lands in cases of several ownership.

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

A. T. KRAABEL,
Chairman.

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

The committee on ways and means made the following report:

Mr. President:

Your committee on ways and means to whom was referred Senate Bill No. 212,

A bill for an act to amend section 28 of the Revised Codes of North Dakota of 1905, relating to legislative officers and employes and their compensation.

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

Strike out all after the enacting clause and insert the following:

SECTION 1. Amendment.) That section 28 of the 1905 Revised Codes of North Dakota be and the same is hereby amended and re-enacted to read as follows:

Sec. 28. Officers and Employes. Compensation.) The following shall be the officers and employes of the senate and the house of representatives of the legislative assembly, with the compensation as herein provided for:

For the senate:

A president pro tempore, whose compensation shall be two dollars per day.

- One secretary, whose compensation shall be six dollars per day.
- Two assistant secretaries, whose compensation shall be five dollars per day.
- One enrolling and engrossing clerk, whose compensation shall be five dollars per day.
- Three assistant enrolling and engrossing clerks, whose compensation shall be four dollars per day.
- One voucher clerk and bookkeeper, whose compensation shall be four dollars per day.
- One stenographer, whose compensation shall be five dollars per day.
- One sergeant-at-arms, whose compensation shall be five dollars per day.
- One door-keeper, whose compensation shall be four dollars per day.
- One messenger, whose compensation shall be four dollars per day.
- One postmaster, whose compensation shall be four dollars per day.
- Six pages, whose compensation shall be two dollars per day.
- One proofreader, whose compensation shall be five dollars per day.
- One chaplain, whose compensation shall be three dollars per day.
- Two janitors, whose compensation shall be four dollars per day.
- One watchman, whose compensation shall be four dollars per day.
- One cloak room attendant, whose compensation shall be four dollars per day.
- One bill clerk, whose compensation shall be four dollars per day.
- One door-keeper for gallery, who shall act as assistant to the sergeant-at-arms, whose compensation shall be four dollars per day.
- One assistant bill clerk, whose compensation shall be four dollars per day.
- One clerk of judiciary committee, whose compensation shall be five dollars per day.
- One clerk of appropriation committee, whose compensation shall be five dollars per day.
- One clerk of state affairs committee, whose compensation shall be five dollars per day.
- One journal clerk, who shall be under the supervision of the secretary of the senate and whose compensation shall be five dollars per day.
- One assistant journal clerk, whose compensation shall be five dollars per day.
- Eight clerks who shall be expert in stenography and typewriting, to perform clerical duties for senators and committees, each five dollars per day.
- The journal of the senate shall be completed and indexed by the secretary of the senate within ten days after adjournment thereof, and for such completion and indexing he shall be allowed the sum of fifty dollars.
- For the house of representatives:
- A speaker, whose compensation shall be two dollars per day.
- One chief clerk, whose compensation shall be six dollars per day.
- Two assistant clerks, whose compensation shall be five dollars per day.
- One voucher clerk and bookkeeper, whose compensation shall be four dollars per day.
- One chief enrolling and engrossing clerk, whose compensation shall be five dollars per day.
- Three assistant enrolling and engrossing clerks, whose compensation shall be four dollars per day.
- One stenographer, whose compensation shall be five dollars per day.
- One sergeant-at-arms, whose compensation shall be five dollars per day.
- One bill clerk, whose compensation shall be five dollars per day.
- One assistant bill clerk, whose compensation shall be four dollars per day.
- Two door-keepers, whose compensation shall be four dollars per day, and who shall be assistants to the sergeant-at-arms.
- One gallery door-keeper, whose compensation shall be four dollars per day.
- One clerk for judiciary committee, whose compensation shall be five dollars per day.

One clerk for appropriation committee, whose compensation shall be five dollars per day.

One clerk for state affairs committee, whose compensation shall be five dollars per day.

Two messengers, whose compensation shall be four dollars per day.

One postmaster, whose compensation shall be four dollars per day.

One chaplain, whose compensation shall be three dollars per day.

Eight pages, whose compensation shall be two dollars per day.

Four janitors, whose compensation shall be four dollars per day.

One watchman, whose compensation shall be four dollars per day.

One cloak-room attendant, whose compensation shall be four dollars per day.

One journal clerk, whose compensation shall be five dollars per day, and who shall be under the supervision of the chief clerk of the house.

One assistant journal clerk, whose compensation shall be four dollars per day.

Twelve clerks, who shall be expert in stenography and typewriting, to perform clerical duties for members of the house and committees, each five dollars per day.

The journal of the house shall be completed and indexed by the chief clerk of the house within ten days after the adjournment thereof, and for such completion and indexing he shall be allowed the sum of fifty dollars.

Sec. 2. No employes of the legislature other than those provided by this act shall be paid except by an act of the legislature.

Sec. 3. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

And when so amended recommend the same do pass.

A. T. KRAABEL,
Chairman.

Mr. Sharpe moved

That the further consideration of the report go over for one day.

Which motion prevailed.

The committee on public printing made the following report:

Mr. President:

Your committee on public printing to whom was referred Senate Bill No. 294,

A bill for an act to amend and re-enact section 40 of the Revised Codes of 1905.

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

C. W. PLAIN,
Chairman.

Mr. Plain moved

That the report be adopted,

Which motion prevailed and

The report of the committee was adopted.

The committee on cities and municipal corporations made the following report:

Mr. President:

Your committee on cities and municipal corporations to whom was referred

Senate Bill No. 71,

A bill for an act to amend section 3111 of the Revised Codes of North Dakota, 1906, relating to the term of office of township officers.

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

That the title of said bill be amended to read "For an Act to Repeal Section 3111 of the Revised Codes of North Dakota, 1905, Relating to the Term of Office of Township Officers."

That all after the enacting clause be stricken out and the following substituted:

SECTION 1. Repeal.) That section 3111 of the Revised Codes of North Dakota, 1905, be, and the same is hereby, repealed.

SEC. 2. Emergency.) Whereas, an emergency exists in that said section is in conflict with section 3062, therefore this act shall take effect and be in force from and after its passage and approval.

And when so amended recommend the same do pass.

H. H. STEELE,
Chairman.

Mr. Steele moved

That the report be adopted,
Which motion prevailed, and
The report of the committee was adopted.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills to whom was referred

Senate Bill No. 14,

A bill for an act making appropriations for permanent improvements at the state university and school of mines of North Dakota.

Also,

Senate Bill No. 17,

A bill 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. 18,

A bill for an act appropriating money for the enforcement of the food law, drug law, formaldehyde and Paris green laws, and the paint law. Also for making such investigations as are deemed necessary for the purpose of gaining information under the laws mentioned and for the dissemination of information.

Also,

Senate Bill No. 54,

A bill for an act making an appropriation for a deficit in expenses for the construction of additions to present buildings, for heating plant, erection and equipment of a dormitory for state normal school at Mayville, and for interest on overdue warrants issued in connection therewith.

Also,

Senate Bill No. 62,

A bill for an act providing for the erection of a building upon the agricultural grounds in which to conduct the experiments provided for in section 1118 of the Revised Codes of North Dakota to determine the milling values of wheat and to install therein necessary machinery, providing for the maintenance of the same and making an appropriation therefor.

Also,

Senate Bill No. 64,

A bill for an act appropriating money for paying the indebtedness on superintendent's residence and for building a machine shed and seed house and for other improvements at Edgeley sub experiment station.

Also,

Senate Bill No. 69,

A bill for an act making an appropriation for carrying into effect provisions of law relating to the duties of the commissioner of agriculture and labor.

Also,

Senate Bill No. 84,

A bill for an act making an appropriation for the completion of the buildings of the North Dakota blind asylum,

for a boiler house and connections for the same and for furniture and fixtures.

Also,

Senate Bill No. 87,

A bill for an act making an appropriation towards paying deficiency or debts on armories already constructed, or towards the construction of armories for the various military companies of the state of North Dakota.

Also,

Senate Bill No. 91,

A bill for an act making appropriation for improvements and furnishings for the state normal school at Mayville, and for the construction of a woman's dormitory for said school.

Also,

Senate Bill No. 101,

A bill for an act making an appropriation to the Dickinson experiment station located at the city of Dickinson in Stark county.

Also,

Senate Bill No. 105,

A bill for an act making an appropriation for the erection of a building and greenhouse for the school of forestry located at Bottineau, Bottineau county, and for the proper furnishing and equipment of the same.

Also,

Senate Bill No. 108,

A bill for an act to Provide an appropriation for the current and contingent expenses of the institution for feeble minded at Grafton, North Dakota.

Also,

Senate Bill No. 111,

A bill for an act creating and establishing an agricultural experiment station at or near Hanna or Langdon in Cavalier county, providing for its management and making an appropriation therefor.

Also,

Senate Bill No. 116,

A bill for an act appropriating money for buildings, for

repairs and for making improvements at the North Dakota agricultural college and experiment station at Fargo.

Also,

Senate Bill No. 117,

A bill for an act appropriating money for the construction and equipment of an engineering building and for making improvements in the mechanical laboratories and shops of the North Dakota agricultural college.

Also,

Senate Bill No. 118,

A bill making an appropriation for the purchase of a building, paying indebtedness on a machine shop, paying sewer assessment, making repairs on building, for equipment and furniture, for library, book cases and library furniture, and maintenance of school for two years, beginning January 1, 1907, for the North Dakota academy of science, located at Wahpeton, North Dakota.

Also,

Senate Bill No. 129,

A bill for an act to amend and re-enact sections 1034, 1035, and 1036 of the Revised Codes of 1905, relating to education.

Also,

Senate Bill No. 132,

A bill for an act to provide for the making of permanent improvements at the Valley City state normal school, to assist in the maintenance thereof, and for other purposes, and making appropriations therefor.

Also,

Senate Bill No. 133,

A bill for an act to provide an appropriation for the current and contingent expenses for the state hospital for the insane at Jamestown.

Also,

Senate Bill No. 135,

A bill for an act to provide for the erection of necessary additional buildings and other improvements at the state hospital for the insane at Jamestown, North Dakota, and for a deficit on buildings erected in the years 1905 and 1906 for the hospital for the insane at Jamestown, North Dakota.

Also,

Senate Bill No. 139,

A bill for an act to provide for the maintenance of the industrial school and school for manual training located at Ellendale, and for making necessary improvements, and making an appropriation therefor.

Also,

Senate Bill No. 153,

A bill for an act making appropriations for the current and contingent expenses of the state reform school of North Dakota, and for making permanent improvements thereto.

Also,

Senate Bill No. 185,

A bill for an act appropriating money to provide for the maintenance of a public health laboratory in the medical department of the state university and school of mines at Grand Forks.

Also,

Senate Bill No. 186,

A bill for an act making an appropriation for expenses incurred in repairs made to the so-called main building at the state university and school of mines of North Dakota during the summer of 1906.

Also,

Senate Bill No. 195,

A bill for an act providing for the naming by the governor of the state of a board of grain commission, prescribing their duties and providing an appropriation therefor.

Also,

Senate Bill No. 242,

A bill for an act making an appropriation to pay the interest due in the years 1907 and 1908 upon certain so-called institution bonds now held in the permanent school fund of the state.

Also,

Senate Bill No. 243,

A bill for an act to reimburse the person or persons who advanced certain sums of money for the use and benefit of the state normal school at Mayville, the state normal school

at Valley City and the industrial school at Ellendale, to provide for the interest on the said sums and making an appropriation therefor.

Also,

Senate Bill No. 244,

A bill for an act prescribing the duties and authority of the commissioners of public printing, and making an appropriation for public printing and binding.

Also,

Senate Bill No. 245,

A bill for an act to amend section 393 of the Revised Codes of 1905, providing for an appropriation for supplies for the capitol building, executive mansion and the public grounds and parks connected therewith and for necessary repairs upon the capitol building and executive mansion.

Also,

Senate Bill No. 246,

A bill for an act making an appropriation to pay the deficiency in the appropriation for the maintenance of the capitol for the years 1905 and 1906.

Also,

Senate Bill No. 268,

A bill for an act making an appropriation to pay for certain books for the state law library.

Also,

Senate Bill No. 285,

A bill for an act to foster the development of mineral and allied industries by providing for experimentation, encouragement and inspection and by making an appropriation therefor.

Have carefully examined the same, and find the same correctly engrossed.

GEORGE M. YOUNG,

Chairman.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills to whom was referred

Senate Bill No. 282,

A bill for an act to establish regular sessions for state board of railway commissioners and fixing the time, manner, and place, where such sessions shall be held, and otherwise defining their powers, and duties; also defining the duties of the attorney general in relation thereto.

Also,

Senate Bill No. 131,

A bill for an act to amend section 1597 of the Revised Code of 1905 of the state of North Dakota, relative to duty of county auditor.

Also,

Senate Bill No. 248,

A bill for an act to amend section 6146 of the Revised Codes of 1905 of the state of North Dakota, relating to extinction of liens.

Also,

Senate Bill No. 297,

A bill for an act requiring county officers to reside at and maintain their offices at the county seat of their respective counties.

Also,

Senate Bill No. 287,

A bill for an act to amend section 183 of the Revised Codes of 1905 of chapter 4 of the Political Code of the state of North Dakota, providing for the surrender of state or school land contracts and division of the land covered thereby, and the issuance of new contracts for such subdivisions.

Also,

Senate Bill No. 247,

A bill for an act to amend section 7598 of the Code of 1905, relating to the law of eminent domain.

Senate Bill No. 281,

A bill for an act entitled an act to provide for the vacation of alleys in cemeteries owned by cemetery corporations.

Also,

Senate Bill No. 263,

A bill for an act prohibiting servants and employees on sleeping cars and dining cars from accepting gratuities

Also,

Senate Bill No. 296,

A bill for a concurrent resolution to amend section 182 of the Constitution of the state of North Dakota, relating to a public debt and public works.

Senate Bill No. 286,

A bill for an act to authorize holders of state or school land contracts for lands over which railroads have been or may be located and established subsequent to the issuance of such contracts, to surrender such contracts, and obtain new contracts for the land less the rights of way required for such railroad, and providing for the payment to the state of the balance of the purchase price of the land required for such rights of way and issuance of deed therefor.

Also,

Senate Bill No. 167,

A bill for an act to amend section 2245 relating to license. How obtained. Fee, how determined.

Also,

Senate Bill No. 295,

A bill for an act to amend section 8983 of the Revised Codes of 1905.

Also,

Senate Bill No. 203,

A bill for an act to regulate the employment and occupation of railway telegraphers, and establishing a board of telegraph examiners.

Also,

Senate Bill No. 72,

A bill for an act defining pools and trusts and providing the penalties and remedies therefor.

Also,

Senate Bill No. 102,

A bill for an act to prohibit the manufacture and sale of cigarettes, cigarette paper or wrappers, or substitute therefor, and providing a penalty for the violation thereof.

Also,

Senate Bill No. 233,

A bill for an act making it unlawful for boards of trustees,

commissioners, directors, regents, person or persons having control or management of the state institutions of North Dakota to expend amounts in excess of appropriation, providing for monthly reports to the governor and repealing section 1283 of the Revised Codes of the state of North Da-

Have carefully examined the same, and find the same correctly engrossed.

GEORGE M. YOUNG,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. LaMoure moved

That the rules be suspended and all appropriation bills be given third reading, and placed on final passage.

Which motion prevailed.

Senate Bill No. 14,

A bill for an act making appropriations for permanent improvements at the state university and school of mines of North Dakota.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were ayes 36, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sifton
Cashel	Little	Simpson
Crane	McArthur	Spoonheim
Dyste	McDonald	Stade
Halliday	McLean	Strom
Hanna	Pierce	Strom
Johnson of McLean	Plain	Swenson
Johnson of Walsh	Purcell	Taylor
Kelly	Ramsett	Thatcher
Koffel	Regan	Turner
Kraabel	Rice	Wagner
LaMoure	Sharpe	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gilbert	Palmer	Talcott
Movius		

Messrs. Gilbert, Movius, Palmer, Talcott, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 17,

A bill 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 on the final passage of the bill.

The roll was called and there were ayes 35, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sifton
Cashel	Little	Simpson
Crane	McArthur	Spoonheim
Dyste	McDonald	Stade
Halliday	McLean	Steele
Hanna	Pierce	Strom
Johnson of McLean	Plain	Swenson
Johnson of Walsh	Purcell	Thatcher
Kelly	Ramsett	Turner
Koffel	Regan	Wagner
Kraabel	Rice	Young
LaMoure	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gilbert	Palmer	Taylor
Movius	Talcott	

Messrs. Gilbert, Movius, Palmer, Talcott, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 18,

A bill for an act appropriating money for the enforcement of the food law, drug law, formaldehyde and Paris green laws, and the paint law. Also for making such investigations as are deemed necessary for the purpose of gaining **information under the laws mentioned** and for the dissemination of information.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 33, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sifton
Cashel	Little	Simpson
Dyste	McArthur	Spoonheim
Halliday	McDonald	Stade

Messrs.—	Messrs.—	Messrs.—
Hanna	McLean	Steele
Johnson of McLean	Plain	Strom
Johnson of Walsh	Purcell	Swenson
Kelly	Ramsett	Taylor
Koffel	Regan	Thatcher
Kraabel	Rice	Turner
LaMoure	Sharpe	Wagner

Absent and not voting :

Messrs.—	Messrs.—	Messrs.—
Crane	Palmer	Talcott
Gilbert	Pierce	Young
Movius		

Messrs. Gilbert, Movius, Palmer, Talcott, being excused.

So the bill passed and the title was agreed to.

The roll was called and there were ayes 33, nays none, absent and not voting 7.

So the bill passed and the title was agreed to.

Senate Bill No. 54,

A bill for an act making an appropriation for a deficit in expenses for the construction of additions to present buildings, for heating plant, erection and equipment of a dormitory for state normal school at Mayville, and for interest on overdue warrants issued in connection therewith.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 33, nays none, absent and not voting 7.

Those who voted in the affirmative were :

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sifton
Cashel	Little	Simpson
Dyste	McArthur	Spoonheim
Halliday	McDonald	Stade
Hanna	McLean	Steele
Johnson of McLean	Plain	Strom
Johnson of Walsh	Purcell	Swenson
Kelly	Ramsett	Taylor
Koffel	Regan	Thatcher
Kraabel	Rice	Turner
LaMoure	Sharpe	Wagner

Absent and not voting :

Messrs.—	Messrs.—	Messrs.—
Crane	Palmer	Talcott
Gilbert	Pierce	Young
Movius		

Messrs. Gilbert, Movius, Palmer, Talcott, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 39,

A bill for an act to provide for new buildings, and for making needed permanent improvements for the school of deaf and dumb, located at Devils Lake, North Dakota, and making an appropriation therefor.

Was read the third time.

The question being on the final passage of the bill:

The roll was called and there were ayes 33, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sifton
Cashel	Little	Simpson
Dyste	McArthur	Spoonheim
Halliday	McDonald	Stade
Hanna	McLean	Steele
Johnson of McLean	Plain	Strom
Johnson of Walsh	Purcell	Swenson
Kelly	Ramsett	Taylor
Koffel	Regan	Thatcher
Kraabel	Rice	Turner
LaMoure	Sharpe	Wagner

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	Palmer	Talcott
Gilbert	Pierce	Young
Movius		

Messrs. Gilbert, Movius, Palmer, Talcott, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 62,

A bill for an act providing for the erection of a building upon the agricultural grounds in which to conduct the experiments provided for in section 1118 of the Revised Codes of North Dakota to determine the milling values of wheat and to install therein necessary machinery, providing for the for the maintenance of the same and making an appropriation therefor.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 34, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Simpson
Cashel	McArthur	Spoonheim
Dyste	McDonald	Stade

Messrs.—	Messrs.—	Messrs.—
Halliday	McLean	Steele
Hanna	Plain	Strom
Johnson of McLean	Purcell	Swenson
Johnson of Walsh	Ramsett	Taylor
Kelly	Regan	Thatcher
Koffel	Rice	Turner
Kraabel	Sharpe	Wagner
LaMoure	Sifton	Young
Leutz		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	Movius	Pierce
Gilbert	Palmer	Talcott

Messrs. Gilbert, Movius, Palmer, Talcott, being excused.

So the bill passed and the title was agreed to.

Messrs. Gilbert, Movius and Palmer reported as being present.

Senate Bill No. 64,

A bill for an act appropriating money for paying the indebtedness on superintendent's residence and for building a machine shed and seed house and for other improvements at Edgeley sub experiment station.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 38, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sifton
Cashel	Little	Simpson
Crane	McArthur	Spoonheim
Dyste	McDonald	Stade
Gilbert	McLean	Steele
Halliday	Movius	Strom
Hanna	Palmer	Swenson
Johnson of McLean	Plain	Taylor
Johnson of Walsh	Purcell	Thatcher
Kelly	Ramsett	Turner
Koffel	Regan	Wagner
Kraabel	Rice	Young
LaMoure	Sharpe	

Messrs. Pierce and Talcott being absent and not voting.

Mr. Talcott being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 69,

A bill for an act making an appropriation for carrying into effect provisions of law relating to the duties of the commissioner of agriculture and labor.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 38, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sifton
Cashel	McArthur	Simpson
Crane	McDonald	Spoonheim
Gilbert	McLean	Stade
Halliday	Movius	Steele
Hanna	Palmer	Strom
Johnson of McLean	Pierce	Swenson
Johnson of Walsh	Plain	Taylor
Kelly	Purcell	Thatcher
Koffel	Ramsett	Turner
Kraabel	Regan	Wagner
LaMoure	Rice	Young
Leutz	Sharpe	

Messrs. Dyste and Talcott being absent and not voting.
Mr. Talcott being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 84,

A bill for an act making an appropriation for the completion of the buildings of the North Dakota blind asylum, for a boiler house and connections for the same and for furniture and fixtures.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were ayes 39, nays none, absent and not voting 1.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sharpe
Cashel	Little	Sifton
Crane	McArthur	Simpson
Dyste	McDonald	Spoonheim
Gilbert	McLean	Stade
Halliday	Movius	Steele
Hanna	Palmer	Strom
Johnson of McLean	Pierce	Swenson
Johnson of Walsh	Plain	Taylor
Kelly	Purcell	Thatcher
Koffel	Ramsett	Turner
Kraabel	Regan	Wagner
LaMoure	Rice	Young

Mr. Talcott absent and not voting.

Mr. Talcott being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 87,

A bill for an act making an appropriation towards paying deficiency or debts on armories already constructed, or towards the construction of armories for the various military companies of the state of North Dakota.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 37, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sharpe
Cashel	McArthur	Sifton
Crane	McDonald	Spoonheim
Dyste	McLean	Stade
Gilbert	Movius	Steele
Halliday	Palmer	Strom
Hanna	Pierce	Swenson
Johnson of Walsh	Plain	Taylor
Kelly	Purcell	Thatcher
Koffel	Ramsett	Turner
Kraabel	Regan	Wagner
LaMoure	Rice	Young
Leutz		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Johnson of McLean	Simpson	Talcott

Mr. Talcott being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 88,

A bill for an act to provide a site for the statue of Sakakawea, the Indian guide of the Lewis and Clark expedition.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 34, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sifton
Cashel	McArthur	Spoonheim
Crane	McLean	Stade
Dyste	Movius	Steele
Gilbert	Palmer	Swenson
Halliday	Pierce	Taylor
Hanna	Plain	Thatcher

Messrs.—	Messrs.—	Messrs.—
Johnson of McLean	Purcell	Turner
Johnson of Walsh	Ramsett	Wagner
Kraabel	Regan	Young
LaMoure	Rice	
Leutz	Sharpe	

Absent and not voting :

Messrs.—	Messrs.—	Messrs.—
Johnson of McLean	Koffel	Spoonheim
Kelly	Simpson	Talcott

Mr. Talcott being excused.

So the bill passed and the title was agreed to.
Senate Bill No. 91,

A bill for an act making appropriation for improvements and furnishings for the state normal school at Mayville, and for the construction of a woman's dormitory for said school.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 35, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sharpe
Cashel	Little	Sifton
Crane	McArthur	Stade
Dyste	McLean	Steele
Gilbert	Movius	Strom
Halliday	Palmer	Swenson
Hanna	Pierce	Taylor
Johnson of McLean	Plain	Thatcher
Johnson of Walsh	Purcell	Turner
Koffel	Ramsett	Wagner
Kraabel	Regan	Young
LaMoure	Rice	

Absent and not voting :

Messrs.—	Messrs.—	Messrs.—
Kelly	Simpson	Talcott
McDonald	Spoonheim	

Mr. Talcott being excused.

So the bill passed and the title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the house :

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 25, 1907.

I have the honor to transmit herewith
House Bill No. 131,

A bill for an act appropriating an annual sum of money for the use of the government experiment station at Fargo

for conducting demonstration farms and for co-operating with farmers; for making experiments in the manufacture of denaturized alcohol; for publishing reports and bulletins; for analysis of fertilizers and stock foods; for complying with the provisions of the pure paint, Paris green and formaldehyde laws, and for making other experiments.

Also,

House Bill No. 179,

A bill for an act appropriating money for the benefit of the North Dakota Live Stock Association and prescribing its duties.

Also,

House bill No. 28,

A bill for an act making appropriation to cover deficiency on monument, for sewer, and reconstruction of plumbing, for remodeling, for new dormitory, and for construction of an administration building at soldiers' home.

Also,

House Bill No. 275,

A bill for an act designating the sheriff of each county inspector and sealer of weights and measures, prescribing his powers, duties and compensation, defining the standard of weights and measures for the inspector and prescribing the penalties for violation of this act.

Which the house has passed and your favorable consideration of the same is respectfully requested.

Very respectfully,

P. D. NORTON,

Chief Clerk.

Senate Bill No. 95,

A bill for an act appropriating money from the state treasury, not otherwise appropriated, to compensate the clerk of the district court of Stark county, in this state, for the years 1905 and 1906, for services in connection with his office required by law to be by him performed for cases arising in unorganized territory attached to Stark county for judicial purposes.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 37, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sharpe
Cashel	Little	Sifton
Crane	McArthur	Simpson
Dyste	McDonald	Stade
Gilbert	McLean	Steele
Halliday	Movius	Strom
Hanna	Palmer	Swenson
Johnson of McLean	Pierce	Taylor
Johnson of Walsh	Plain	Thatcher
Kelly	Purcell	Turner
Koffel	Ramsett	Wagner
Kraabel	Regan	Young
LaMoure		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Rice	Spoonheim	Talcott

Mr. Talcott being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 101,

A bill for an act making an appropriation to the Dickinson experiment station located at the city of Dickinson in Stark county.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 37, naye none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sifton
Cashel	McArthur	Simpson
Crane	McDonald	Spoonheim
Dyste	McLean	Stade
Gilbert	Movius	Steele
Halliday	Palmer	Strom
Hanna	Pierce	Swenson
Johnson of McLean	Plain	Taylor
Johnson of Walsh	Purcell	Thatcher
Kelly	Ramsett	Turner
Koffel	Regan	Wagner
LaMoure	Sharpe	Young
Leutz		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Kraabel	Rice	Talcott

Mr. Talcott being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 105,

A bill for an act making an appropriation for the erection of a building and greenhouse for the school of forestry located at Bottineau, Bottineau county, and for the proper furnishing and equipment of the same.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were ayes 37, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sifton
Cashel	McArthur	Simpson
Crane	McDonald	Spoonheim
Dyste	McLean	Stade
Gilbert	Movius	Steele
Halliday	Palmer	Strom
Hanna	Pierce	Swenson
Johnson of McLean	Plain	Taylor
Johnson of Walsh	Purcell	Thatcher
Kelly	Ramsett	Turner
Koffel	Regan	Wagner
LaMoure	Sharpe	Young
Leutz		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Kraabel	Rice	Talcott

Mr. Talcott being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 108,

A bill for an act to Provide an appropriation for the current and contingent expenses of the institution for feeble minded at Grafton, North Dakota.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were ayes 37, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sharpe
Cashel	Little	Sifton
Crane	McArthur	Spoonheim
Dyste	McDonald	Stade
Gilbert	McLean	Steele
Halliday	Movius	Strom
Hanna	Palmer	Swenson
Johnson of McLean	Pierce	Taylor

Messrs.—	Messrs.—	Messrs.—
Johnson of Walsh	Plain	Thatcher
Kelly	Purcell	Turner
Koffel	Ramsett	Wagner
Kraabel	Regan	Young
LaMoure		

Absent and not voting :

Messrs.—	Messrs.—	Messrs.—
Rice	Simpson	Talcott

Mr. Talcott being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 111,

A bill for an act creating and establishing an agricultural experiment station at or near Hanna or Langdon in Cavalier county, providing for its management and making an appropriation therefor.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 35, nays 1, absent and not voting 4.

Those who voted in the affirmative were :

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Sifton
Cashel	Little	Simpson
Crane	McArthur	Spoonhelm
Dyste	McLean	Stade
Gilbert	Movius	Strom
Halliday	Palmer	Swenson
Hanna	Pierce	Taylor
Johnson of McLean	Plain	Thatcher
Johnson of Walsh	Purcell	Turner
Kelly	Ramsett	Wagner
Koffel	Regan	Young
Leutz	Sharpe	

Absent and not voting :

Messrs.—	Messrs.—	Messrs.—
Kraabel	Rice	Steele
Talcott		

Mr. McDonald voting in the negative.

Mr. Talcott being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 116,

A bill for an act appropriating money for buildings, for repairs and for making improvements at the North Dakota agricultural college and experiment station at Fargo.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were ayes 38, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sifton
Cashel	McArthur	Simpson
Crane	McDonald	Spoonheim
Dyste	McLean	Stade
Gilbert	Movius	Steele
Halliday	Palmer	Strom
Hanna	Pierce	Swenson
Johnson of McLean	Plain	Taylor
Johnson of Walsh	Purcell	Thatcher
Kelly	Ramsett	Turner
Koffel	Regan	Wagner
LaMoure	Rice	Young
Leutz	Sharpe	

Messrs Kraabel and Talcott being absent and not voting.

Mr. Talcott being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 117,

A bill for an act appropriating money for the construction and equipment of an engineering building and for making improvements in the mechanical laboratories and shops of the North Dakota agricultural college.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 38, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sifton
Cashel	McArthur	Simpson
Crane	McDonald	Spoonheim
Dyste	McLean	Stade
Gilbert	Movius	Steele
Halliday	Palmer	Strom
Hanna	Pierce	Swenson
Johnson of McLean	Plain	Taylor
Johnson of Walsh	Purcell	Thatcher
Kelly	Ramsett	Turner
Koffel	Regan	Wagner
LaMoure	Rice	Young
Leutz	Sharpe	

Messrs. Kraabel and Talcott being absent and not voting.

Mr. Talcott being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 118,

A bill making an appropriation for the purchase of a building, paying indebtedness on a machine shop, paying sewer assessment, making repairs on building, for equipment and furniture, for library, book cases and library furniture, and maintenance of school for two years, beginning January 1, 1907, for the North Dakota academy of science, located at Wahpeton, North Dakota.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 37, naye none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sifton
Cashel	McArthur	Simpson
Crane	McLean	Spoonheim
Dyste	Movius	Stade
Gilbert	Palmer	Steele
Halliday	Pierce	Strom
Hanna	Plain	Swenson
Johnson of McLean	Purcell	Taylor
Johnson of Walsh	Ramsett	Thatcher
Kelly	Regan	Turner
Koffel	Rice	Wagner
LaMoure	Sharpe	Young
Leutz		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Kraabel	McDonald	Talcott

Mr. Talcott being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 129,

A bill for an act to amend and re-enact sections 1034, 1035, and 1036 of the Revised Codes of 1905, relating to education.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 34, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sifton
Cashel	Little	Simpson
Crane	McLean	Spoonheim
Gilbert	Movius	Stade

Messrs.—

Halliday
Hanna
Johnson of McLean
Johnson of Walsh
Kelly
Koffel
Kraabel
LaMoure

Messrs.—

Palmer
Plain
Purcell
Ramsett
Regan
Rice
Sharpe

Messrs.—

Steele
Swenson
Taylor
Thatcher
Turner
Wagner
Young

Absent and not voting:

Messrs.—

Dyste
McArthur

Messrs.—

McDonald
Pierce

Messrs.—

Strom
Talcott

Mr. Talcott being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 132,

A bill for an act to provide for the making of permanent improvements at the Valley City state normal school, to assist in the maintenance thereof, and for other purposes, and making appropriations therefor.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 37, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—

Albright
Cashel
Crane
Dyste
Gilbert
Halliday
Hanna
Johnson of McLean
Johnson of Walsh
Kelly
Koffel
Kraabel
LaMoure

Messrs.—

Leutz
Little
McLean
Movius
Palmer
Pierce
Plain
Purcell
Regan
Rice
Sharpe
Sifton

Messrs.—

Simpson
Spoonheim
Stade
Steele
Strom
Swenson
Taylor
Thatcher
Turner
Wagner
Young

Absent and not voting:

Messrs.—

McArthur

Messrs.—

McDonald

Messrs.—

Talcott

Mr. Talcott being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 133,

A bill for an act to provide an appropriation for the cur-

rent and contingent expenses for the state hospital for the insane at Jamestown.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 34, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sharpe
Cashel	McDonald	Sifton
Crane	McLean	Spoonheim
Dyeste	Movius	Stade
Halliday	Palmer	Steele
Hanna	Pierce	Strom
Johnson of McLean	Plain	Swenson
Johnson of Walsh	Purcell	Thatcher
Koffel	Ramsett	Turner
Kraabel	Regan	Wagner
LaMoure	Rice	Young
Leutz		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gilbert	McArthur	Talcott
Kelly	Simpson	Taylor

Mr. Talcott being excused.

The question being on the final passage of the bill.

Senate Bill No. 135,

A bill for an act to provide for the erection of necessary additional buildings and other improvements at the state hospital for the insane at Jamestown, North Dakota, and for a deficit on buildings erected in the years 1905 and 1906 for the hospital for the insane at Jamestown, North Dakota.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 32, nays none, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Rice
Cashel	Little	Sharpe
Crane	McDonald	Sifton

Messrs.—	Messrs.—	Messrs.—
Dyste	McLean	Spoonheim
Halliday	Movius	Stade
Hanna	Palmer	Steele
Johnson of McLean	Pierce	Strom
Johnson of Walsh	Plain	Swenson
Koffel	Purcell	Thatcher
Kraabel	Ramsett	Wagner
LaMoure	Regan	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gilbert	Simpson	Turner
Kelly	Talcott	Young
McArthur	Taylor	

Mr. Talcott being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 139,

A bill for an act to provide for the maintenance of the industrial school and school for manual training located at Ellendale, and for making necessary improvements, and making an appropriation therefor.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 36, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sharpe
Cashel	Little	Sifton
Crane	McDonald	Simpson
Dyste	McLean	Spoonheim
Halliday	Movius	Steele
Hanna	Palmer	Strom
Johnson of McLean	Pierce	Swenson
Johnson of Walsh	Plain	Taylor
Kelly	Purcell	Thatcher
Koffel	Ramsett	Turner
Kraabel	Regan	Wagner
LaMoure	Rice	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gilbert	Stade	Talcott
McArthur		

Mr. Talcott being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 153,

A bill for an act making appropriations for the current and contingent expenses of the state reform school of North Dakota, and for making permanent improvements thereto.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes 37, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sharpe
Cashel	Little	Sifton
Crane	McDonald	Spoonheim
Dyste	McLean	Stade
Gilbert	Movius	Steele
Halliday	Palmer	Strom
Hanna	Pierce	Swenson
Johnson of McLean	Plain	Taylor
Johnson of Walsh	Purcell	Thatcher
Kelly	Ramsett	Turner
Koffel	Regan	Wagner
Kraabel	Rice	Young
LaMoure		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
McArthur	Simpson	Talcott

Mr. Talcott being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 185,

A bill for an act appropriating money to provide for the maintenance of a public health laboratory in the medical department of the state university and school of mines at Grand Forks.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes 38, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sifton
Cashel	Little	Simpson
Crane	McDonald	Spoonheim
Dyste	McLean	Stade
Gilbert	Movius	Steele
Halliday	Palmer	Strom
Hanna	Pierce	Swenson
Johnson of McLean	Plain	Taylor
Johnson of Walsh	Purcell	Thatcher

Messrs.—	Messrs.—	Messrs.—
Kelly	Ramsett	Turner
Koffel	Regan	Wagner
Kraabel	Rice	Young
LaMoure	Sharpe	

Absent and not voting Messers. McArthur and Talcott.
 Mr. Talcott being excused.
 So the bill passed and the title was agreed to.

Senate Bill No. 186,

A bill for an act making an appropriation for expenses incurred in repairs made to the so-called main building at the state university and school of mines of North Dakota during the summer of 1906.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes 37, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sifton
Cashel	McDonald	Simpson
Crane	McLean	Spoonheim
Dyste	Movius	Stade
Halliday	Palmer	Steele
Hanna	Pierce	Strom
Johnson of McLean	Plain	Swenson
Johnson of Walsh	Purcell	Taylor
Kelly	Ramsett	Thatcher
Koffel	Regan	Turner
Kraabel	Rice	Wagner
LaMoure	Sharpe	Young
Leutz		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gilbert	McArthur	Talcott

Mr. Talcott being excused.
 So the bill passed and the title was agreed to.

Senate Bill No. 195,

A bill for an act providing for the naming by the governor of the state of a board of grain commission, prescribing their duties and providing an appropriation therefor.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes 36, nays none, absent and not voting 4.

Those who voted in the affirmative were :

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sharpe
Cashel	Little	Sifton
Crane	McDonald	Simpson
Dyste	McLean	Spoonheim
Halliday	Movius	Stade
Hanna	Palmer	Strom
Johnson of McLean	Pierce	Swenson
Johnson of Walsh	Plain	Taylor
Kelly	Purcell	Thatcher
Koffel	Ramsett	Turner
Kraabel	Regan	Wagner
LaMoure	Rice	Young

Absent and not voting :

Messrs.—	Messrs.—	Messrs.—
Gilbert	Steele	Talcott
McArthur		

Mr. Talcott being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 242,

A bill for an act making an appropriation to pay the interest due in the years 1907 and 1908 upon certain so-called institution bonds now held in the permanent school fund of the state.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes 36, nays none, absent and not voting 4.

Those who voted in the affirmative were :

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Rice
Cashel	Leutz	Sharpe
Crane	Little	Sifton
Dyste	McDonald	Simpson
Gilbert	McLean	Stade
Halliday	Movius	Steele
Hanna	Palmer	Strom
Johnson of McLean	Pierce	Swenson
Johnson of Walsh	Plain	Taylor
Kelly	Purcell	Thatcher
Koffel	Ramsett	Turner
Kraabel	Regan	Young

Absent and not voting :

Messrs.—	Messrs.—	Messrs.—
McArthur	Talcott	Wagner
Spoonheim		

Mr. Talcott being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 243,

A bill for an act to reimburse the person or persons who advanced certain sums of money for the use and benefit of the state normal school at Mayville, the state normal school at Valley City and the industrial school at Ellendale, to provide for the interest on the said sums and making an appropriation therefor.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes 37, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sharpe
Cashel	Little	Sifton
Crane	McDonald	Simpson
Dyste	McLean	Stade
Gilbert	Movius	Steele
Halliday	Palmer	Strom
Hanna	Pierce	Swenson
Johnson of McLean	Plain	Taylor
Johnson of Walsh	Purcell	Thatcher
Kelly	Ramsett	Turner
Koffel	Regan	Wagner
Kraabel	Rice	Young
LaMoure		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
McArthur	Spoonheim	Talcott

Mr. Talcott being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 244,

A bill for an act prescribing the duties and authority of the commissioners of public printing, and making an appropriation for public printing and binding.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes 38, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sharpe
Cashel	Little	Sifton
Crane	McArthur	Simpson
Dyste	McDonald	Spoonheim
Gilbert	McLean	Stade
Halliday	Movius	Strom
Hanna	Palmer	Swenson
Johnson of McLean	Pierce	Taylor

Messrs.—	Messrs.—	Messrs.—
Johnson of Walsh	Plain	Thatcher
Kelly	Purcell	Turner
Koffel	Ramsett	Wagner
Kraabel	Regan	Young
LaMoure	Rice	

Messrs. Steele and Talcott being absent and not voting.

Mr. Talcott being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 245,

A bill for an act to amend section 393 of the Revised Codes of 1905, providing for an appropriation for supplies for the capitol building, executive mansion and the public grounds and parks connected therewith and for necessary repairs upon the capitol building and executive mansion.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes 38, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sifton
Cashel	Little	Simpson
Crane	McArthur	Spoonheim
Dyste	McDonald	Stade
Gilbert	McLean	Steele
Halliday	Movius	Strom
Hanna	Palmer	Swenson
Johnson of McLean	Pierce	Taylor
Johnson of Walsh	Plain	Thatcher
Kelly	Purcell	Turner
Koffel	Regan	Wagner
Kraabel	Rice	Young
LaMoure	Sharpe	

Messrs. Ramsett and Talcott being absent and not voting.

Mr. Talcott being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 246,

A bill for an act making an appropriation to pay the deficiency in the appropriation for the maintenance of the capitol for the years 1905 and 1906.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes 38, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sifton
Cashel	McArthur	Simpson
Crane	McDonald	Spoonheim
Dyste	McLean	Stade
Gilbert	Movius	Steele
Halliday	Palmer	Strom
Hanna	Pierce	Swenson
Johnson of McLean	Plain	Taylor
Johnson of Walsh	Purcell	Thatcher
Koffel	Ramsett	Turner
Kraabel	Regan	Wagner
LaMoure	Rice	Young
Leutz	Sharpe	

Absent and not voting Messrs. Kelly and Talcott.

Mr. Talcott being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 268,

A bill for an act making an appropriation to pay for certain books for the state law library.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes 39, nays none, absent and not voting 1.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sharpe
Cashel	Little	Sifton
Crane	McArthur	Simpson
Dyste	McDonald	Spoonheim
Gilbert	McLean	Stade
Halliday	Movius	Steele
Hanna	Palmer	Strom
Johnson of McLean	Pierce	Swenson
Johnson of Walsh	Plain	Taylor
Kelly	Purcell	Thatcher
Koffel	Ramsett	Turner
Kraabel	Regan	Wagner
LaMoure	Rice	Young

Absent and not voting Mr. Talcott.

Mr. Talcott being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 270,

A bill for an act to provide for the payment of the necessary expenses of the state officers of the state of North Dakota.

Was read the third time.

The question being on the final passage of the bill;
The roll was called and there were ays 39, nays none,
absent and not voting 1.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sharpe
Cashel	Little	Sifton
Crane	McArthur	Simpson
Dyste	McDonald	Spoonheim
Gilbert	McLean	Stade
Halliday	Movius	Steele
Hanna	Palmer	Strom
Johnson of McLean	Pierce	Swenson
Johnson of Walsh	Plain	Taylor
Kelly	Purcell	Thatcher
Koffel	Ramsett	Turner
Kraabel	Regan	Wagner
LaMoure	Rice	Young

Mr. Talcott absent and not voting.

Mr. Talcott being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 275,

A bill for an act creating the office of field officer and curator of the state historical society of North Dakota, authorizing the appointment of a field officer and curator for such society, defining the duties of the incumbent of such office and providing for an appropriation.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes 38, nays none,
absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sifton
Cashel	Little	Simpson
Crane	McArthur	Spoonheim
Dyste	McDonald	Stade
Gilbert	McLean	Steele
Halliday	Palmer	Strom
Hanna	Pierce	Swenson
Johnson of McLean	Plain	Taylor
Johnson of Walsh	Purcell	Thatcher
Kelly	Ramsett	Turner
Koffel	Regan	Wagner
Kraabel	Rice	Young
LaMoure	Sharpe	

Messrs. Movius and Talcott absent and not voting.

Mr. Talcott being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 285,

A bill for an act to foster the development of mineral and allied industries by providing for experimentation, encouragement and inspection and by making an appropriation therefor.

Was read the third time.

Mr. Taylor moved to amend Senate Bill No. 285 as follows:

On 13th line of page 2 of the engrossed bill strike out the word "bill" and insert the word "law;" also in line 19 strike out the words "of various products" and insert the words "the various mineral products of the state."

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 38, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sharpe
Cashel	Little	Sifton
Crane	McArthur	Simpson
Dyste	McDonald	Spoonheim
Gilbert	McLean	Stade
Halliday	Movius	Strom
Hanna	Palmer	Swenson
Johnson of McLean	Pierce	Taylor
Johnson of Walsh	Plain	Thatcher
Kelly	Purcell	Turner
Koffel	Ramsett	Wagner
Kraabel	Regan	Young
LaMoure	Rice	

Messrs Steele and Talcott being absent and not voting.

Mr. Talcott being excused.

So the bill passed as amended and the title was agreed to.

Senate Bill No. 56,

A bill for an act to amend section 242, chapter IV of the Revised Codes of 1905, relating to appropriations to the state historical society of North Dakota.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes 39, nays none, absent and not voting 1.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sharpe
Cashel	Little	Sifton
Crane	McArthur	Simpson

Messrs.—	Messrs.—	Messrs.—
Dyste	McDonald	Spoonheim
Gilbert	McLean	Stade
Halliday	Movius	Steele
Hanna	Palmer	Strom
Johnson of McLean	Pierce	Swenson
Johnson of Walsh	Plain	Taylor
Kelly	Purcell	Thatcher
Koffel	Ramsett	Turner
Kraabel	Regan	Wagner
LaMoure	Rice	Young

Mr. Talcott absent and not voting.

Mr. Talcott being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 207,

A bill for an act creating a state library commission, defining its duties and providing for its maintenance.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes 39, nays none, absent and not voting 1.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sharpe
Cashel	Little	Sifton
Crane	McArthur	Simpson
Dyste	McDonald	Spoonheim
Gilbert	McLean	Stade
Halliday	Movius	Steele
Hanna	Palmer	Strom
Johnson of McLean	Pierce	Swenson
Johnson of Walsh	Plain	Taylor
Kelly	Purcell	Thatcher
Koffel	Ramsett	Turner
Kraabel	Regan	Wagner
LaMoure	Rice	Young

Mr. Talcott absent and not voting.

Mr. Talcott being excused.

So the bill passed and the title was agreed to.

Mr. LaMoure moved

That the vote by which Senate Bills Nos. 14, 17, 18, 54, 39, 62, 64, 69, 84, 87, 88, 91, 95, 101, 105, 108, 111, 116, 117, 118, 129, 132, 133, 135, 139, 153, 185, 186, 195, 242, 243, 244, 245, 246, 268, 270, 275, 285, 56, 207, passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

EXECUTIVE SESSION.

Mr. LaMoure moved

That the senate do now go into executive session.

Which motion prevailed.

OPEN SESSION.

Mr. Simpson asked unanimous consent to return to the Eighth order of business.

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

Resolved: That on Saturday, March 2, 1907, a steering committee consisting of nine be appointed by the president of the senate, which committee shall receive all bills and report the order of business for the day.

Mr. Regan objected to the present consideration of the resolution, and the further consideration of the resolution went over for one day.

Mr. Regan moved

That all senate bills be given the first and second reading and reference.

Which motion prevailed.

INTRODUCTION, FIRST AND SECOND READING OF SENATE BILLS.

Mr. Leutz, by request, introduced

Senate Bill No. 322,

A bill for an act prescribing additional duties of county surveyors, and prescribing their compensation therefor.

Which was read the first and second times and

Referred to the committee on state affairs.

Mr. Pierce introduced

Senate Bill No. 323,

A concurrent resolution.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Purcell introduced

Senate Bill No. 324,

A bill for an act to amend sections 1213, 1216, 1221 and 1227 of the Revised Codes of the state of North Dakota of 1905, relating to the soldiers' home at Lisbon, N. D.

Which was read the first and second times and

Referred to the committee on state affairs.

Mr. Johnson of McLean introduced
Senate Bill No. 325,

A bill for an act amending and re-enacting section 2592 of the Revised Codes of 1905, relating to salary of county auditors.

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

Mr. Regan introduced
Senate Bill No. 326,

A bill for an act entitled an act to provide for owners and managers of elevators and warehouses to make annual reports to the commissioner of agriculture and labor.

Which was read the first and second times and
Referred to the committee on warehousing, grain and grain grading.

Mr. McLean introduced
Senate Bill No. 327,

A bill for an act to amend and re-enact section 3054 of the Revised Codes of 1905 of the state of North Dakota, relating to how civil townships may be formed.

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

SECOND READING OF SENATE BILLS.

Senate Bill No. 321,

A bill for an act entitled: An act to provide for changing county lines of organized counties to include unorganized territory.

Was read the second time, and
Referred to the committee on counties.

The secretary announced the president is about to sign Senate Concurrent Resolution relating to polygamy.

And the president signed the same in the presence of the senate.

COURTESIES OF THE FLOOR.

The courtesies of the floor were extended to Gov. J. M. Devine, L. M. Davis, John Ehr, Hon. Martin Jacobson, O. G. Libby, G. F. Strong.

Mr. Regan moved
That the senate do now adjourn.
Which motion prevailed, and
The senate adjourned.

J. W. FOLEY,
Secretary..

FIFTIETH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 26, 1907.

The senate convened at 2 o'clock.
The president pro tem. presiding.
Prayer by the chaplain.
Roll call.
All members present.

REFERENCE OF THE JOURNAL.

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

Mr. President:

Your committee on revision and correction of the journal of the forty-seventh day after recess and forty-ninth day have carefully examined the same and find it correct.

J. D. TAYLOR,
Chairman.

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

REPORT OF STANDING COMMITTEES.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 251,

A bill for an act making entries in a book or other permanent form evidence in certain cases.

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

That all of section 2 of the printed bill be stricken out.

And when so amended recommend that the same do pass:

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 267,

A bill for an act to amend section 7176 of the 1905 Revised Codes of North Dakota.

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

That on page 1 in line 5 of section 1 of the printed bill insert the following words: "or other liens," after the first word "mortgage."

That all of section 2 of the printed bill be stricken out.

And when so amended recommend the same do pass

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 276,

A bill for an act relating to liability of common carriers to their employes.

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

C. B. LITTLE,
Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 149,

A bill for an act to amend section 8542 of the Penal Code of the Revised Codes of 1905 of the state of North Dakota, relating to misdemeanors.

Have had the same under consideration and recommend that the same be indefinitely postponed.

C. B. LITTLE,
Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 150,

A bill for an act to amend section 8346 of the Revised Codes of 1905 of the state of North Dakota relating to criminal jurisdiction.

Have had the same under consideration and recommend that the same be indefinitely postponed.

C. B. LITTLE,
Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 288,

A bill for an act to amend section 4400 of the Revised Codes of 1905 of the state of North Dakota, relating to railroads' liability for damages to employees.

Have had the same under consideration and recommend that the same be indefinitely postponed.

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 308,

A bill for an act to amend sections 8289, 8292, 8295, 8304, 8311, 8316, and 8318 of the Revised Codes of North Dakota for 1905.

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

That the following be added to the title of the printed bill: "Relating to the practice in the county courts."

That on page 3 in line 12 of section 4 of the printed bill insert the word "a" after the word "be."

That on page 3 in line 12 of section 4 of the printed bill strike out the word "cases" and insert the word "case" in lieu thereof.

That on page 3 in line 13 of section 4 of the printed bill strike out the word "ten" and insert the word "five" in lieu thereof.

That on page 4 in line 10 of section 6 of the printed bill insert the words "five hundred" after the word "thousand."

That on page 4 in line 11 of section 6 of the printed bill insert the words "by virtue of their office" after the word "judges."

That on page 5 in line 5 of the section 7 of the printed bill strike out all of section 7 following the word "served" and insert the words "in the same manner with the same effect as in district court."

And when so amended recommend the same do pass.

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:
Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 113,

A bill for an act to amend section 140 of the Revised
Codes of 1905, relating to the appointment and qualification
of the state examiner.

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

C. B. LITTLE,
Chairman.

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

The committee on insurance made the following report:
Mr. President:

Your committee on insurance to whom was referred
Senate Bill No. 178,

A bill for an act prohibiting corporations or stock com-
panies acting as agents or solicitors for life insurance
companies.

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

L. A. SIMPSON,
Chairman.

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

The committee on insurance made the following report:
Mr. President:

Your committee on insurance to whom was referred
Senate Bill No. 61,

A bill for an act to require an annual apportionment and
accounting of surplus of life insurance companies.

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

On line 1 of section 3 of printed bill after the word "all" insert the word
"participating."

On line 6 of section 4 of printed bill after the word "entire" insert the word "net."

On line 12 of section 4 of printed bill after the word "date" insert the words "of default."

And when so amended recommend the same do pass.

L. A. SIMPSON,
Chairman.

Mr. Simpson moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on insurance made the following report:

Mr. President:

Your committee on insurance to whom was referred
Senate Bill No. 173,

A bill for an act relating to the salaries of officers and agents of life insurance companies.

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

On line 9 of section 1 of printed bill after the word "for" insert the word "any."

After line 20 of printed bill insert the following: "Sec. 2. No life insurance company which pays as a salary or as compensation for services more than fifty thousand dollars per annum to any one person shall be licensed to transact business in this state."

In line 1 of page 2 of printed bill after "sec." strike out the figure "2" and insert in lieu thereof the figure "3."

And when so amended recommend the same do pass.

L. A. SIMPSON,
Chairman.

Mr. Simpson moved.

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on insurance made the following report:

Mr. President:

Your committee on insurance to whom was referred
Senate Bill No. 171,

A bill for an act to regulate the investment of the funds and the real estate holdings of life insurance companies.

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

In line 7 of section 1 of printed bill after the word "security" insert the following: "And when more than one-third of the total value of the collateral security."

And when so amended recommend the same do pass.

L. A. SIMPSON,
Chairman.

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

The committee on insurance made the following report:

Mr. President:

Your committee on insurance to whom was referred
Senate Bill No. 184,

life insurance companies may be reincorporated as legal
A bill for an act to provide a method whereby assessment
reserve life insurance companies.

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

In line 7 of section 1 of printed bill after word "policies" insert the following words: "Or certificates of membership as yearly renewable term policies."

And when so amended recommend the same do pass.

L. A. SIMPSON,
Chairman.

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

The committee on insurance made the following report:

Mr. President:

Your committee on insurance to whom was referred
Senate Bill No. 53,

A bill for an act relating to the provisions of life insurance policies.

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

L. A. SIMPSON,
Chairman.

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

The committee on insurance made the following report:

Mr. President:

Your committee on insurance to whom was referred
Senate Bill No. 60,

A bill for an act providing for and regulating the election of directors of mutual life insurance companies.

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

On line 6 of section 3 of printed bill after the word "has" insert the word "not."

On line 7 of section 8 of printed bill after the word "expire" insert the word "within."

And when so amended recommend the same do pass.

L. A. SIMPSON,
Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 311,

A bill for an act to prohibit discrimination between different sections, communities or localities; unfair competition, and providing penalties for the violation thereof.

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

C. B. LITTLE,
Chairman.

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

The committee on insurance made the following report:

Mr. President:

Your committee on insurance to whom was referred

Senate Bill No. 231,

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

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

L. A. SIMPSON,
Chairman.

Mr. LaMoire objected to the consideration of the report on Senate Bill No. 231, and the report went over for one day.

The committee on insurance made the following report:

Mr. President:

Your committee on insurance to whom was referred

Senate Bill No. 177,

A bill for an act relating to the annual reports of life insurance companies.

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

In line 9 of section 1 of printed bill strike out word "accounts," insert in lieu thereof word "amounts."

After the word "company" in line 25 of section 1, printed bill, insert following words: "Or in which it has any interest."

In line 43 of section 1 of printed bill strike out word "of," insert in lieu thereof the word "at."

In line 48 of section 1 of printed bill after the word "by" insert the word "any."

In line 72 of section 1 of printed bill after word "twenty-five" insert the word "thirty-five."

In line 74½ of section 1 of printed bill after word "deferred" insert the word "dividend."

And when so amended recommend the same do pass.

L. A. SIMPSON,
Chairman.

Mr. Simpson moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 26, 1907.

I have the honor to transmit herewith

House bill No. 232,

A bill for an act to amend section 9312 of the Revised Codes of 1905, making it a misdemeanor to injure or obstruct electric wire.

Also,

House Bill No. 274,

A bill for an act for the organization of villages, towns or cities in territory embracing more than one county.

Also,

House Bill No. 283,

A bill for an act to amend section 408, of the Revised Codes of 1905, relating to the bonding of certain officers.

Also,

House Bill No. 241,

A bill for an act amending and re-enacting sections 2361 and 2364 of the Revised Codes of 1905, relating to county seats.

Also,

House Bill No. 227,

A bill for an act to amend section 2441 Revised Codes of 1905, relating to designation of county depositories.

Also,

House Bill No. 252,

A bill for an act regulating the employment of legislative lobby council and agents and prohibiting such council and agents from attempting to influence members of the legislature other than by appearing before the committees thereof, also providing for the return of legislative expenses.

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

Very respectfully,

P. D. NORTON,
Chief Clerk.

Mr. Spoonheim moved

That the report of the committee on ways and means on Senate Bill No. 212 be adopted.

Mr. Little moved as a substitute that the report be referred to the committee of the whole.

Which substitute motion prevailed, and
The report was so referred:

Mr. Crane moved

That the vote by which the report of the committee on insurance on Senate Bill No. 123 was adopted be reconsidered.

Which motion prevailed.

Mr. Crane moved

That Senate Bill No. 123 be re-referred to the committee on insurance.

Which motion prevailed, and
The bill was so re-referred.

MOTIONS AND RESOLUTIONS.

Mr. Little offered the following

CONCURRENT RESOLUTION.

WHEREAS, The mining industry is annually adding nearly two billions of dollars to the wealth of the United States, and is furnishing employment to more than half a million men directly engaged in the mining industry, as well as furnishing the material absolutely necessary to the employment of a still larger additional number of men; and

WHEREAS, The loss of life (being 3.53 per 1,000 in coal mining operations in the United States as against 1.35 per 1,000 in England) through a lack of proper precautions in mining operations, over which but little, if any, supervision is exercised, is a disgrace to the government, from which the man is supposed to have greater consideration than the dollar; and

WHEREAS, The product of the mines, when exhausted, cannot be replaced; and

WHEREAS, The enormous waste of metal resources, through the application of unscientific methods of mining and treatment, and the enormously extravagant waste of fuel, through both carelessness and unscientific methods, is a menace to our future industrial growth; and

WHEREAS, The United States is the only English speaking nation in which this important industry receives relatively such small consideration; therefore, be it

Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring, That we urge upon the congress of the United States the importance of the creation of a department of mines, with its head a member of the president's cabinet, through which human life may receive protection, and the mining resources may be conserved, and production increased through government control and the application of scientific methods; and be it further

Resolved, That a copy of these resolutions be forwarded to the senate and the house of representatives of the United States, and to each of our representatives in the United States congress, and that the governor of this state be instructed to communicate with the president of the United States, requesting his co-operation in bringing about the creation of a department of mining, through which the mining industry may receive that governmental recognition and assistance to which it is entitled as one of the two great productive industries of this country.

Mr. Little moved

That the rules be suspended and all house bills be given their first and second reading and reference.

Which motion prevailed.

FIRST AND SECOND READING OF HOUSE BILLS.

House Bill No. 168,

A bill for an act to provide for the lighting of depot platforms.

Was read the first and second times, and

Referred to the committee on railroads.

House Bill No. 190,

A bill for an act providing for the seizure and confiscation of intoxicating liquors imported into the state of North Dakota in violation of law.

Was read the first and second times, and

Referred to the committee on temperance.

House Bill No. 195,

A bill for an act providing for the publication and registration of special tax receipts or licenses from the government of the United States to sell distilled, malt and fermented liquors, issued to persons in North Dakota, the payment and collection of registration fees and publication fees, regulating the posting and exhibiting of such tax receipts or licenses, prescribing the duties of officials and owners and lessors of property in relation thereto, prescribing penalties for failure to perform the duties prescribed and other regulations pertaining to the sale of intoxicating liquors.

Was read the first and second times, and

Referred to the committee on temperance.

House Bill No. 199,

A bill for an act to amend section 9366 of the Revised Code of 1905, same being section 7598 of the Revised Code of 1899, defining what shall be considered and held to be intoxicating liquors.

Referred to the committee on temperance.

House Bill No. 99,

A bill for an act to amend section 872 of the Political Code of the Revised Codes of 1905 of the Codes of North Dakota, relating to examinations and certificates for teachers in public schools.

Was read the first and second times, and
Referred to the committee on education.

House Bill No. 119,

A bill for an act to amend and re-enact section 1582 of the Revised Codes of North Dakota of 1905, relating to the redemption of real estate from tax sale.

Was read the first and second times, and
Referred to the committee on ways and means.

House Bill No. 175,

A bill for an act to amend section 9921 of the Revised Codes of the state of North Dakota.

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

House Bill No. 176,

A bill for an act to amend section 9929 of the Revised Codes of the state of North Dakota.

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

House Bill No. 189,

A bill for an act to amend section 1367 of the Revised Codes of 1905 of North Dakota, relating to highways on county and township lines.

Was read the first and second times, and
Referred to the committee on highways, bridges, and ferries.

House Bill No. 201,

A bill for an act to amend section 8022 of the Revised Codes of 1905, relating to letters of administration, and who entitled to same.

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

House Bill No. 203,

A bill for an act to amend section 4516 of the Revised Codes of 1905, relating to corporations.

Was read the first and second times, and
Referred to the committee on corporations other than municipal.

House Bill No. 206,

A bill for an act to provide for the payment of the necessary traveling expenses of district judges.

Was read the first and second times, and

Referred to the committee on appropriations.

House Bill No. 224,

A bill for an act to repeal article 1 of chapter 30 of the Code of Civil Procedure 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. 230,

A bill for an act to amend section 1973 of the Revised Codes of 1905, relating to estrays.

Was read the first and second times, and

Referred to the committee on judiciary.

House Bill No. 84,

A bill for an act to prevent the adulteration, misbranding, and selling of adulterated and insufficiently labeled drugs or medicines, restricting or prohibiting the sale of certain drugs, prescribing a penalty for the violation hereof, providing for the inspection, testing and analyzing of said drugs and medicines, charging the North Dakota experiment station with the duty thereof, and charging the state's attorney with the enforcement hereof.

Was read the first and second times, and

Referred to the committee on public health.

House Bill No. 108,

A bill for an act amending section 10088 of the Revised Codes of 1905, relating to criminal procedure.

Was read the first and second times, and

Referred to the committee on judiciary.

House Bill No. 129,

A bill for an act making an appropriation to pay school teachers for teaching under contract in school districts in unorganized territory in this state which school districts were not lawfully organized, and providing the manner of submitting their respective claims.

Was read the first and second times, and

Referred to the committee on appropriations.

House Bill No. 134.

A bill for an act to appropriate \$5,894.93 to balance overdraft and reimburse citizens who advanced money to help defray expenses incurred in making the state's exhibit at the Portland (Lewis & Clark) exposition.

Was read the first and second times, and

Referred to the committee on appropriations.

House Bill No. 161,

A bill for an act to amend section 2392 of the Revised Codes of North Dakota for 1905.

Was read the first and second times, and

Referred to the committee on state affairs.

House Bill No. 198,

A bill for an act to amend section 777 of the Revised Codes of 1905, relating to education.

Was read the first and second times, and

Referred to the committee on education.

House Bill No. 214,

A bill for an act empowering boards of county commissioners to dispose of property which any county may have acquired through purchase, forfeiture or operation of law.

Was read the first and second times, and

Referred to the committee on state affairs.

House Bill No. 221,

A bill for an act authorizing the state auditor to audit the salary and expense account of E. F. Chandler, state engineer for the months of February and March, 1905; and making an appropriation to pay the same.

Was read the first and second times, and

Referred to the committee on appropriations.

House Bill No. 225,

A substitute bill for House Bills No. 4, No. 13, No. 16, No. 47, and No. 164.

Was read the first and second times, and

Referred to the committee on state affairs.

House Bill No. 237,

A bill for an act to amend section 444 of the Revised Codes of North Dakota for 1905, relating to the employment or stenographer by the supreme court.

Was read the first and second times, and

Referred to the committee on state affairs.

House Bill No. 248,

A bill for an act to amend section 5678 of the Civil Code of the Revised Codes of the state of North Dakota, edition of 1905, (being section 4230 of the Civil Code of the Revised Codes of the state of North Dakota, edition of 1895) and re-enact the same as amended.

Was read the first and second times, and
Referred to the committee on railroads.

House Bill No. 271,

A bill for an act to amend section 6266 of chapter 82 of the Revised Codes of North Dakota for 1905 relating to liens for keeping and pasturing stock.

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

House Bill No. 131,

A bill for an act appropriating an annual sum of money for the use of the government experiment station at Fargo for conducting demonstration farms and for co-operating with farmers; for making experiments in the manufacture of denaturized alcohol; for publishing reports and bulletins; for analysis of fertilizers and stock foods; for complying with the provisions of the pure paint, Paris green and formaldehyde laws, and for making other experiments.

Was read the first and second times, and
Referred to the committee on appropriations.

House Bill No. 179,

A bill for an act appropriating money for the benefit of the North Dakota Live Stock Association and prescribing its duties.

Was read the first and second times, and
Referred to the committee on appropriations.

House bill No. 28,

A bill for an act making appropriation to cover deficiency on monument, for sewer, and reconstruction of plumbing, for remodeling, for new dormitory, and for construction of an administration building at soldiers' home.

Was read the first and second times, and
Referred to the committee on appropriations.

House Bill No. 275,

A bill for an act designating the sheriff of each county inspector and sealer of weights and measures, prescribing

his powers, duties and compensation, defining the standard of weights and measures for the inspector and prescribing the penalties for violation of this act.

Was read the first and second times, and

Referred to the committee on ways and means.

House bill No. 232,

A bill for an act to amend section 9312 of the Revised Codes of 1905, making it a misdemeanor to injure or obstruct electric wire.

Was read the first and second times, and

Referred to the committee on state affairs.

House Bill No. 274,

A bill for an act for the organization of villages, towns or cities in territory embracing more than one county.

Was read the first and second times, and

Referred to the committee on counties.

House Bill No. 283,

A bill for an act to amend section 408, of the Revised Codes of 1905, relating to the bonding of certain officers.

Was read the first and second times, and

Referred to the committee on judiciary.

House Bill No. 241,

A bill for an act amending and re-enacting sections 2361 and 2364 of the Revised Codes of 1905, relating to county seats.

Was read the first and second times, and

Referred to the committee on counties.

House Bill No. 227,

A bill for an act to amend section 2441 Revised Codes of 1905, relating to designation of county depositories.

Was read the first and second times, and

Referred to the committee on state affairs.

House Bill No. 252,

A bill for an act regulating the employment of legislative lobby council and agents and prohibiting such council and agents from attempting to influence members of the legislature other than by appearing before the committees thereof, also providing for the return of legislative expenses.

Was read the first and second times, and

Referred to the committee on state affairs.

House Bill No. 284,

A bill for an act defining express companies, freight line companies and equipment companies, telegraph and telephone companies and providing for the assessment of their property and the taxation of the same.

Was read the first and second times, and
Referred to the committee on ways and means.

House Bill No. 7,

A bill for an act requiring railway companies owning or operating a line of railway in this state to construct, maintain, and keep in repair suitable fences and cattle guards, making said company liable for stock killed or injured by reason of its failure to fence and construct cattle guards and regulating speed of trains at depot grounds.

Was read the first and second times, and
Referred to the committee on railroads.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 26, 1907.

Mr. President:

I have the honor to transmit herewith
House Bill No. 284,

A bill for an act defining express companies, freight line companies and equipment companies, telegraph and telephone companies and providing for the assessment of their property and the taxation of the same.

Also,

House Bill No. 7,

A bill for an act requiring railway companies owning or operating a line of railway in this state to construct, maintain, and keep in repair suitable fences and cattle guards, making said company liable for stock killed or injured by reason of its failure to fence and construct cattle guards and regulating speed of trains at depot grounds.

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

Very respectfully,
P. D. NORTON,
Chief Clerk.

INTRODUCTION, FIRST AND SECOND READING OF SENATE BILLS.

Mr. Johnson of McLean introduced
Senate Bill No. 328,

A bill for an act to amend section 9765 of the Revised Codes of the state of North Dakota for 1905, relating to preliminary examinations.

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

Mr. Johnson of McLean introduced
Senate Bill No. 329,

A bill for an act to amend section 8894 of the Revised Codes of the state of North Dakota for 1905, defining rape.

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

THIRD READING OF SENATE BILLS.

Senate Bill No. 302,

A Concurrent Resolution for an amendment to the constitution, relating to the sale of school lands.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 37, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Rice
Cashel	Leutz	Sharpe
Crane	Little	Sifton
Dyste	McArthur	Simpson
Gilbert	McLean	Stade
Halliday	Movius	Strom
Hanna	Palmer	Swenson
Johnson of McLean	Pierce	Taylor
Johnson of Walsh	Plain	Thatcher
Kelly	Purcell	Turner
Koffel	Ramsett	Wagner
Kraabel	Regan	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Spoonheim	Steele	Talcott

So the bill passed and the title was agreed to.

Senate Bill No. 236,

A bill for an act regulating the duties of keepers of slaughter houses, power and duties of county boards of health, and providing a penalty for the violation thereof.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 38, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—

Albright
Cashel
Crane
Dyste
Gilbert
Halliday
Hanna
Johnson of McLean
Johnson of Walsh
Kelly
Koffel
Kraabel
LaMoure

Messrs.—

Leutz
McArthur
McDonald
McLean
Movius
Palmer
Pierce
Plain
Purcell
Ramsett
Regan
Rice
Sharpe

Messrs.—

Sifton
Simpson
Spoonheim
Stade
Strom
Swenson
Talcott
Taylor
Thatcher
Turner
Wagner
Young

Messrs. Little and Steele being absent and not voting.

So the bill passed and the title was agreed to.

Senate Bill No. 66,

A bill for an act to establish a parole system, and providing for indeterminate sentences of persons convicted of certain crimes, and providing for the care, treatment, parole and release of such persons, and prescribing the duties of officials in connection therewith.

Was read the third time.

Mr. Simpson moved to amend Senate Bill No. 66 as follows:

After the last word in the last line of section 1 add the following, namely: "But the judge of the district court in passing sentence upon any person under twenty years of age, for any crime excepting treason, murder, treason, rape and kidnapping, may in his discretion sentence such person to the state reform school during the minority of such person."

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 34, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—

Albright
Cashel
Dyste

Messrs.—

McLean
Movius
Palmer

Messrs.—

Simpson
Spoonheim
Stade

Messrs.—	Messrs.—	Messrs.—
Gilbert	Pierce	Strom
Halliday	Plain	Swenson
Johnson of McLean	Purcell	Talcott
Johnson of Walsh	Ramsett	Taylor
Kelly	Regan	Thatcher
Koffel	Rice	Turner
Kraabel	Sharpe	Wagner
LaMoure	Sifton	Young
Leutz		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	Little	McDonald
Hanna	McArthur	Steele

So the bill passed as amended and the title was agreed to.

Senate Bill No. 110,

A bill for an act to provide for the better enforcement of the laws against the manufacture and sale of intoxicating liquors; and to repeal section 9395 of the Revised Codes of 1905, being chapter 39 of the Session Laws of 1903.

Was read the third time.

Mr. Simpson moved

That the bill be re-referred to the committee on appropriations.

Roll call demanded.

The roll was called and there were ayes 13, nays 26, absent and not voting 1.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McDonald	Regan
Johnson of McLean	Movius	Sharpe
Kelly	Palmer	Simpson
Leutz	Purcell	Stade
Little		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Cashel	LaMoure	Strom
Crane	McArthur	Swenson
Dyste	McLean	Talcott
Gilbert	Pierce	Taylor
Halliday	Plain	Thatcher
Hanna	Ramsett	Turner
Johnson of Walsh	Rice	Wagner
Koffel	Sifton	Young
Kraabel	Spoonheim	

Mr. Steele being absent and not voting.

So the motion was lost.

Mr. Simpson moved

That Senate Bill No. 110 be referred to the attorney general for his opinion as to the constitutionality of the bill.

Which motion was lost.

The question being on the final passage of the bill.

The roll was called and there were ayes 30, nays 10, absent and not voting none.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Cashel	Kraabel	Spoonheim
Crane	LaMoure	Steele
Dyste	McArthur	Strom
Gilbert	McLean	Swenson
Halliday	Pierce	Talcott
Hanna	Plain	Taylor
Johnson of McLean	Ramsett	Thatcher
Johnson of Walsh	Regan	Turner
Kelly	Rice	Wagner
Koffel	Sifton	Young

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Movius	Sharpe
Leutz	Palmer	Simpson
Little	Purcell	Stade
McDonald		

So the bill passed and the title was agreed to.

Mr. LaMoure moved

That the vote by which Senate Bill No. 110 passed be reconsidered and the motion to reconsider be laid upon the table.

Which motion prevailed.

Senate Bill No. 259,

A bill for an act to amend and re-enact sections 4639-4658 and 4662 of chapter 21, of the Revised Codes of 1905, relating to banking corporations.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 36, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sharpe
Cashel	McArthur	Sifton
Crane	McDonald	Simpson
Dyste	McLean	Spoonheim
Gilbert	Movius	Stade
Halliday	Palmer	Swenson
Hanna	Pierce	Taylor

Messrs.—	Messrs.—	Messrs.—
Johnson of Walsh	Plain	Thatcher
Koffel	Purcell	Turner
Kraabel	Ramsett	Wagner
LaMoure	Regan	Young
Leutz	Rice	
Absent and not voting:		
Messrs.—	Messrs.—	Messrs.—
Johnson of McLean	Steele	Strom
Kelly		

So the bill passed and the title was agreed to.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the governor:

GOVERNOR'S OFFICE, NORTH DAKOTA,
BISMARCK, February 26, 1907.

To the Senate:

GENTLEMEN: I have the honor to inform you that I have this day approved and filed with the secretary of state Senate Bill No. 2,

An act to amend section 2740, article 17, immediately after section 1770, section 2778, section 2780, section 2782, section 2783, section 2769, section 2798, section 2815, and to repeal section 2779 of chapter 30 of the Political Code of the state of North Dakota, Revised Codes of 1905, relating to cities.

I have the honor to be

Respectfully,
JOHN BURKE,
Governor.

Senate Bill No. 189,

A bill for an act providing that the amount of insurance written upon real property shall be taken conclusively to be the true value thereof.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 22, nays 17, absent and not voting 1.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Halliday	McLean	Sifton
Johnson of McLean	Movius	Simpson
Kelly	Palmer	Stade

Messrs.—
Koffel
LaMoure
Leutz
McArthur
McDonald

Messrs.—
Plain
Purcell
Ramsett
Rice

Messrs.—
Strom
Swenson
Thatcher
Turner

Those who voted in the negative were:

Messrs.—
Albright
Cashel
Crane
Dyste
Gilbert
Hanna

Messrs.—
Johnson of Walsh
Kraabel
Little
Pierce
Regan
Sharpe

Messrs.—
Spoonheim
Talcott
Taylor
Wagner
Young

Mr. Steele being absent and not voting.

So the bill passed and the title was agreed to.

Mr. Simpson moved

That the vote by which Senate Bill No. 189 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 282,

A bill for an act to establish regular sessions for state board of railway commissioners and fixing the time, manner, and place, where such sessions shall be held, and otherwise defining their powers, and duties; also defining the duties of the attorney general in relation thereto.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 39, nays none, absent and not voting 1.

Those who voted in the affirmative were:

Messrs.—
Albright
Cashel
Crane
Dyste
Gilbert
Halliday
Hanna
Johnson of McLean
Johnson of Walsh
Kelly
Koffel
Kraabel
LaMoure

Messrs.—
Leutz
Little
McArthur
McDonald
McLean
Movius
Palmer
Pierce
Plain
Purcell
Ramsett
Regan
Rice

Messrs.—
Sharpe
Sifton
Simpson
Spoonheim
Stade
Strom
Swenson
Talcott
Taylor
Thatcher
Turner
Wagner
Young

Mr. Steele being absent and not voting.

So the bill passed and the title was agreed to.

Senate Bill No. 131,

A bill for an act to amend section 1597 of the Revised Code of 1905 of the state of North Dakota, relative to duty of county auditor.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 34, nays 1, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sharpe
Cashel	McArthur	Simpson
Crane	McDonald	Spoonheim
Dyste	Movius	Stade
Gilbert	Palmer	Strom
Halliday	Pierce	Swenson
Hanna	Plain	Talcott
Johnson of McLean	Purcell	Thatcher
Johnson of Walsh	Ramsett	Turner
Kelly	Regan	Wagner
Kraabel	Rice	Young
Leutz		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
LaMoure	Sifton	Taylor
McLean	Steele	

Mr. Koffel voting in the negative.

So the bill passed and the title was agreed to.

Senate Bill No. 248,

A bill for an act to amend section 6146 of the Revised Codes of 1905 of the state of North Dakota, relating to extinction of liens.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 28, nays 4, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Simpson
Cashel	Little	Spoonheim
Crane	McLean	Stade
Dyste	Movius	Steele
Gilbert	Palmer	Strom
Halliday	Pierce	Talcott
Hanna	Plain	Thatcher
Johnson of McLean	Ramsett	Wagner
Johnson of Walsh	Sharpe	Young
Kelly	Sifton	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Koffel	Rice	Turner
Purcell		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Kraabel	McDonald	Swenson
LaMoure	Regan	Taylor
McArthur		

So the bill passed and the title was agreed to.

Mr. Young explained his vote and said:

My impression is that the bill as read does not correspond with the way it left us in the committee, still I am not sure of this, and I hope that no clincher will be offered to prevent the reconsideration of this bill. I vote aye for the purpose of being entitled to move for a reconsideration of the bill tomorrow.

Senate Bill No. 297,

A bill for an act requiring county officers to reside at and maintain their offices at the county seat of their respective counties.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 34, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sifton
Cashel	Little	Simpson
Crane	McLean	Spoonheim
Dyste	Movius	Stade
Gilbert	Palmer	Strom
Halliday	Pierce	Swenson
Hanna	Plain	Talcott
Johnson of McLean	Purcell	Taylor
Johnson of Walsh	Ramsett	Thatcher
Kelly	Rice	Turner
Koffel	Sharpe	Wagner
LaMoure		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Kraabel	McDonald	Steele
McArthur	Regan	Young

So the bill passed and the title was agreed to.

Senate Bill No. 287,

A bill for an act to amend section 183 of the Revised Codes of 1905 of chapter 4 of the Political Code of the state

of North Dakota, providing for the surrender of state or school land contracts and division of the land covered thereby, and the issuance of new contracts for such subdivisions.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 37, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sifton
Cashel	Little	Spoonheim
Crane	McDonald	Stade
Dyste	McLean	Støele
Gilbert	Movius	Strom
Halliday	Palmer	Swenson
Hanna	Pierce	Talcott
Johnson of McLean	Plain	Taylor
Johnson of Walsh	Purcell	Thatcher
Kelly	Ramsett	Turner
Koffel	Rice	Wagner
Kraabel	Sharpe	Young
LaMoure		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
McArthur	Regan	Simpson

So the bill passed and the title was agreed to.

Mr. Movius moved

That the vote by which Senate Bill No. 248 passed be reconsidered, and the motion to reconsider be laid on the table.

Mr. Young moved as a substitute

That the vote by which Senate Bill No. 248 passed be reconsidered, and the consideration of the bill be made a special order for Wednesday, February 27, 1907, at 3 o'clock.

Which substitute motion prevailed.

Mr. Crane moved

That the vote by which Senate Bill No. 297 passed be reconsidered, and the further consideration of the bill be made a special order at the head of the calendar for Wednesday, February 27, 1907.

Which motion prevailed.

COURTESIES OF THE FLOOR.

The courtesies of the floor were extended to the following:
J. L. Angell. R. B. Blakemore, T. Baer, Jr., Fred Brown,

B. H. Mallough, William Gill, E. F. Bodle, E. Beiss-
barth, Sever Seremgard, H. M. Gray, Fred Trainor.

Mr. Talcott moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

J. W. FOLEY,
Secretary.

FIFTY-FIRST DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 27, 1907.

The senate convened at 2 o'clock.
The president pro tem. presiding.
Prayer by the chaplain.
Roll call.
All members present.

REFERENCE OF THE JOURNAL.

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

Mr. President:

Your committee on revision and correction of the journal of the fiftieth day have carefully examined the same and find it correct.

J. D. TAYLOR,
Chairman.

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

COMMUNICATION FROM THE SECRETARY OF
STATE.

The following communication was received from the secretary of state:

STATE OF NORTH DAKOTA,
DEPARTMENT OF STATE,
BISMARCK, February 27, 1907.

J. W. Foley, Secretary of the Senate,

SIR: I beg to state that I have forwarded "Memorial" offered by Mr. Stade praying congress to pass a law giving to each respective state of the Union the right to ditch into, alter, modify or destroy, if need be, part or the whole of any "meandered lakes or navigable streams:"

One copy to Hon. H. C. Hansbrough, Hon. P. J. McCumber, Hon. T. F. Marshall and Hon. A. J. Granna.

Yours truly,

ALFRED BLAISDELL,
Secretary of State.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 27, 1907.

Mr. President:

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

A bill for an act providing for the selection of candidates for election by popular vote and relating to their nomination and the perpetuation of political parties.

Which the house has amended as follows:

Amend section 1 of the printed bill by inserting at the end thereof the following: "It shall be liberally construed so that the real will of the electors may not be defeated by any informality or failure to comply with all provisions of law in respect to either the giving of any notice or the conducting of the primary or certify the results thereof."

Amend section 2 of the printed bill by striking out the entire section and inserting in lieu thereof: "On the last Wednesday in June of every year in which occurs a general election there shall be held, in lieu of party caucuses and conventions, a primary election in the various voting precincts of this state, for the nomination of candidates for the following offices to be voted for at the ensuing general election, viz: Members of congress,

state officers, county officers, district assessors and the following officers on the years of their regular election, viz. Presidential electors, judges of the supreme and district courts, members of the legislative assembly and county commissioners, and United States senator in the year previous to his election by the legislative assembly.

For special elections for the officers enumerated herein the nominations shall be made as otherwise provided by law."

Amend by adding: "Section 2a. In the year of the election of presidential electors there shall be elected at such primary election members of the national committee of the respective political parties."

Amend section 3 by adding after the word "congress" in line 2 of the printed bill the following: "Members of the national committee, presidential electors."

Amend section 3 by striking out the word "certified" in line 11 of the printed bill.

Amend section 3 by striking out the figure "2" in line 13 of the printed bill and inserting in lieu thereof the figure "1."

Amend section 4 by striking out the word "twenty" in line 2 of the printed bill and inserting in lieu thereof the word "thirty;" and amend said section 4 by striking out the word "twentieth" in line 3 of the printed bill and inserting in lieu thereof the word "thirtieth."

Amend section 4 by striking out the words "the highest number" in line 20 of the printed bill and inserting in lieu thereof the words "a majority."

Amend section 4 by striking out the word "certified" in line 24 of the printed bill.

Amend section 4 by striking out the figure "2" in line 29 of the printed bill and inserting in lieu thereof the figure "1."

Amend section 4 by striking out the word "thirty" in line 31 of the printed bill and inserting in lieu thereof the word "ten;" and by striking out in the same line the word "fifteen" and inserting in lieu thereof the word "five."

Amend section 4 by adding after the word "commissioners" in line 34 of the printed bill the following: "District assessors."

Amend section 4 by adding after the word "provided" in line 39 of the printed bill the following: "When a legislative district is composed of more than one county the petition herein provided for shall be filed with the county auditor of the county where the candidate resides, and such county auditor shall certify to the county auditors of the other counties composing such legislative districts the names of the candidates filing such petitions."

Amend by striking out all of section 5 of the printed bill and inserting in lieu thereof: "No petition shall be circulated or signed more than ninety days previous to the time when any petition is required to be filed as herein provided for, and any signatures to a petition secured prior to such ninety days shall not be counted."

Amend section 6 of the printed bill by striking out the comma after the figure "3" in line 1 and inserting in lieu thereof the word "and" and by striking out after the figure "4" the word "and" and the figure "5."

Amend section 7 by adding after the word "placed" in line 2 of the printed bill the following: "Over a name or."

Amend section 9 by striking out all of section 9 after the figure "9" and inserting in lieu thereof: "The primary election and primary election ballot shall be provided for, arranged and conducted and all expenses paid as now provided by law for general elections, except as otherwise provided for in this act."

"There shall be separate ballots for each party or principle and they shall all be of the same size, texture and color, excepting all sample ballots, which shall be on tinted paper.

"The ballot shall be entitled "primary election ballot."

"The names of all aspirants for nomination of each political party or principle for the different offices shall be arranged in separate groups in their order, on separate ballots under a proper political designation, leaving as many blank lines or spaces below each name or group of names as there are nominations to be made on which may be written or placed a name or a printed sticker attached for the nomination of the candidate, provided that no sticker or name written shall be counted unless placed in the space or spaces provided for that purpose. No square shall be left at the head of the ballot.

"At the head of each ballot shall be placed the title of the political party or principle that it represents.

"At the left of each group shall be placed the title of the office followed by a bracket indicating the number of names in such group. Above each group there shall be a space in which shall be printed the number of names in that group to be voted for, as follows: 'Vote for.....name (or names only.'

"Immediately above the names of the candidates to be voted for shall be printed the following:

"To vote for a person whose name is printed on the ballot mark a cross (X) in the square at the right of the name of the person for whom you desire to vote.

"To vote for a person whose name is not printed on the ballot, write or paste his name in the blank space provided for that purpose."

"Each ballot shall contain two columns, and each column is to have as nearly as possible the same number of names of candidates thereon, except that no groups or spaces beneath any group shall be divided, and the candidates for the various offices shall appear upon the ballot in the following order commencing at the column to the left, viz:

"1st. 'Congressional—
 United States senatorVote for one.
 Representatives in congressdistrict..... vote for.....

"2nd. 'Presidential Electors—
 Presidential electorVote for one.

"3d. 'Member of the National Committee—
 Member of the national committeeVote for one.

"4th. 'State Officers—
 GovernorVote for one.
 Lieutenant governorVote for one.
 Justice of the supreme courtVote for.....
 Secretary of stateVote for one.
 State auditorVote for one.
 State treasurerVote for one.
 Superintendent of public instructionVote for one.
 Attorney generalVote for one.
 Commissioner of insuranceVote for one.
 Commissioner of agriculture and laborVote for one.
 Commissioner of railroadsVote for three.

"District Judges—
 For district judgedistrictVote for one.

"Legislative—
 State senatordistrictVote for one.
 Members of the house of representativesVote for.....

"County—
 SheriffVote for one.
 AuditorVote for one.
 TreasurerVote for one.
 Clerk of district courtVote for one.
 Register of deedsVote for one.
 State's attorneyVote for one.

County judgeVote for one.
 Superintendent of schoolsVote for one.
 Public administratorVote for one.
 County surveyorVote for one.
 County coronerVote for one.
 County commissionerdistrictVote for one.
 District assessordistrictVote for one.
 County constableVote for.....
 County justices of the peaceVote for.....

"A square shall be placed following the name to the right of every candidate and the voter shall place a cross (X) in such square following the name of each person he desires to vote for."

Amend section 10 by striking out the figure "5" in line 5 of the printed bill and inserting in lieu thereof the figure "1."

Amend section 11 of the printed bill by adding at the end of said section the following: "Provided, however, that when a vacancy occurs by reason of no petition having been filed by any person for such office, then such vacancy is to be filled in like manner by the committee of the party in which such vacancy occurs, at least fifteen days before the date of the primary election; in which case the candidates selected to fill such vacancy shall pay a fee equal to one-half of the amount herein required from a candidate on the presentation of his petition."

"Provided, further, that in case of the election, at the general election, of any candidate who has not paid a full primary fee for a place on the ballot at the last preceding primary election, such candidate shall before qualifying for the office to which he has been elected, pay to the proper officer such a sum as will make his payment as a primary fee equal to the full primary fee, as is required by this act"

"Every candidate, except candidates for United States senator, for any office, receiving the highest number of votes under the provisions of this act, shall be the nominee of his political party for such office, to be voted for at the ensuing general election; provided, that in cases where there are two or more candidates to be selected for any office the candidates having respectively the highest number of votes therefor shall be the nominees for such offices to be voted for at the ensuing general election; provided further, that every candidate must receive at the primary election at least the number of votes equal to the number on his petition, as required by sections 3 and 4 hereof in order to be placed upon the general election ballot.

"The candidate receiving the highest number of votes for the office of member of the national committee shall be the duly elected member of the national committee of his party and shall hold such office from the time the national convention is held in the year of his election until the date when the national convention is held four years thereafter, or until his successor is elected, and it shall be the duty of the secretary of the state as soon as the call for the national convention is made to send to the chairman of each of the national central committees a certificate under his hand and seal stating that this state will elect a member of the national committee of either party is held after such date, then he shall certify to the chairman of the national committee whose convention has been held the names of the national committeemen elected."

Amend section 14 in line 2 of printed bill by adding the letter "s" after the word "section" and insert thereafter "614" and the word "and."

Amend section 15 of the printed bill by striking out all of said section after the second line therein.

Amend section 16 by striking out the word "fifteenth" in the second line of the printed bill and insert in lieu thereof the word "first."

Amend section 17 in line 3 of the printed bill by striking out the words "are hereby made applicable" and insert in lieu thereof "so far as practicable, shall apply."

Amend section 17 in line 4 of the printed bill by inserting after the word "to-wit" "605."

Amend section 17 of the printed bill in line 7 by inserting after "672" "673;" and in the same line by inserting after "683" "684."

Amend section 17 of the printed bill in line 8 thereof by striking out "688, 689, 690, 691, 692, 693, 694, 695, 696" and "697."

Amend section 19 of the printed bill in line 1 thereof by striking out "9" and insert in lieu thereof "8."

In section 23, line 23, after the word "congress" and insert the words "presidential electors, member of national committee."

Amend section 23 in line 32 of the printed bill by striking out the letter "a" and insert in lieu thereof "the official." In same section and line add the letter "s" after the word "newspaper" and insert thereafter "of the county."

Strike out all of section 23 in the printed bill after the word "newspaper" in line 32 thereof.

Amend section 24, line 4, of the printed bill by striking out the word "August" and insert in lieu thereof the word "July;" in same section, line 7, of the printed bill, amend by inserting after the word "congress" "presidential electors, national committeemen."

Amend section 25, line 4, of the printed bill, by striking out the word "of" and insert in lieu thereof the word "after."

Amend section 26 in line 3 of the printed bill by striking out the word "first" and insert in lieu thereof the word "second." In line 4 of the printed bill, same section, strike out the word "September" and in lieu thereof insert the word "August."

Amend section 27 by striking out the word "published" after the word "and" in line 13 of the printed bill and all of line 14, inserting in lieu thereof the following: "Shall certify to the county auditor of each county the names of all persons nominated at said primary election."

Amend section 29 of the printed bill by striking out all of said section after the number 29 in the first line thereof and insert in lieu thereof "when a vacancy occurs by death or resignation of any aspirant for nomination before the primary election ballots are printed in legislative districts containing more than one county, the county central committee of the party in the county in which such vacancy occurs shall meet and by a vote of the majority of such committee shall fill such vacancy, and they shall by a certificate of nomination notify the county auditors of the several counties of which said district is composed and the auditors of such county shall place the names on the primary election ballots where the vacancy exists."

"Should a vacancy occur in the legislative office in a county composed of one county or less, or in a commissioner's district, or assessor's district then members of the county central committee of the party residing in the district in which such vacancy occurs shall meet and fill such vacancy and shall certify to the county auditor the nomination made to fill said vacancy. On receipt of said certificate of nomination the county auditor shall place the name of such nominee upon the primary election where such vacancy exists."

Amend section 30 of the printed bill by striking out all of section after the number "30" and insert in lieu thereof "whenever it shall be made to appear by affidavit to the supreme court or to the district court of the proper county: that an error or omission has occurred or is about to occur in the placing of any name on an official primary election ballot; that any error has been or is about to be committed in printing such ballot, or that any wrongful act has been or is about to be done by any judge or clerk of a primary election, county auditor, canvassing board, member thereof, or other person charged with any duty concerning the primary election; or that any neglect of duty has occurred or is about to occur, such judge shall order the officer or person charged with such error, wrong or neglect to forthwith correct the error, desist from the wrongful act, or perform the duty, or show cause at a time and place to be fixed by the court why he

should not do so. Failure to obey the order of such judge shall be contempt of court."

Amend section 31 of the printed bill by striking out all of said section after the figures 31 in line 1 of the printed bill and insert in lieu thereof "Any candidate at a primary election desiring to contest the nomination of another candidate or candidates for the same office, may proceed by affidavit within ten days after the completion of the canvass. In case the contestant shall set forth in his affidavit, upon information and belief, that the ballots in any precinct have not been correctly counted, and that he has been prejudiced thereby, the judge shall make an order requiring the custodian of such ballots to appear before him at such time and place, and abide the further order of the court. At the time and place stated, the ballot boxes shall be opened and the ballots recounted in the presence of the court. If it should be found that a mistake has been made in counting such ballots, then the contestant shall be permitted upon application, to amend his affidavit of contest by including such additional facts therein.

"All testimony and depositions taken in contests brought under the provisions of this article shall be taken in the same manner as in civil actions and depositions may be taken in more than one place at the same time on leave of the court, and all matters relating to such contests shall be heard and tried as nearly as may be as civil actions are tried except as otherwise provided herein. The court shall make its findings of fact and conclusions of law. Appeals from final judgment and decisions of such contests may be taken without making a motion for a new trial in the district court in the manner provided for in the code of civil procedure, except that the undertaking on appeal shall be in a sum to be fixed by the judge, not less than five hundred dollars, and shall be approved by the judge and by the clerk of the district court of the proper county or subdivision under the directions of the judge.

"Appeals to the supreme court under the provisions of this article must be taken within ten days after notice of entry of final judgment and the party appealing must immediately procure the transmission of the record on such appeal to the clerk of the supreme court and such appeal may be brought on for hearing before the supreme court at any time such court shall be in session upon five days notice from either party; and the same shall be heard and determined in a summary manner except as otherwise provided in this article. The provisions of the code of civil procedure are applicable to and constitute the rules of practice in the proceedings mentioned in this article and the provisions of the civil code of procedure relative to appeals in civil actions, except in so far as they are inconsistent herewith apply to the proceedings mentioned in this article."

Amend section 32 of the printed bill by striking out all of said section after the number "32" in line 1 and in lieu thereof insert "The provisions of the statutes now in force in relation to the holding of elections, the solicitation of votes, the manner of conducting elections, of counting the ballots and making return thereof, and all other kindred subjects shall apply to all primaries in so far as they are consistent with this act; the intent of this act being to place the primary election under the regulation and protection of the laws now in force as to election."

Amend section 33 of the printed bill by striking out all of said section after the number "33" in the printed bill and insert in lieu thereof "in case of a tie vote the same shall be determined by the canvassing board or boards concerned, at a time and place fixed by them in such manner as they may designate in the presence of the candidate upon at least five days' notice to such candidate.

Amend section 34 of the printed bill by striking out all of said section after the number 34 in first line thereof and insert in lieu thereof the following: "nothing herein contained shall be construed as appealing or being in conflict with section 501 of the Revised Codes 1905."

Amend section 35 of the printed bill by striking out all after the number 35 in first line thereof and insert in lieu thereof "all fees paid to the secretary of state by candidates for the legislative assembly shall be paid by the secretary of state forthwith to the various county auditors in the state where such candidates reside and in case any legislative district is composed of more than one county such fee shall be paid to such counties in equal proportions, which fees are to be turned into the general fund of said county auditor."

Amend section 36 of the printed bill by striking out all after the number 36 of said section and insert in lieu thereof "all acts or parts of acts in conflict with this act are hereby repealed in so far as they relate to the provisions of this act."

Amend section 37 of the printed bill by striking out all of said section after the number 36 in the first line thereof and insert in lieu thereof the following: "In case any of the provisions of this act should be declared unconstitutional that shall not affect the validity of any of the other provisions of this act."

Amend the printed bill by striking out all of section 40 and 41.

Amend the printed bill by striking out the number 42 in section 42 thereof and insert in lieu thereof the number "38."

Amend section 9 by striking out the word "one" after "presidential elector vote for."

Add to section 13 the following words: "Shall be placed on the Australian ballot as hereinafter provided."

Amend section 4 of the printed bill by striking out the word "primary" in line 21 and insert in lieu thereof the word "general."

Leave section 13 of original bill as it now stands and do not adopt amendment recommended by committee.

Amend section 24 by adding after the word "congress" in line 7 of the printed bill the following: "Member of the national committee."

Amend section 27 by adding after the word "provided," in line 9 of the printed bill, the following: "He shall also mail to each of the two candidates of each political party who receive the highest number of votes of his party for the office of United States senator a notice of such fact and that their names will be put upon the official ballot to be voted for at the next general ensuing election."

Amend section 27 by striking out lines 10, 11, 12, 13 and 14 of the printed bill and insert in lieu thereof the following: "He shall report to the legislative assembly the name of the candidate of each political party receiving the highest number of votes of his party for the office of United States senator at the general election in November, and he shall also cause a copy of the findings of said board to be filed in his office and published in a newspaper printed at the seat of government."

Amend section 28 by striking out in lines 6 and 7 of the printed bill the words "United States senator" and inserting in lieu thereof the following: "National committeemen. The secretary of state shall also place upon the official ballot, to be voted for at the general election following, the names of the two candidates of each political party who received the highest number of votes for the office of United States senator at the primary election. The candidate of each political party who receives the highest number of votes at such general election shall be the nominee of his party for the office of United States senator to be voted for at the succeeding session of the legislative assembly. It is hereby made the duty of the secretary of state to certify to the next legislative assembly the name of the candidate of each political party who received the highest number of votes for United States senator at the general election preceding."

In section 4, line 21, strike out the words "has received" and insert in lieu thereof the words "shall receive."

Add as new section, as follows:

SEC. 43. The word Australian ballot as used in this act shall be construed to mean the general ballot used at the November election.

And passed as amended.

Also,

I have the honor to return herewith
Senate Bill No. 188,

A bill for an act to amend section 9371 of the Revised Codes of 1905 of the state of North Dakota, providing for the state's attorney to prosecute persons for unlawful dealing in intoxicating liquors, and bring suits upon bonds or undertakings forfeited and to recover fine and penalties, and the creation of a special fund.

Also,

Senate Bill No. 8,

A bill for an act to amend and re-enact section 7459 of the Revised Code of 1905, relating to the foreclosure of mortgages on real property.

Also,

Senate Bill No. 4,

A bill for an act relating to the qualifications of state, county and city elective officers.

Also,

Senate Bill No. 165,

A bill for an act to amend section 1934 of the Revised Code of 1905, relating to county commissioners vote on abolishing provisions of article 9, Revised Code of 1905, entitled Herd Law. How conducted) and repealing sections 1935, 1936 and 1937 Revised Code of 1905.

Which the house has indefinitely postponed.

Also,

I have the honor to transmit herewith
House Bill No. 278,

A bill for an act to fix the number of the senate and representatives which shall compose the legislative assembly and to define the senatorial and representative districts of the state of North Dakota, and prescribe the number of senators and representatives therein.

Also,

House Bill No. 315,

A bill for an act entitled an act creating park districts

and for the government thereof, creating a board of park commissioners, conferring power and authority upon such board and district, and providing rules for the government thereof.

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

Very respectfully,

P. D. NORTON,
Chief Clerk.

REPORT OF STANDING COMMITTEES

The committee on education made the following report:

Mr. President:

Your committee on education to whom was referred
Senate Bill No. 266,

A bill for an act to amend section 1031, 1032, 1033, 1034, 1035, 1036 and 1037 of chapter 9, article 25 of the Revised Code of 1905, relating to education and creating a new section providing that high schools may be classified as accredited schools of the University of North Dakota, and repealing all acts in conflict therewith.

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

That the title be amended to read as follows: "For an act to amend section 1031 of the Revised Codes of 1905, relating to education."

And all that part after the enacting clause be stricken out and the attached bill be substituted therefor.

And when so amended recommend the substitute do pass.

F. S. TALCOTT,
Chairman.

Mr. Talcott moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on education made the following report:

Mr. President:

Your committee on education to whom was referred

House Bill No. 198,

A bill for an act to amend section 777 of the Revised Codes of 1905, relating to education.

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

F. S. TALCOTT,
Chairman.

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

The committee on education made the following report:
Mr. President:

Your committee on education to whom was referred
Senate Bill No. 320,

A bill for an act to amend sections 1077, 1078, 1079, 1082, 1084, 1085, 1086, 1087, and 1090 of the Revised Codes of North Dakota of 1905, relative to the state normal schools at Valley City and Mayville.

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

F. S. TALCOTT,
Chairman.

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

The committee on education made the following report:
Mr. President:

Your committee on education to whom was referred
House Bill No. 99,

A bill for an act to amend section 872 of the Political Code of the Revised Codes of 1905 of the Codes of North Dakota, relating to examinations and certificates for teachers in public schools.

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

F. S. TALCOTT,
Chairman.

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

The committee on education made the following report:
Mr. President:

Your committee on education to whom was referred
Senate Bill No. 261,

A bill for an act granting recognition to diplomas issued
by first class high schools as teacher's certificates.

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

F. S. TALCOTT,
Chairman.

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

The committee on judiciary made the following report:
Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 119,

A bill for an act to repeal sections 2297, 2298 and 2299 of
chapter 28 of the Political Code as compiled in the Revised
Codes of North Dakota for 1905, and to re-enact sections
2300, 2301 and 2302 of said chapter 28 of the said Political
Code of North Dakota as compiled in the Revised Codes
of North Dakota for 1905.

Have had the same under consideration and recommend
that the same be indefinitely postponed.

C. B. LITTLE,
Chairman.

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

The committee on judiciary made the following report:
Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 79,

A bill for an act to amend section 4610 of the Revised
Codes of 1905, relating to building and loan associations.

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

C. B. LITTLE,
Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No 148,

A bill for an act entitled, "An act to amend section 2887 of the Political Code of the state of North Dakota, Revised Codes of 1905, relating to the powers of village marshals and the service of civil processes by them.

Have had the same under consideration and recommend that the same be indefinitely postponed.

C. B. LITTLE,
Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 239,

A bill for an act entitled "An act to prohibit the publication of the names of the persons by whom bills are introduced in the legislative assembly, while the same is in session."

Have had the same under consideration and recommend that the same be indefinitely postponed.

C. B. LITTLE,
Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 97,

A bill for an act relating to practice on appeals in cases tried by a district court without a jury.

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

C. B. LITTLE,
Chairman.

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

The committee on judiciary made the following report:
Mr. President:

Your committee on judiciary to whom was referred
Senate bill No. 316,

A bill for an act entitled an act to provide for two judges of the district court in the Sixth judicial district.

Have had the same under consideration and recommend that the same be indefinitely postponed.

C. B. LITTLE,
Chairman.

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

The committee on judiciary made the following report:
Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 252,

A bill for an act to amend sections 7083 and 7085 of the Revised Codes of the state of North Dakota for the year 1905, relating to the method of renewing liens and judgments and providing for renewing the same without suit for an additional term of ten years and allowing execution thereon after renewal.

Have had the same under consideration and recommend that the same be indefinitely postponed.

C. B. LITTLE,
Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 271,

A bill for an act to amend section 8149 of the 1905 Revised
Codes of 1905, relating to examination of parties.

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

That on page 1 in section 1 in line 9 of the printed bill insert the words
"and any other adverse party" after the word "examined."

That all of section 2 of the printed bill be stricken out.

And when so amended recommend the same do pass.

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 169,

A bill for an act to amend section 8149 of the Revised
Codes of the state of North Dakota.

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

That all of section 2 of the printed bill be stricken out.

And when so amended recommend the same do pass.

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 305,

A bill for an act to amend section 1572 of the Revised

Codes of North Dakota of 1905, being section 72 of chapter 126 of the Laws of 1897, relating to the lien of taxes.

Have had the same under consideration and recommend that the same be indefinitely postponed.

C. B. LITTLE,
Chairman.

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

The committee on judiciary made the following report:
Mr. President:

Your committee on judiciary to whom was referred
Senate concurrent resolution amending section 162 of the constitution of the state of North Dakota, relating to the investment of permanent school funds.

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

C. B. LITTLE,
Chairman.

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

The committee on agriculture made the following report:
Mr. President:

Your committee on agriculture to whom was referred
Senate Bill No. 310,

A bill for an act to regulate the public service of stallions and jacks in the state of North Dakota.

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

IVER SWENSON,
Chairman.

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

The majority of the committee on agriculture made the following report:

Mr. President:

Your committee on agriculture to whom was referred Senate Bill No. 235,

A bill for an act to establish the live stock sanitary board of North Dakota and to provide for the suppression and control of dangerous, contagious and infectious diseases of domestic animals.

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

IVER SWENSON,
Chairman.

Mr. Swenson moved

That the majority report be adopted.

The committee on agriculture made the following minority report:

Mr. President:

Your committee on agriculture to whom was referred Senate Bill No. 235,

A bill for an act to establish the live stock sanitary board of North Dakota and to provide for the suppression and control of dangerous, contagious and infectious diseases of domestic animals.

Have had the same under consideration and recommend that the same be indefinitely postponed.

C. W. PLAIN,
HENRY McLEAN,
JOHN KELLY.

Mr. Plain moved

That the minority report be adopted.

Mr. Simpson objected to the present consideration of the majority and minority reports of the committee, and

The further consideration of the reports was deferred.

The report of the committee on insurance of Senate Bill No. 231 was read for further consideration.

Mr. Simpson moved

That the report of the committee be adopted.

Mr. LaMoure moved as a substitute
That the bill be indefinitely postponed.
Which substitute motion prevailed, and
Further consideration of Senate Bill No. 231 was indefinitely postponed.

The committee on ways and means made the following report:

Mr. President:

Your committee on ways and means to whom was referred

House Bill No. 119,

A bill for an act to amend and re-enact section 1582 of the Revised Codes of North Dakota of 1905, relating to the redemption of real estate from tax sale.

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

A. T. KRAABEL,
Chairman.

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

The committee on ways and means made the following report:

Mr. President:

Your committee on ways means to whom was referred
Senate Bill No. 299,

A bill for an act to amend sections 1484, 1487, 1490, 1492, 1494, 1495, 1496, 1497, 1500, 1503, 1504, 1517, 1519, 1520, 1521, 1523, 1528, and to repeal sections 1498, 1505, 1507, 1508, 1509, 1510, 1512, 1518, 1522 and 1529.

Have had the same under consideration and recommend that the same be indefinitely postponed.

A. T. KRAABEL,
Chairman.

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

The committee on ways and means made the following report:

Mr. President:

Your committee on ways and means to whom was referred

House Bill No. 275,

A bill for an act designating the sheriff of each county inspector and sealer of weights and measures, prescribing his powers, duties and compensation, defining the standard of weights and measures for the inspector and prescribing the penalties for violation of this act.

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

Page 2, after the word "evidence," in line 11 of the printed bill, insert the following: "He shall keep a record of all such certificates issued by him and of all his transactions under this article, and shall file with the county auditor during the month of December of each year a statement showing the date of examination and giving the names of the persons, firms or corporations whose scales, weights and measures have been by him examined, and setting out against such names an enumeration of any scales, weights or measures by him so condemned."

And when so amended recommend the same do pass.

A. T. KRAABEL,
Chairman.

Mr. Kraabel moved

That the report be adopted,

Which motion prevailed and

The report of the committee was adopted.

The committee on counties made the following report:

Mr. President:

Your committee on counties to whom was referred

Senate Bill No. 321,

A bill for an act entitled: An act to provide for changing county lines of organized counties to include unorganized territory.

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

AUG. E. JOHNSON,
Chairman.

Mr. Johnson of McLean moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on counties made the following report:

Mr. President:

Your committee on counties to whom was referred
Senate Bill No. 304,

A bill for an act to amend and re-enact section 2329 and 2330 of the Revised Codes of North Dakota for the year 1905, relative to the division of counties.

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

That the title of said bill be amended so as to read as follows: "A bill for an act to amend and re-enact section 2329 of the Revised Codes of North Dakota for the year 1905, relative to the division of counties.

That the following be inserted in line 1, section 1, after the word "amendment:" "That section 2329 of the Revised Codes of 1905 of North Dakota be amended and re-enacted so as to read as follows: Sec. 2. That all of said bill after the line 19 of the printed bill, being section 2330 of the Revised Code of 1905, be stricken out."

And when so amended recommend the same do pass.

AUG. E. JOHNSON,
Chairman.

Mr. Johnson of McLean moved
That the report be adopted,
Which motion prevailed, and
The report of the committee was adopted.

The committee on counties made the following report:

Mr. President:

Your committee on counties to whom was referred
House Bill No. 274,

A bill for an act for the organization of villages, towns or cities in territory embracing more than one county.

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

AUG. E. JOHNSON,
Chairman.

Mr. Johnson of McLean moved
That the report be adopted,
Which motion prevailed, and
The report of the committee was adopted.

The committee on corporations other than municipal made the following report:

Mr. President:

Your committee on corporations other than municipal to whom was referred

Senate Bill No. 313,

A bill for an act to amend section 4224 of the Revised Codes of the state of North Dakota, relating to the increasing or diminishing of the capital stock of corporations.

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

Strike out the word "twenty" in line 27, page 2, of printed bill, and insert in lieu thereof the word "forty."

And when so amended recommend the same do pass.

MAYNARD CRANE,
Chairman.

Mr. Crane moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on corporations other than municipal made the following report:

Mr. President:

Your committee on corporations other than municipal to whom was referred

House Bill No. 203,

A bill for an act to amend section 4516 of the Revised Codes of 1905, relating to corporations.

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

Insert words "North Dakota for" before the figures "1905" in title; and make same change in section 1 of printed bill.

And when so amended recommend the same do pass.

MAYNARD CRANE,
Chairman.

Mr. Crane moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on cities and municipal corporations made the following report:

Mr. President:

Your committee on cities and municipal corporations to whom was referred

House bill No. 12.

A bill for an act providing for the opening, grading, improving and vacating of streets, alleys, etc., in incorporated villages.

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

H. H. STEELE,
Chairman.

Mr. Steele moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on temperance made the following report:

Mr. President:

Your committee on temperance to whom was referred

House Bill No. 199,

A bill for an act to amend section 9366 of the Revised Code of 1905, same being section 7598 of the Revised Code of 1899, defining what shall be considered and held to be intoxicating liquors.

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

H. H. STROM,
Chairman.

Mr. Strom moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on temperance made the following report:

Mr. President:

Your committee on temperance to whom was referred

House Bill No. 195,

A bill for an act providing for the publication and registration of special tax receipts or licenses from the government of the United States to sell distilled, malt and fer-

mented liquors, issued to persons in North Dakota, the payment and collection of registration fees and publication fees, regulating the posting and exhibiting of such tax receipts or licenses, prescribing the duties of officials and owners and lessors of property in relation thereto, prescribing penalties for failure to perform the duties prescribed and other regulations pertaining to the sale of intoxicating liquors.

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

By striking out the word "failure" in line 8, section 6, in the printed bill, and inserting the words "if such owner or lessor shall knowingly fail" in lieu thereof; and in same line strike out the words "shall constitute" and insert the words "he shall be guilty of" in lieu thereof.

And by striking out all of section 8.

In line 1, section 9, strike out the figure "9" and insert the figure "8."

In line 1, section 10, strike out the figures "10" and insert the figure "9."

In line 1, section 10, strike out the figures "11" and insert the figures "10."

And when so amended recommend the same do pass.

H. H. STROM,
Chairman.

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

The committee on temperance made the following report:
Mr. President:

Your committee on temperance to whom was referred
Senate Bill No. 315,

A bill for an act authorizing and empowering the governor of the state to remove and suspend certain officers who have been guilty of malfeasance or nonfeasance in the performance of their official duties, or guilty of habitual drunkenness, and providing for the filling of vacancies caused by such suspension or removal.

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

H. H. STROM,
Chairman.

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

The committee on judiciary made the following report:
Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 156,

A bill for an act to amend section 8083 of the Revised Codes of 1905, relating to inventory and appraisement of the decedent's estate.

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

That all after the re-enacting clause be stricken out and the following be inserted in lieu thereof:

Sec. 8083. Decedent's Life Insurance.] The avails of any policy or policies of insurance heretofore or hereafter issued upon the life of any person and payable upon the death of such person to the order, assigns, estate, executors or administrators of the insured and not assigned to any other person shall, if the insured in such policy at the time of death reside or resided in the state and leave or left surviving a widow or husband or any minor child (or any other person dependent upon him or her for support) to an amount not exceeding in the aggregate the sum of five thousand dollars, inure to the separate use of such widow or husband or child or children or both, as the case may be, independently of the creditors of such deceased, and to such an amount shall not in any action or proceeding, legal or equitable, be subject to the payment of any debt or liability of such decedent.

And when so amended recommend the same do pass.

C. B. LITTLE,
Chairman.

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

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred
House Bill No. 237,

A bill for an act to amend section 444 of the Revised Codes of North Dakota for 1905, relating to the employment of stenographer by the supreme court.

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

J. B. SHARPE,
Chairman.

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

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred
House Bill No. 225,

A bill for an act indemnifying owners for animals killed
or destroyed according to law for being afflicted with the
disease known as glanders.

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

In section 1, line 20, of the printed bill, the word "fifty" be stricken out.
And when so amended recommend the same do pass.

J. B. SHARPE,
Chairman.

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

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred
House Bill No. 138,

A bill for an act to amend section 850 of the Revised
Codes of 1905 of the State of North Dakota, concerning re-
port of treasurers of school districts.

Have had the same under consideration and recommend
that the same be indefinitely postponed.

J. B. SHARPE,
Chairman.

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

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred
House Bill No. 214,

A bill for an act empowering boards of county commissioners to dispose of property which any county may have acquired through purchase, forfeiture or operation of law.

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

J. B. SHARPE,
Chairman.

Mr. Sharpe moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 227,

A concurrent resolution amending the constitution of the state of North Dakota, relating to changing the name of the state reform school.

Have had the same under consideration and recommend that the same be indefinitely postponed.

J. B. SHARPE,
Chairman.

Mr. Sharpe moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 204,

A bill for an act to amend section 1428 of the Revised Codes of 1905 of the state of North Dakota, providing for the payment and commutation of poll and road tax, and the manner of expending the same.

Have had the same under consideration and recommend that the same be indefinitely postponed.

J. B. SHARPE,
Chairman.

Mr. Sharpe moved

That the report be adopted,

Mr. McDonald objected to the present consideration of the report of the committee on state affairs on Senate Bill No. 204, and further consideration of the bill was deferred.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred Senate Bill No. 220,

A bill for an act to amend and re-enact section 2442 of the Revised Codes of North Dakota for the year 1905 relating to the designating of county depositories.

Have had the same under consideration and recommend that the same be indefinitely postponed.

J. B. SHARPE,
Chairman.

Mr. Sharpe moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred House concurrent resolution relating to investigation of homestead proofs.

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

That subdivision 3 of the resolution be stricken out.

And when so amended recommend the same do pass.

J. B. SHARPE,
Chairman.

Mr. Sharpe moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred
M.r Simpson's resolution relating to state fairs.

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

J. B. SHARPE,
Chairman.

Mr. Sharpe moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred
House bill No. 232,

A bill for an act to amend section 9312 of the Revised
Codes of 1905, making it a misdemeanor to injure or ob-
struct electric wire.

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

J. B. SHARPE,
Chairman.

Mr. Sharpe moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred
House Bill No. 161,

A bill for an act to amend section 2392 of the Revised
Codes of North Dakota for 1905.

Have had the same under consideration and recommend
that the same be indefinitely postponed.

J. B. SHARPE,
Chairman.

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

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 312,

A bill for an act to amend sections 1311, 1312 and to
repeal section 1315 of the Revised Codes of 1905, relating
to county fairs.

Have had the same under consideration and recommend
that the same be indefinitely postponed.

J. B. SHARPE,
Chairman.

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

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred
House Bill No. 227,

A bill for an act to amend section 2441 Revised Codes of
1905, relating to designation of county depositories.

Have had the same under consideration and recommend
that the same be indefinitely postponed.

J. B. SHARPE,
Chairman.

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

Mr. Sharpe moved
That the consideration of the report of committee on state
affairs on House Bill No. 227 go over for one day.
Which motion prevailed.

A majority of the committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 58,

A bill for an act to create the Ninth judicial district of the state of North Dakota, defining the boundaries of the Second, Eighth and Ninth judicial districts of the said state, and providing for terms of court in the said districts.

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

C. B. LITTLE,
Chairman.

A minority of the committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 58,

A bill for an act to create the Ninth judicial district of the state of North Dakota, defining the boundaries of the Second, Eighth and Ninth judicial districts of the said state, and providing for terms of court in the said districts.

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

GEORGE M. YOUNG,
ED. PIERCE,
THEODORE KOFFEL,

Mr. Rice objected to the present consideration of the majority and minority reports of the committee on judiciary and further consideration of the bill was deferred.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills to whom was referred

Concurrent resolution by Mr. Stade.

Have carefully examined the same, and find the same correctly engrossed.

GEORGE M. YOUNG,
Chairman.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills to whom was referred

Senate Bill No. 199,

A bill for an act entitled, an act to provide for organizing counties from the unorganized territory in this state.

Also,

Senate Bill No. 221,

A bill for an act entitled an act concerning artesian wells and the regulation and acquirement of rights to the use of water therefrom.

Also,

Senate Bill No. 278,

A bill for an act entitled an act to provide for a commission system of government in cities which shall adopt the provisions of this act.

Also,

Senate Bill No. 320,

A bill for an act to amend sections 1077, 1078, 1079, 1082, 1084, 1085, 1086, 1087, and 1090 of the Revised Codes of North Dakota of 1905, relative to the state normal schools at Valley City and Mayville.

Also,

Senate Bill No. 277,

A bill for an act providing the manner in which the right of way for railroad companies over lands belonging to wards or deceased persons may be acquired.

Also,

Senate Bill No. 202,

A bill for an act to repeal sections 2297 to 2321, both inclusive, of the Revised Codes of North Dakota for the year A. D. 1905, relating to organization of counties.

Senate Bill No. 293,

A bill for an act to amend section 394 of chapter 5 of the Political Code of the Revised Codes of 1905 for North Dakota, relative to verified claims against the state.

Also,

Senate Bill No. 253,

A bill for an act to legalize the execution and acknowledgment of certain deeds, mortgages and other instruments in writing, and the record thereof, and making the same or certified copies thereof admissible in evidence.

Also,

Senate Bill No. 289,

A bill for an act to amend section 2231 of the Revised Codes of North Dakota for 1905, relating to abstractors of title—bonds to be given.

Also,

Senate Bill No. 181,

A bill for an act to amend section 911 of the Revised Code of North Dakota for 1905, relating to notice of elections to vote bonds for school districts.

Also,

Senate Bill No. 240,

A bill for an act to divide the state of North Dakota into two congressional districts, and defining the boundaries of each of said congressional districts in North Dakota.

Have carefully examined the same, and find the same correctly engrossed.

GEORGE M. YOUNG

Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Little moved

That the senate concurrent resolution relating to mining be adopted.

Which motion prevailed, and

The concurrent resolution was adopted.

Mr. Taylor moved

That the rules be suspended and House Bill No. 315 be given first and second reading and reference, and

House Bill No. 315,

A bill for an act entitled an act creating park districts and for the government thereof, creating a board of park commissioners, conferring power and authority upon such

board and district, and providing rules for the government thereof.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Gilbert moved

That Senate Bill No. 203 be recommitted to the committee on railroads.

Which motion prevailed, and

The bill was so recommitted.

Mr. Hanna moved

That Porter Talcott be named by the president as a page for the senate to act for the balance of the session.

Which motion prevailed.

Mr. Crane moved

That the majority and minority reports of the committee on apportionment on Senate Bill No. 240 be read for further consideration.

Mr. Kraabel moved

That the majority report of the committee on apportionment on Senate Bill No. 240 be adopted.

Mr. Johnson of McLean moved as a substitute

That the minority report of the committee on apportionment on Senate Bill No. 240 be adopted.

Which substitute motion was lost.

The question being on the motion to adopt the majority report.

Which motion prevailed, and

The majority report of the committee on apportionment on Senate Bill No. 240 was adopted.

SPECIAL ORDER.

Mr. Movius moved

Taht Senate Bill No. 248 be further considered.

Which motion prevailed.

Mr. Young moved

That Senate Bill No. 248 be amended as follows:

In line 5 of the printed bill the word "ten" be stricken out and the word "fifteen" be inserted in lieu thereof.

Which motion prevailed, and

The amendment was adopted.

Mr. Pierce moved

That Senate Bill No. 248 be amended by striking out the emergency clause.

Which motion prevailed.

Senate Bill No. 248,

A bill for an act to amend section 6146 of the Revised Codes of 1905 of the state of North Dakota, relating to extinction of liens.

Was read the third time.

The question being on the final passage of the bill as amended;

The roll was called and there were ayes 23, nays 15, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McLean	Simpson
Crane	Movius	Steele
Hanna	Palmer	Talcott
Johnson of McLean	Plain	Taylor
Johnson of Walsh	Ramsett	Thatcher
LaMoure	Regan	Wagner
Leutz	Sharpe	Young
Little	Sifton	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Cashel	Koffel	Spoonheim
Dyste	Kraabel	Stade
Gilbert	McArthur	Strom
Halliday	Purcell	Swenson
Kelly	Rice	Turner

Messrs. McDonald and Pierce being absent and not voting.

So the bill passed as amended and the title was agreed to.

Mr. Movius moved

That the vote by which Senate Bill No. 248 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the house.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 27, 1907.

Mr. President:

I have the honor to transmit herewith the following house concurrent resolution

WHEREAS, The present laws upon the question of taxation appear to be inadequate; and

WHEREAS, The revenues of the state are not sufficient to meet the increased demands made upon the treasury; and

WHEREAS, There has not been time enough at this session to prepare a comprehensive tax law; therefore, be it

Resolved by the House of Representatives, the Senate Concurring, That the governor, state auditor and attorney general are hereby constituted a commission for the purpose of preparing a thoroughly comprehensive and adequate revenue and taxation law and report the same to the next legislative session.

Which the house has adopted and your favorable concurrence therein is respectfully requested.

Very respectfully

P. D. NORTON,

Chief Clerk.

Mr. Talcott moved

That all senate bills introduced today be given their second reading and reference, and that Senate Bill No. 333 be printed immediately and placed on the desks of the senators.

Which motion prevailed.

INTRODUCTION AND FIRST AND SECOND READING OF SENATE BILLS.

Mr. McArthur introduced

Senate Bill No. 330,

A bill for an act to prevent monopoly and for the protection of traders.

Which was read the first and second times, and

Referred to the committee on state affairs.

Mr. Steele introduced

Senate Bill No. 331,

A concurrent resolution for an act locating the public institutions and locating a state normal school at such place in the counties of McHenry or Ward as the legislative assembly may hereafter determine.

Which was read the first and second times, and

Referred to the committee on education.

Mr. Hanna introduced

Senate Bill No. 332,

A bill for an act to prevent the exhaustion of the fertility of the soil.

Which was read the first and second times, and

Referred to the committee on agriculture.

The committee on education introduced
Senate Bill No. 333,

A bill for an act to amend sections 1050, 1051, 1082, 1092,
and 1231 of the Revised Codes of 1905, relating to education.
Which was read the first and second times, and
Referred to the committee on education.

THIRD READING OF SENATE BILLS.

Senate Bill No. 297,

A bill for an act requiring county officers to reside at and
maintain their offices at the county seat of their respective
counties.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes 37, nays none,
absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Spoonheim
Cashel	Little	Stade
Crane	McArthur.	Steele
Dyste	Palmer	Strom
Gilbert	Pierce	Swenson
Halliday	Plain	Talcott
Hanna	Purcell	Taylor
Johnson of McLean	Ramsett	Thatcher
Johnson of Walsh	Regan	Turner
Kelly	Rice	Wagner
Koffel	Sharpe	Young
Kraabel	Sifton	
LaMoure	Simpson	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
McDonald	McLean	Movius

So the bill passed and the title was agreed to.

Mr. Simpson gave notice that on Thursday, February 28,
1907, he would move to reconsider the vote by which Senate
Bill No. 297 passed.

Mr. Hanna moved

That Senate Bill No. 278 be taken from its regular order
and be given its third reading and placed on final passage.

Which motion prevailed, and

Senate Bill No. 278,

A bill for an act entitled an act to provide for a com-
mission system of government in cities which shall adopt
the provisions of this act.

Was read the third time.

The question being on the final passage of the bill;
The roll was called and there were ayes 37, nays none,
absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Spoonheim
Cashel	McArthur	Stade
Crane	McDonald	Steele
Dyste	McLean	Strom
Gilbert	Pierce	Swenson
Halliday	Plain	Talcott
Hanna	Purcell	Taylor
Johnson of McLean	Ramsett	Thatcher
Johnson of Walsh	Regan	Turner
Koffel	Rice	Wagner
Kraabel	Sharpe	Young
LaMoure	Sifton	
Leutz	Simpson	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Kelly	Movius	Palmer

So the bill passed and the title was agreed to.

Mr. LaMoure moved

That the vote by which Senate Bill No. 278 passed be re-considered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 247,

A bill for an act to amend section 7598 of the Code of 1905,
relating to the law of eminent domain.

Was read the third time.

Mr. Purcell moved

That the emergency clause of Senate Bill No. 247 be amended so as to read "After its passage and approval."

Which motion prevailed, and

The amendment was adopted.

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 36, nays none,
absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sifton
Cashel	Little	Spoonheim
Crane	McArthur	Stade
Dyste	McDonald	Steele

Messrs.—	Messrs.—	Messrs.—
Gilbert	McLean	Strom
Halliday	Pierce	Swenson
Hanna	Plain	Talcott
Johnson of McLean	Purcell	Taylor
Johnson of Walsh	Ramsett	Thatcher
Kelly	Regan	Turner
Koffel	Rice	Wagner
LaMoure	Sharpe	Young

Absent and not voting :

Messrs.—	Messrs.—	Messrs.—
Kraabel	Palmer	Simpson
Movius		

So the bill passed as amended and the title was agreed to.

Senate Bill No. 281,

A bill for an act entitled an act to provide for the vacation of alleys in cemeteries owned by cemetery corporations.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 36, nays none, absent and not voting 4.

Those who voted in the affirmative were :

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sifton
Cashel	Little	Simpson
Crane	McArthur	Spoonhelm
Dyste	McDonald	Stade
Gilbert	McLean	Strom
Halliday	Pierce	Swenson
Hanna	Plain	Talcott
Johnson of McLean	Purcell	Taylor
Johnson of Walsh	Ramsett	Thatcher
Kelly	Regan	Turner
Koffel	Rice	Wagner
Kraabel	Sharpe	Young

Absent and not voting :

Messrs.—	Messrs.—	Messrs.—
LaMoure	Palmer	Steele
Movius		

So the bill passed and the title was agreed to.

Senate Bill No. 263,

A bill for an act prohibiting servants and employees on sleeping cars and dining cars from accepting gratuities or tips, and prohibiting persons giving gratuities or tips.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes 23, nays 15, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Hanna	Pierce	Stade
Koffel	Purcell	Swenson
Kraabel	Ramsett	Talcott
LaMoure	Regan	Taylor
Little	Rice	Thatcher
McArthur	Sharpe	Turner
McDonald	Sifton	Wagner
Palmer	Spoonheim	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Cashel	Johnson of McLean	Movius
Crane	Johnson of Walsh	Plain
Dyste	Kelly	Simpson
Gilbert	Leutz	Strom
Halliday	McLean	Young

Messrs. Albright and Steele, being absent and not voting.
So the bill passed and the title was agreed to.

Senate Bill No. 296,

A bill for a concurrent resolution to amend section 182 of the Constitution of the state of North Dakota, relating to a public debt and public works.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 33, nays 4, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kraabel	Sifton
Cashel	Little	Spoonheim
Crane	McArthur	Stade
Dyste	McLean	Strom
Gilbert	Movius	Swenson
Halliday	Pierce	Talcott
Hanna	Plain	Taylor
Johnson of McLean	Purcell	Thatcher
Johnson of Walsh	Regan	Turner
Kelly	Rice	Wagner
Koffel	Sharpe	Young

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
LaMoure	McDonald	Palmer
Leutz		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Ramsett	Simpson	Steele

So the bill passed and the title was agreed to.

Senate Bill No. 286,

A bill for an act to authorize holders of state or school land contracts for lands over which railroads have been or may be located and established subsequent to the issuance of such contracts, to surrender such contracts, and obtain new contracts for the land less the rights of way required for such railroad, and providing for the payment to the state of the balance of the purchase price of the land required for such rights of way and issuance of deed therefor.

Was read the third time.

The question being on the final passage of the bill:

The roll was called and there were ayes 38, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sifton
Cashel	Little	Simpson
Crane	McArthur	Spoonheim
Dyste	McDonald	Stade
Gilbert	McLean	Strom
Halliday	Movius	Swenson
Hanna	Palmer	Talcott
Johnson of McLean	Pierce	Taylor
Johnson of Walsh	Plain	Thatcher
Kelly	Purcell	Turner
Koffel	Regan	Wagner
Kraabel	Rice	Young
LaMoure	Sharpe	

Messrs Ramsett and Steele being absent and not voting.

So the bill passed and the title was agreed to.

Senate Bill No. 167,

A bill for an act to amend section 2245 relating to license. How obtained. Fee, how determined.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 37, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Spoonheim
Cashel	Little	Stade
Crane	McArthur	Steele
Dyste	McLean	Strom
Gilbert	Palmer	Swenson
Halliday	Pierce	Talcott
Hanna	Plain	Taylor
Johnson of McLean	Purcell	Thatcher
Johnson of Walsh	Regan	Turner
Kelly	Rice	Wagner
Koffel	Sharpe	Young
Kraabel	Sifton	
LaMoure	Simpson	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
McDonald	Movius	Ramsett

So the bill passed and the title was agreed to.

Senate Bill No. 295,

A bill for an act to amend section 8983 of the Revised Codes of 1905.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes 37, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Simpson
Cashel	Little	Spoonheim
Crane	McArthur	Stade
Dyste	McLean	Steele
Gilbert	Palmer	Strom
Halliday	Pierce	Swenson
Hanna	Plain	Talcott
Johnson of McLean	Purcell	Thatcher
Johnson of Walsh	Ramsett	Turner
Kelly	Regan	Wagner
Koffel	Rice	Young
Kraabel	Sharpe	
LaMoure	Sifton	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
McDonald	Movius	Taylor.

So the bill passed and the title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 27, 1907.

Mr. President:

I have the honor to return herewith

Senate Bill No. 86,

A bill for an act to amend sections 838, 839, 840, 841 and 842, chapter 9 of the Political Code of the state of North Dakota, Revised Codes of 1905, relating to education.

Also,

Senate Bill No. 132,

A bill for an act to provide for the making of permanent improvements at the Valley City state normal school, to assist in the maintenance thereof, and for other purposes, and making appropriations therefor.

Also,

Senate Bill No. 285,

A bill for an act to foster the development of mineral and allied industries by providing for experimentation, encouragement, publicity and practical tests under the direction of the school of mines.

Also,

Senate Bill No. 91,

A bill for an act making an appropriation for completing the present building and for furniture, fixtures and improvements for the state normal school at Mayville and for the erection of a woman's dormitory for said school.

Also,

Senate Bill No. 207,

A bill for an act creating a state library commission, defining its duties and providing an appropriation for its maintenance.

Also,

Senate Bill No. 301,

A bill for a joint resolution authorizing the state auditing board, in their discretion, from time to time, as the necessities may arise, to employ additional clerical assistance in the various state offices and authorizing an appropriation for the payment thereof.

Also,

Senate Bill No. 244,

A bill for an act prescribing the duties and authority of the commissioners of public printing, and making an appropriation for public printing and binding.

Also,

Senate Bill No. 185,

A bill for an act appropriating money to provide for the equipment and maintenance of a public laboratory in the

medical department of the state university and school of mines at Grand Forks.

Also,

Senate Bill No. 268,

A bill for an act making an appropriation to pay for certain books for the state law library.

Also,

Senate Bill No. 116,

A bill for an act appropriating money for buildings, for repairs and for making improvements at the North Dakota agricultural college and experiment station at Fargo.

Also,

Senate Bill No. 118,

A bill for an act making an appropriation for the purchase of a building, paying indebtedness on a machine shop, paying sewer assessment, making repairs on building, for furniture and equipment and for library, bookcases and library furniture.

Also,

Senate Bill No. 14,

A bill for an act making appropriations for permanent improvements at the state university and school of mines of North Dakota.

Also,

Senate Bill No. 270,

A bill for an act to provide for the payment of the necessary expenses of the state officers of the state of North Dakota.

Also,

Senate Bill No. 153,

A bill for an act making appropriations for the current and contingent expenses of the state reform school of North Dakota, and for making permanent improvements thereto.

Also,

Senate Bill No. 246,

A bill for an act making an appropriation to pay the deficiency in the appropriation for the maintenance of the capitol for the years 1905 and 1906.

Also,

Senate Bill No. 195,

A bill for an act providing for the naming by the governor of the state of a board of grain commission, prescribing their duties and providing an appropriation therefor.

Also,

Senate Bill No. 62,

A bill for an act providing for the erection of a building upon the agricultural grounds in which to conduct the experiments provided for in section 1118 of the Revised Codes of North Dakota to determine the milling values of wheat and to install therein necessary machinery, providing for the for the maintenance of the same and making an appropriation therefor.

Which the house has passed unchanged.

Very respectfully

P. D. NORTON,
Chief Clerk.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,

BISMARCK, NORTH DAKOTA,

February 27, 1907.

Mr. President:

I have the honor to return herewith

Senate Bill No. 245,

A bill for an act to amend section 393 of the Revised Codes of 1905, providing for an appropriation for supplies for the capitol building, executive mansion and the public grounds and parks connected therewith and for necessary repairs upon the capitol building and executive mansion.

Also,

Senate Bill No. 242,

A bill for an act making an appropriation to pay the interest due in the years 1907 and 1908 upon certain so-called institution bonds now held in the permanent school fund of the state.

Also,

Senate Bill No. 186,

A bill for an act making an appropriation for expenses incurred in repairs made to the so-called main building at the state university and school of mines of North Dakota during the summer of 1906.

Also,

Senate Bill No. 135,

A bill for an act to provide for the erection of necessary additional buildings and other improvements at the state hospital for the insane at Jamestown, North Dakota, and for a deficit on buildings erected in the years 1905 and 1906 for the hospital for the insane at Jamestown, North Dakota.

Also,

Senate Bill No. 64,

A bill for an act providing for the revision and compilation of the school laws of the state of North Dakota.

Which the house has passed unchanged.

Very respectfully

P. D. NORTON,

Chief Clerk.

The president administered the oath to Porter Talcott, as page.

COURTESIES OF THE FLOOR.

The courtesies of the floor were extended to R. B. Blake-more, E. J. Harrington, L. D. Davidson, A. L. Loomis, Dr. Van Es, Mr. and Mrs. J. S. Snyder, W. L. Richards, H. M. Williams, Wesley C. McDowell, Henry D. Bloss, Knute Westerheim, F. B. Irvine.

Mr. Kraabel moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

J. W. FOLEY,

Secretary.

FIFTY-SECOND DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 28, 1907.

The senate convened at 2 o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All members present.

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

Mr. President:

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

On page 15, line 23, after the word "the" insert "1905."

On page 34, line 3, strike out the word "enacting" and insert the word "emergency."

On page 37, line 33, strike out the figures "274" and insert "247."

On page 10, line 25, strike out the words "enabling act" and insert the words "enacting clause."

And when so amended recommend that the same be approved.

J. D. TAYLOR,
Chairman.

Mr. Taylor moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 28, 1907.

Mr. President:

I have the honor to return herewith
Senate Bill No. 39,

A bill for an act to provide for making needed permanent improvements for the school for the deaf at Devils Lake, and making an appropriation therefor.

Which the house has amended as follows:

SECTION 1. Appropriation.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of twenty thousand dollars for permanent improvements and repairs to the school for the deaf at Devils Lake, viz:

For addition to main building	\$	15,500.00
For new boilers and other heating apparatus		3,000.00
For repairing barn		1,500.00

Total	\$	20,000.00
-------------	----	-----------

And passed as amended.

Very respectfully,

P. D. NORTON,
Chief Clerk.

REPORT OF STANDING COMMITTEES.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred
House Bill No. 131,

A bill for an act appropriating an annual sum of money for the use of the government experiment station at Fargo for conducting demonstration farms and for co-operating with farmers; for making experiments in the manufacture of denaturized alcohol; for publishing reports and bulletins; for analysis of fertilizers and stock foods; for complying with the provisions of the pure paint, Paris green and formaldehyde laws, and for making other experiments.

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

That the words and figures "five thousand (5,000)" as they appear in the third line of the engrossed bill be stricken out and the following inserted: "Seven thousand five hundred (7,500)."

And when so amended recommend the same do pass.

J. LAMOURE.

Chairman.

Mr. La Moure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred House bill No. 28,

A bill for an act making appropriation to cover deficiency on monument, for sewer, and reconstruction of plumbing, for remodeling, for new dormitory, and for construction of an administration building at soldiers' home.

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

That the figures for construction of an administration building be changed to read "5,000;" that the total be changed to read "\$5,735."

And when so amended recommend the same do pass.

J. LAMOURE,

Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred House Bill No. 134.

A bill for an act to appropriate \$5,894.93 to balance overdraft and reimburse citizens who advanced money to help defray expenses incurred in making the state's exhibit at the Portland (Lewis & Clark) exposition.

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

J. LAMOURE,
Chairman.

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

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred House Bill No. 129,

A bill for an act making an appropriation to pay school teachers for teaching under contract in school districts in unorganized territory in this state which school districts were not lawfully organized, and providing the manner of submitting their respective claims.

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

J. LAMOURE,
Chairman.

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

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred House Bill No. 179,

A bill for an act appropriating money for the benefit of the North Dakota Live Stock Association and prescribing its duties.

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

J. LAMOURE,
Chairman.

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

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred House Bill No. 221,

A bill for an act authorizing the state auditor to audit the salary and expense account of E. F. Chandler, state engineer for the months of February and March, 1905, and making an appropriation to pay the same.

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

J. LAMOURE,
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred House Bill No. 206,

A bill for an act to provide for the payment of the necessary traveling expenses of district judges.

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

Strike out the title of the bill and insert in lieu thereof the following:

"A bill for an act fixing the salaries and providing for the payment of necessary expenses for the judges of the district courts of the state of North Dakota."

Strike out all after the enacting clause and insert in lieu thereof the following:

"SECTION 1. Personal Expenses.] Each judge of the district court shall, during his present term of office, receive the sum of five hundred dollars per annum for the purpose of defraying the personal expenses of such judge when away from home in the discharge of the duties pertaining to his office, and for other necessary expenses, such amount to be paid in the same manner as other state officers are paid; but the provisions of this section shall not apply to judges hereafter elected.

"SEC. 2. The judges of the district courts shall receive an annual salary of four thousand dollars, the payment thereof to begin at the expiration of the term of each of the present incumbents, and until the expiration of the present term of each of said judges he shall receive an annual salary of three thousand five hundred dollars.

"Sec. 3. All acts and parts of acts inconsistent with this act are hereby repealed.

"Sec. 4. An emergency exists in this that there is no provision of law providing for the payment of the necessary expenses of judges of the district courts; therefore this act shall take effect and be in force from and after its passage and approval."

And when so amended recommend the same do pass.

JUDSON LAMOURE,
Chairman.

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

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred
House Bill No. 252, .

A bill for an act regulating the employment of legislative lobby council and agents and prohibiting such council and agents from attempting to influence members of the legislature other than by appearing before the committees thereof, also providing for the return of legislative expenses.

Have had the same under consideration and recommend that the same be indefinitely postponed.

J. B. SHARPE,
Chairman.

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

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred
House Bill No. 271,

A bill for an act to amend section 6266 of chapter 82 of the Revised Codes of North Dakota for 1905 relating to liens for keeping and pasturing stock.

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

In section 1, line 4, of the printed bill, strike out the word "thirty" and insert the word "twenty" in lieu thereof; also, in section 1, line 7, of the printed bill strike out the word "thirty" and insert the word "twenty" in lieu thereof.

And when so amended recommend the same do pass.

J. B. SHARPE,
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred Senate Bill No. 327,

A bill for an act to amend and re-enact section 3054 of the Revised Codes of 1905 of the state of North Dakota, relating to how civil townships may be formed.

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

J. B. SHARPE,
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted..

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred Senate Bill No. 318,

A bill for an act to amend sections 1872 and 1877 of the Revised Codes of 1905, relating to duty of superintendent of county asylum and poor farm.

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

J. B. SHARPE,
Chairman.

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

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 322,

A bill for an act prescribing additional duties of county surveyors, and prescribing their compensation therefor.

Have had the same under consideration and recommend that the same be indefinitely postponed.

J. B. SHARPE,
Chairman.

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

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 307,

A bill for an act prescribing additional duties of the county surveyor.

Have had the same under consideration and recommend that the same be indefinitely postponed.

J. B. SHARPE,
Chairman.

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

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 324,

A bill for an act to amend sections 1213, 1216, 1221 and

1227 of the Revised Codes of the state of North Dakota of 1905, relating to the soldiers' home at Lisbon, N. D.

Have had the same under consideration and recommend that the same be indefinitely postponed.

J. B. SHARPE,
Chairman.

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

The minority of your committee on agriculture made the following report:

Mr. President:

The minority of your committee on agriculture to whom was referred

Senate Bill No. 235,

A bill for an act to establish the live stock sanitary board of North Dakota and to provide for the suppression and control of dangerous, contagious and infectious diseases of domestic animals.

Beg to withdraw their report filed yesterday.

C. W. PLAIN,
H. McLEAN,
JOHN KELLY.

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

The committee on temperance made the following report:

Mr. President:

Your committee on temperance to whom was referred
House Bill No. 190,

A bill for an act providing for the seizure and confiscation of intoxicating liquors imported into the state of North Dakota in violation of law.

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

Strike out all after the enacting clause, printed bill, and substitute the following:

"SECTION 1. Whenever any peace officer of the state of North Dakota has reasonable grounds to believe that intoxicating liquor has been imported.

into the state of North Dakota for the purpose of sale as a beverage in violation of law, and that such liquor so imported is then stored at or in any place in any city, town, village, township or county in the jurisdiction of such peace officer, it is hereby made his duty to seize such liquor with or without a warrant, and if seized without a warrant, to invoice and keep the same in his custody until finally disposed of as hereinafter provided.

"SEC. 2. Whenever any liquor has been seized without a warrant, as provided in section 1 hereof, the officer so seizing shall immediately invoice the same and file a copy of such invoice with some police magistrate or justice of the peace within the township, city, village or town in which the seizure was made, and at the same time file with such magistrate his information on oath setting out the fact of such seizure, a description of the place from which said property was taken, the name of the owner of the liquor seized, if known to him, if not, the name of the person in whose possession it was found, if known, and stating that to the best knowledge, information and belief of the informant, the liquor seized was unlawfully imported into this state with intent to be sold herein as a beverage, and praying judgment that the liquor so seized be destroyed as now provided by law in cases of seizure under section 9368, Revised Codes, 1905. Thereupon, it shall be the duty of the magistrate or justice of the peace before whom such information is filed to cause notice to be served upon the owner of any such liquor seized, if known, or upon the person in whose possession it was found, if known, or upon the agent of any such owner, if known, informing such owner, agent or person in whose possession it was found of the seizure, and that such seizure was made on the grounds that the liquor so seized had been imported into this state in violation of the prohibitory law for the purpose of being sold as a beverage, and fixing a date for the hearing and trial not more than thirty days or less than ten days after the service of such notice. If at the trial, it shall be found that the liquor so seized was imported into this state in violation of the law, the court shall order the destruction thereof in the manner now provided by law in seizures under search warrants, and the officer making such seizure and carrying out the orders of such court shall be entitled to the same fee as for service of a search warrant under the provisions of chapter 65, Revised Codes 1905.

"SEC. 3. Proof of the finding of such intoxicating liquors stored in unusual quantities shall be presumptive evidence that such liquor was imported for such purpose in violation of law.

"SEC. 4. Any magistrate or justice of the peace with whom the information has been filed as herein provided, shall immediately notify the state's attorney of his county of the filing of such information, and thereupon it shall be the duty of said state's attorney to make careful investigation of the facts, and if it shall reasonably appear that such liquor was imported into this state in violation of law, and the person causing the same to be imported or importing the same is within the county for which he is state's attorney, he shall cause the arrest and prosecution of such person under the provisions of chapter 65, Revised Codes of 1905.

"Emergency. An emergency is hereby declared to exist, and this act shall take effect and be in force from and after its passage and approval."

And when so amended recommend the substitute do pass.

H. H. STROM,
Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 315,

A bill for an act entitled an act creating park districts and for the government thereof, creating a board of park commissioners, conferring power and authority upon such board and district, and providing rules for the government thereof.

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

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 108,

A bill for an act amending section 10088 or the Revised Codes of 1905, relating to criminal procedure.

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

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to who was referred
Senate Bill No. 213,

A bill for an act to amend section 9921 of the Revised Codes of the state of North Dakota.

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

C. B. LITTLE,
Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 201,

A bill for an act to amend section 8022 of the Revised Codes of 1905, relating to letters of administration, and who entitled to same.

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

C. B. LITTLE,
Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 65,

A bill for an act to amend section 1582 of the Revised Codes of 1905, relating to redemption from sale of real estate for taxes, time of payment of subsequent taxes, and rate of interest thereon.

Have had the same under consideration and recommend that the same be indefinitely postponed.

C. B. LITTLE,
Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 40,

A bill for an act to amend section 6173 of the Revised Codes of 1905 of the state of North Dakota.

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

That the following words be added to the title of the printed bill: "Relating to the release of mortgages."

And when so amended recommend the same do pass.

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 127,

A bill for an act entitled: An act to reimburse judges of the supreme court for their actual and necessary expenses while absent from home engaged in the discharge of official duties.

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

That all of section 1 after the word "state," in line 1 of section 1 of the printed bill, be stricken out and the following words: "Shall receive the sum of \$750 per annum for traveling expenses and monies expended by him while absent from his home and while engaged in the discharge of his official duties, to be paid in quarterly payments without filing any itemized statement" be inserted in lieu thereof.

That all of section 2 of the printed bill be stricken out.

And when so amended recommend the same do pass.

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 279,

A bill for an act authorizing the use of typewritten abstracts and briefs in certain criminal cases on appeal to the supreme court.

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

C. B. LITTLE,
Chairman.

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

The committee on judiciary made the following report:
Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 303,

A bill for an act to amend section 7033 of the Revised Codes of North Dakota of 1905, relating particularly to special verdicts, when to be submitted, what to embrace, and instructions of court to jury thereunder.

Have had the same under consideration and recommend that the same be indefinitely postponed.

C. B. LITTLE,
Chairman.

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

The committee on judiciary made the following report:
Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 193,

A bill for an act to amend and re-enact section 7117 of the Revised Code of North Dakota of 1905, relating to exemptions.

Have had the same under consideration and recommend that the same be indefinitely postponed.

C. B. LITTLE,
Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 264,

A bill for an act authorizing and empowering mechanics, watchmakers, goldsmiths, and repairers to sell articles and implements to reimburse them for labor or material expended on such articles and implements; and regulating the disposition of the proceeds of such sale.

Have had the same under consideration and recommend that the same be indefinitely postponed.

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report be adopted,
Which motion prevailed, and
The report of the committee was adopted.

The committee on ways and means made the following report:

Mr. President:

Your committee on ways and means to whom was referred

House Bill No. 284,

A bill for an act defining express companies, freight line companies and equipment companies, telegraph and telephone companies and providing for the assessment of their property and the taxation of the same.

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

A. T. KRAABEL,
Chairman.

Mr. Kraabel moved

That the report be adopted,
Which motion prevailed, and
The report of the committee was adopted.

The committee on ways and means made the following report:

Mr. President:

Your committee on ways and means to whom was referred
Senate Bill No. 298,

A bill for an act requiring each county officer who re-

ceives from any county a stated salary of not less than \$2,000 per annum, to keep a record of the fees received by him as such officer, and to pay such fees into the county treasury, and making it a misdemeanor for any such officer to neglect or omit to charge or collect the fees which he is by law allowed to charge or collect, or to fail to keep a record of the same, or to fail to turn over or pay the same into the county treasury.

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

In line 1, section 1, of the printed bill, after the word "salary" insert the following: "Of not less than \$2,000.00 per annum."

In line 6, section 1, of the printed bill, after the word "month" insert the following: "And a county officer receiving a salary of less than \$2,000.00 per annum shall retain all such fees for his services; provided, however, that such fees and salary shall not exceed \$2,000.00 per annum."

And when so amended recommend the same do pass.

A. T. KRAABEL,
Chairman.

Mr. Kraabel moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted..

The committee on highways, bridges and ferries made the following report:

Mr. President:

Your committee on highways, bridges and ferries to whom was referred

House bill No. 37,

A bill for an act to amend section 1348 of the revised codes of North Dakota, of 1905, relating to public roads.

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

ALEX. MACDONALD,
Chairman.

Mr. Macdonald moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on highways, bridges and ferries made the following report:

Mr. President:

Your committee on highways, bridges and ferries to whom was referred

House Bill No. 189,

A bill for an act to amend section 1367 of the Revised Codes of 1905 of North Dakota, relating to highways on county and township lines.

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

ALEX. MACDONALD,
Chairman.

Mr. Macdonald moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on railroads made the following report:

Mr. President:

Your committee on railroads to whom was referred

House Bill No. 168,

A bill for an act to provide for the lighting of depot platforms.

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

In section 2, line 5, of the printed bill, after the word "made" insert the following: "Said fine to be recovered in civil action in any competent court, and it is hereby made the duty of the attorney general and the various state's attorneys of the counties wherein such violations take place to prosecute the violators of this act."

And when so amended recommend that the same do pass:

E. F. GILBERT,
Chairman.

Mr. Gilbert moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on railroads made the following report:

Mr. President:

Your committee on railroads to whom was referred

House Bill No. 248,

A bill for an act to amend section 5678 of the Civil Code of the Revised Codes of the state of North Dakota, edition of 1905, (being section 4230 of the Civil Code of the Revised Codes of the state of North Dakota, edition of 1895) and re-enact the same as amended.

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

E. F. GILBERT,
Chairman.

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

The committee on warehousing, grain and grain grading made the following report:

Mr. President:

Your committee on warehousing, grain and grain grading to whom was referred

Senate Bill No. 326,

A bill for an act entitled an act to provide for owners and managers of elevators and warehouses to make annual reports to the commissioner of agriculture and labor.

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

By striking out the emergency clause.

And when so amended recommend the same do pass

J. H. DYSTE,
Chairman.

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

The committee on public health made the following report:

Mr. President:

Your committee on public health to whom was referred
House Bill No. 84,

A bill for an act to prevent the adulteration, misbranding, and selling of adulterated and insufficiently labeled drugs or medicines, restricting or prohibiting the sale of certain drugs, prescribing a penalty for the violation hereof, providing for the inspection, testing and analyzing of said drugs and medicines, charging the North Dakota experiment station with the duty thereof, and charging the state's attorney with the enforcement hereof.

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

J. D. TAYLOR,
Chairman.

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

The committee on cities and municipal corporations made the following report:

Mr. President:

Your committee on cities and municipal corporations to whom was referred

House bill No. 14,

A bill for an act to amend section 2864 of the revised codes of North Dakota for 1905, relating to the general powers of the board of trustees of incorporated villages.

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

H. H. STEELE,
Chairman.

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

A minority of your committee on state affairs made the following report:

Mr. President:

A minority of your committee on state affairs to whom was referred

Senate Bill No. 204,

A bill for an act to amend section 1428 of the Revised Codes of 1905 of the state of North Dakota, providing for the payment and commutation of poll and road tax, and the manner of expending the same.

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

J. AUSTIN REGAN,
Chairman.

Mr. Macdonald moved

That the minority report of the committee on state affairs on Senate Bill No. 204 be adopted.

Mr. LaMoure moved as a substitute

That the majority report of the committee on state affairs on Senate Bill No. 204 be adopted.

Which motion prevailed, and

The majority report of the committee on state affairs on Senate Bill No. 204 was adopted.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills to whom was referred

Senate Bill No. 172,

A bill for an act establishing standard forms in which policies of life insurance may be issued in this state and in which policies of life insurance companies organized under the laws of this state may be issued; and regulating the conditions and provisions to be contained in policies of life insurance companies that do not adopt such standard forms.

Also,

Senate Bill No. 290,

A bill for an act to amend and re-enact section 468 of the Revised Codes of North Dakota for the year A. D. 1905, relating to judicial districts within the state.

Also,

Senate Bill No. 292,

A bill for an act creating and defining the Tenth judicial district within the state of North Dakota; providing for the election of a judge therein and fixing the terms of court in said district.

Also,

Senate Bill No. 113,

A bill for an act to amend section 140 of the Revised Codes of 1905, relating to the appointment and qualification of the state examiner.

Also,

Senate Bill No. 294,

A bill for an act to amend and re-enact section 40 of the Revised Codes of 1905.

Also,

Senate Bill No. 311,

A bill for an act to prohibit discrimination between different sections, communities or localities; unfair competition, and providing penalties for the violation thereof.

Also,

Senate Bill No. 306,

A bill for an act to provide for the assessment of lignite coal and minerals underlying lands in cases of several ownership.

Also,

Senate Bill No. 267,

A bill for an act to amend section 7176 of the 1905 Revised Codes of North Dakota.

Also,

Senate Bill No. 251,

A bill for an act making entries in a book or other permanent form evidence in certain cases.

Also,

Senate Bill No. 53,

A bill for an act relating to the provisions of life insurance policies.

Also,

Senate Bill No. 308,

A bill for an act to amend sections 8289, 8292, 8295, 8304, 8311, 8316, and 8318 of the Revised Codes of North Dakota for 1905.

Also,

Senate Bill No. 61,

A bill for an act to require an annual apportionment and accounting of surplus of life insurance companies.

Have carefully examined the same and find the same correctly engrossed.

GEORGE M. YOUNG,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Sharpe moved

That further consideration of House Bill No. 227 be re-referred to committee on state affairs.

Which motion prevailed, and

The bill was so re-referred.

Mr. Swenson moved

That the majority report on Senate Bill No. 235 be adopted.

Which motion prevailed, and

The majority report was adopted.

Mr. Simpson moved

That the majority report on Senate Bill No. 58 be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. Stade moved

That the senate do now concur in the house amendment to Senate Bill No. 39.

The roll was called and there were ayes 38, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Simpson
Cashel	McArthur	Spoonheim
Crane	McDonald	Stade
Dyste	McLean	Steele
Gilbert	Palmer	Strom
Halliday	Pierce	Swenson
Hanna	Plain	Talcott
Johnson of McLean	Purcell	Taylor
Johnson of Walsh	Ramsett	Thatcher
Kelly	Regan	Turner
Koffel	Rice	Wagner
Kraabel	Sharpe	Young
LaMoure	Sifton	

Messrs. Little and Movius being absent and not voting.

So the house amendment to Senate Bill No. 39 was concurred in.

Mr. Leutz moved

That Senate Bill No. 227 be re-referred to the committee on state affairs.

Which motion prevailed, and

The bill was so re-referred.

Mr. Stade moved

That the vote by which Senate Bill No. 39 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Simpson moved

That the vote by which Senate Bill No. 297 passed be reconsidered.

Which motion prevailed.

Mr. Taylor moved

That the rules be suspended and House Bill No. 315 be given its third reading and placed on final passage.

Which motion prevailed and

House Bill No. 315,

A bill for an act entitled an act creating park districts of North Dakota, providing for the surrender of state or school land contracts and division of the land covered thereby, and the issuance of new contracts for such subdivisions.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 36, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Simpson
Cashel	McArthur	Spoonheim
Crane	McLean	Stade
Dyste	Palmer	Steele
Gilbert	Pierce	Strom
Hanna	Plain	Swenson
Johnson of McLean	Purcell	Talcott
Johnson of Walsh	Ramsett	Taylor
Kelly	Regan	Thatcher
Koffel	Rice	Turner
Kraabel	Sharpe	Wagner
Leutz	Sifton	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Halliday	McDonald	Movius
LaMoure		

So the bill passed and the title was agreed to.

Mr. Taylor moved

That the vote by which House Bill No. 315 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

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

Resolved, That the secretary of the senate prepare a daily calendar of the house bills up for third reading; that no house bill be passed out of the regular order of business; and that all bills be placed on the calendar in the order in which they have been reported from committees.

Which motion prevailed, and
The resolution was adopted.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,

BISMARCK, NORTH DAKOTA,

February 28, 1907.

Mr. President:

I have the honor to return herewith

Senate Bill No. 87,

A bill for an act making an appropriation towards paying deficiency or debts on armories already constructed, or towards the construction of armories for the various military companies of the state of North Dakota, and for the creating of a board of armory supervisors and defining its duties, for the transfer of armories upon the mustering out of any military organization enumerated, and defining the duties of the state treasurer in carrying out the provisions of this act.

Also,

Senate Bill No. 105,

A bill for an act making an appropriation for the erection of a building and greenhouse for the school of forestry located at Bottineau, Bottineau county, and for the proper furnishing and equipment of the same.

Also,

Senate Bill No. 88,

A bill for an act to provide a site for the statue of Sakakawea, the Indian guide of the Lewis and Clark expedition.

Also,

Senate Bill No. 133,

A bill for an act to provide an appropriation for the current and contingent expenses for the state hospital for the insane at Jamestown.

Also,

Senate Bill No. 108,

A bill for an act to provide an appropriation for the current and contingent expenses and for permanent improvements of the institution for the feeble minded at Grafton.

Also,

Senate Bill No. 275,

A bill for an act making an appropriation for the state historical society of North Dakota.

Also,

Senate Bill No. 139,

A bill for an act to provide for making necessary improvements at the Industrial School and School for Manual Training, located at Ellendale, providing for the payment of interest on certificates of indebtedness and making an appropriation therefor.

Also,

Senate Bill No. 84,

A bill for an act making an appropriation for the completion of the buildings of the North Dakota blind asylum, for a boiler house and connections for the same and for furniture and fixtures.

Also,

Senate Bill No. 243,

A bill for an act to reimburse the person or persons who advanced certain sums of money for the use and benefit of the state normal school at Mayville, the state normal school at Valley City and the industrial school at Ellendale, to provide for the interest on the said sums and making an appropriation therefor.

Also,

Senate Bill No. 18,

A bill for an act appropriating money for the enforcement of the food law, drug law, formaldehyde and Paris green laws, and the paint law. Also for making such investigations as are deemed necessary for the purpose of gaining **information under the laws mentioned** and for the dissemination of information.

Also,

Senate Bill No. 17,

A bill for an act entitled: "An act making appropria-

tions for the current and contingent expenses of the state penitentiary and for making permanent improvements and additions thereto."

Also,

Senate Bill No. 54,

A bill for an act making an appropriation for a deficit in expenses for the construction of additions to present buildings, for heating plant, erection and equipment of a dormitory for state normal school at Mayville, and for interest on overdue warrants issued in connection therewith.

Also,

Senate Bill No. 69,

A bill for an act making an appropriation for carrying into effect provisions of law relating to the duties of the commissioner of agriculture and labor.

Also,

Senate Bill No. 101,

A bill for an act making an appropriation to the Dickinson experiment station located at the city of Dickinson in Stark county.

Also,

Senate Bill No. 117,

A bill for an act appropriating money for the construction and equipment of an engineering building and for making improvements in the mechanical laboratories and shops of the North Dakota agricultural college.

Also,

Senate Bill No. 129,

A bill for an act to amend and re-enact sections 1034, 1035, and 1036 of the Revised Codes of 1905, relating to education.

Which the house has passed unchanged.

Also,

I have the honor to transmit herewith

House Bill No. 259,

A bill for an act to provide for the collection of delinquent personal taxes.

Also,

House Bill No. 159,

A bill for an act to amend section 2580 of the Revised

Codes of North Dakota for 1905 relating to the salaries of clerks of the district court.

Also,

House Bill No. 154,

A bill for an act to amend section 1508 of the Revised Codes of 1905, relating to the assessment of bank stocks.

Also,

House bill No. 15,

A bill for an act entitled an act requiring railway companies to provide at stations or sidings where an agent is not employed prompt means for sealing loaded cars and receipting for their contents.

Also,

House Bill No. 309,

A bill for an act prohibiting the establishment of a hospital for the treatment of patients for pay in any residence block of any city without the consent of the inhabitants of such block.

Also,

House Bill No. 304,

A bill for an act to amend section 2612 of the Revised Codes of 1905, relating to fees of county surveyors.

Also,

House Bill No. 302,

A bill for an act to repeal section 3013 of the Revised Codes of North Dakota for the year 1905, relating to bridge funds.

Also,

House Bill No. 312,

A bill for an act to regulate telegraph service within the state.

Also,

House Bill No. 262,

A bill for an act to amend sections 4608 and 4609 of chapter 18 of the Revised Codes of North Dakota, 1905, relating to, debts limited, and, income and expenses, respectively,

Also,

House Bill No. 299,

A bill for an act to amend section 1882 of the Revised Codes of the state of North Dakota for 1905 relating to asylums and poor farms.

Also,

House Bill No. 165,

A bill for an act providing for the levy and collection of road taxes in incorporated villages.

Also,

House Bill No. 314,

A bill for an act amending section 605 of the Revised Codes of 1905, relating to the qualifications of electors.

Also,

House Bill No. 279,

A bill for an act to amend section 165 of the Revised Codes of 1905 of chapter 4 of the Political Code of the state of North Dakota, providing for the appointment of a deputy commissioner of university and school lands.

Also,

House bill No. 313,

A bill for an act to provide for the assessment of lignite coal and minerals underlying lands in cases of severed ownership.

Also,

House Bill No. 308,

A bill for an act to amend section 4587, Revised Codes of North Dakota of 1905, relating to cemetery corporation.

Also,

House Bill No. 76,

A bill for an act permitting farmers and land owners to drain their land into road ditches and other depressions, when such ditch or depression is wholly upon the owner's land.

Also,

House Bill No. 75,

A bill for an act to amend section 835 of the Revised Codes of 1905, providing for the enumeration of children of school age.

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

Very respectfully,

P. D. NORTON,
Chief Clerk.

CONSIDERATION OF MESSAGES FROM THE HOUSE.

House concurrent resolution relating to public lands was laid before the senate.

Mr. Sharpe moved

That the House concurrent resolution as amended by the senate committee on state affairs be concurred in.

Which motion prevailed and

The House concurrent resolution as amended was concurred in.

The following House concurrent resolution was laid before the senate:

WHEREAS, The present laws upon the question of taxation appear to be inadequate; and

WHEREAS, The revenues of the state are not sufficient to meet the increased demands made upon the treasury; and

WHEREAS, There has not been time enough at this session to prepare a comprehensive tax law; therefore, be it

Resolved by the House of Representatives, the Senate Concurring, That the governor, state auditor and attorney general are hereby constituted a commission for the purpose of preparing a thoroughly comprehensive and adequate revenue and taxation law and report the same to the next legislative session.

Mr. Crane moved

That the House concurrent resolution be referred to the committee on state affairs.

Which motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS.

Mr. Simpson introduced

Senate Bill No. 335,

A bill for an act providing that all public buildings hereafter erected in this state shall be constructed so far as practicable, from material manufactured or produced in the state of North Dakota.

Which was read the first time.

Mr. Crane introduced

Senate Bill No. 336,

A bill for an act providing that boards of trustees of the state institutions shall file with the governor in each even numbered year a statement of needs for permanent improvements.

Which was read the first time.

THIRD READING OF SENATE BILLS.

Senate Bill No. 72,

A bill for an act defining pools and trusts and providing the penalties and remedies therefor.

Was read the third time.

Mr. Crane moved

That Senate Bill No. 72 be amended by striking out the emergency clause.

Which motion prevailed, and

The amendment was adopted.

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 34, nays 3, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Movius	Spoonheim
Cashel	Palmer	Stade
Dyste	Pierce	Steele
Gilbert	Plain	Strom
Hanna	Purcell	Swenson
Johnson of McLean	Ramsett	Talcott
Johnson of Walsh	Regan	Taylor
Kraabel	Rice	Thatcher
LaMoure	Sharpe	Turner
Leutz	Sifton	Wagner
Little	Simpson	Young
McLean		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Crane	Halliday	McDonald

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Kelly	Koffel	McArthur

So the bill passed as amended and the title was agreed to.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills to whom was referred

Senate Bill No. 64,

A bill for an act providing for the revision and compilation of the school laws of the state of North Dakota.

Also,

Senate Bill No. 242,

A bill for an act making an appropriation to pay the interest due in the years 1907 and 1908 upon certain so-called institution bonds now held in the permanent school fund of the state.

Also,

Senate Bill No. 186,

A bill for an act making an appropriation for expenses incurred in repairs made to the so-called main building at the state university and school of mines of North Dakota during the summer of 1906.

Also,

Senate Bill No. 185,

A bill for an act appropriating money to provide for the equipment and maintenance of a public laboratory in the medical department of the state university and school of mines at Grand Forks.

Also,

Senate Bill No. 153,

A bill for an act making appropriations for the current and contingent expenses of the state reform school of North Dakota, and for making permanent improvements thereto.

Also,

Senate Bill No. 135,

A bill for an act to provide for the erection of necessary additional buildings and other improvements at the state hospital for the insane at Jamestown, North Dakota, and for a deficit on buildings erected in the years 1905 and 1906 for the hospital for the insane at Jamestown, North Dakota.

Also,

Senate Bill No. 118,

A bill for an act making an appropriation for the purchase of a building, paying indebtedness on a machine shop, paying sewer assessment, making repairs on building, for furniture and equipment and for library, bookcases and library furniture.

Also,

Senate Bill No. 116,

A bill for an act appropriating money for buildings, for

repairs and for making improvements at the North Dakota agricultural college and experiment station at Fargo.

Also,

Senate Bill No. 132,

A bill for an act to provide for the making of permanent improvements at the Valley City state normal school, to assist in the maintenance thereof, and for other purposes, and making appropriations therefor.

Also,

Senate Bill No. 91,

A bill for an act making an appropriation for completing the present building and for furniture, fixtures and improvements for the state normal school at Mayville and for the erection of a woman's dormitory for said school.

Also,

Senate Bill No. 62,

A bill for an act providing for the erection of a building upon the agricultural grounds in which to conduct the experiments provided for in section 1118 of the Revised Codes of North Dakota to determine the milling values of wheat and to install therein necessary machinery, providing for the maintenance of the same and making an appropriation therefor.

Also,

Senate Bill No. 14,

A bill for an act making appropriations for permanent improvements at the state university and school of mines of North Dakota.

Have carefully examined the same and find the same correctly enrolled.

GEORGE M. YOUNG,
Chairman.

The secretary announced the president was about sign Senate Bill No. 64,

A bill for an act providing for the revision and compilation of the school laws of the state of North Dakota.

Also,

Senate Bill No. 242,

A bill for an act making an appropriation to pay the interest due in the years 1907 and 1908 upon certain so-called institution bonds now held in the permanent school fund of the state.

Also,

Senate Bill No. 186,

A bill for an act making an appropriation for expenses incurred in repairs made to the so-called main building at the state university and school of mines of North Dakota during the summer of 1906.

Also,

Senate Bill No. 185,

A bill for an act appropriating money to provide for the equipment and maintenance of a public health laboratory in the medical department of the state university and school of mines.

Also,

Senate Bill No. 153,

A bill for an act making appropriations for the current and contingent expenses of the state reform school of North Dakota, and for making permanent improvements thereto.

Also,

Senate Bill No. 135,

A bill for an act to provide for the erection of necessary additional buildings and other improvements at the state hospital for the insane at Jamestown, North Dakota, and for a deficit on buildings erected in the years 1905 and 1906 for the hospital for the insane at Jamestown, North Dakota.

Also,

Senate Bill No. 118,

A bill for an act making an appropriation for the purchase of a building, paying indebtedness on a machine shop, paying sewer assessment, making repairs on building, for furniture and equipment and for library, bookcases and library furniture.

Also,

Senate Bill No. 116,

A bill for an act appropriating money for buildings, for repairs and for making improvements at the North Dakota agricultural college and experiment station at Fargo.

Also,

Senate Bill No. 132,

A bill for an act to provide for the making of permanent improvements at the Valley City state normal school, to assist in the maintenance thereof, and for other purposes, and making appropriations therefor.

Also,

Senate Bill No. 91,

A bill for an act making an appropriation for completing the present building and for furniture, fixtures and improvements for the state normal school at Mayville and for the erection of a woman's dormitory for said school.

Also,

Senate Bill No. 62,

A bill for an act providing for the erection of a building upon the agricultural grounds in which to conduct the experiments provided for in section 1118 of the Revised Codes of North Dakota to determine the milling values of wheat and to install therein necessary machinery, providing for the maintenance of the same, and making an appropriation therefor.

Also,

Senate Bill No. 14,

A bill for an act making appropriations for permanent improvements at the state university and school of mines of North Dakota.

And the president signed the same in the presence of the senate.

The secretary announced the president was about to sign Senate Memorial relating to meandering lakes.

And the president signed the same in the presence of the senate.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills to whom was referred

Senate Bill No. 86,

A bill for an act to amend sections 838, 839, 840, 841 and 842, chapter 9 of the Political Code of the state of North Dakota, Revised Codes of 1905, relating to education.

Have carefully examined the same and find the same correctly enrolled.

GEORGE M. YOUNG.

Chairman.

The secretary announced the president was about to sign Senate Bill No. 86,

A bill for an act to amend sections 838, 839, 840, 841 and 842, chapter 9 of the Political Code of the state of North Dakota, Revised Codes of 1905, relating to education.

And the president signed the same in the presence of the senate.

SPECIAL ORDER

Mr. Simpson moved

That Senate Bill No. 102 be made a special order for Friday, March 1, 1907, at 3 o'clock.

Which motion prevailed.

Senate Bill No. 233,

A bill for an act making it unlawful for boards of trustees, commissioners, directors, regents, person or persons having control or management of the state institutions of North Dakota to expend amounts in excess of appropriation, providing for monthly reports to the governor and repealing section 1283 of the Revised Codes of the state of North Dakota of 1905.

Was read the third time.

Mr. Crane moved

That Senate Bill No. 233 be amended as follows:

Amend title to read "sections 1283 and 1284."

Also in line 1 of section 4, page 2, make the same correction.

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 39, nays none, absent and not voting 1.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sharpe
Cashel	Little	Sifton
Crane	McArthur	Simpson
Dyste	McDonald	Spoonheim
Gilbert	McLean	Stade
Halliday	Movius	Strom
Hanna	Palmer	Swenson
Johnson of McLean	Pierce	Talcott
Johnson of Walsh	Plain	Taylor
Kelly	Purcell	Thatcher
Koffel	Ramsett	Turner
Kraabel	Regan	Wagner
LaMoure	Rice	Young

Mr. Steele being absent and not voting.

So the bill passed as amended and the title was agreed to.

Senate Bill No. 199,

A bill for an act entitled, an act to provide for organizing counties from the unorganized territory in this state.

Was read the third time.

Mr. Simpson moved

That Senate Bill No. 199 be amended as follows:

In line 5 of the printed bill strike out the word "qualified" and insert in lieu thereof the words "bona fide."

Also, in line 6 of the printed bill strike out the word "electors" and insert in lieu thereof the word "residents."

Which motion prevailed, and

The amendment was adopted.

Mr. Purcell moved

That Senate Bill No. 199 be amended by adding the emergency clause.

Which motion was lost, and

The amendment was not adopted.

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 35, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sifton
Cashel	McArthur	Simpson
Crane	McDonald	Spoonheim
Dyste	McLean	Stade
Gilbert	Movius	Swenson
Halliday	Pierce	Talcott
Hanna	Plain	Taylor
Johnson of McLean	Purcell	Thatcher
Johnson of Walsh	Ramsett	Turner
Kelly	Regan	Wagner
Koffel	Rice	Young
Kraabel	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
LaMoure	Palmer	Strom
Little	Steele	

So the bill passed as amended and the title was agreed to.
Senate Bill No. 202,

A bill for an act to re-enact sections 2297 to 2321, both inclusive, of the Revised Codes of North Dakota for the year A. D. 1905, relating to organization of counties.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 35, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sifton
Cashel	McArthur	Simpson
Crane	McDonald	Spoonheim
Dyste	McLean	Stade
Gilbert	Movius	Swenson
Halliday	Pierce	Talcott
Hanna	Plain	Taylor
Johnson of McLean	Purcell	Thatcher
Johnson of Walsh	Ramsett	Turner
Kelly	Regan	Wagner
Koffel	Rice	Young
Kraabel	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
LaMoure	Palmer	Strom
Little	Steele	

So the bill was passed and the title agreed to.

Mr. Simpson moved

That the vote by which Senate Bills Nos. 199 and 202 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 221,

A bill for an act entitled an act concerning artesian wells and the regulation and acquirement of rights to the use of water therefrom.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 35, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Simpson
Cashel	McArthur	Spoonheim
Crane	McDonald	Stade
Gilbert	McLean	Strom
Halliday	Palmer	Swenson
Hanna	Pierce	Talcott
Johnson of McLean	Plain	Taylor
Johnson of Walsh	Purcell	Thatcher
Kelly	Ramsett	Turner
Koffel	Regan	Wagner
Kraabel	Sharpe	Young
Leutz	Sifton	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Dyste	Movius	Steele
LaMoure	Rice	

So the bill was passed and the title agreed to.

Senate Bill No. 320,

A bill for an act to amend sections 1077, 1078, 1079, 1082, 1084, 1085, 1086, 1087, and 1090 of the Revised Codes of North Dakota of 1905, relative to the state normal schools at Valley City and Mayville.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 34, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McArthur	Sifton
Cashel	McDonald	Spoonheim
Dyste	McLean	Stade
Gilbert	Palmer	Strom
Halliday	Pierce	Swenson
Hanna	Plain	Talcott
Johnson of McLean	Purcell	Taylor
Johnson of Walsh	Ramsett	Thatcher
Koffel	Regan	Turner
Kraabel	Rice	Wagner
Leutz	Sharpe	Young
Little		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	LaMoure	Simpson
Kelly	Movius	Steele

So the bill passed and the title was agreed to.

Mr. Young moved

That the vote by which Senate Bill No. 320 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 276,

A bill for an act relating to liability of common carriers to their employes.

Was read the third time.

Mr. Gilbert moved to amend Senate Bill 276 as follows:

Between sections 3 and 4 add the following section:

"Sec. 4. No action shall be maintained under this act unless commenced within one year from the time the cause of action accrued."

And that section 4 be numbered "5."

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 35, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sifton
Cashel	McArthur	Spoonheim
Dyste	McDonald	Stade
Gilbert	McLean	Strom
Halliday	Palmer	Swenson
Hanna	Pierce	Talcott
Johnson of McLean	Plain	Taylor
Johnson of Walsh	Purcell	Thatcher
Kelly	Ramsett	Turner
Koffel	Regan	Wagner
Kraabel	Rice	Young
Leutz	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	Movius	Steele
LaMoure	Simpson	

So the bill passed as amended and the title was agreed to.
Mr. Gilbert moved

That the vote by which Senate Bill No. 276 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 277,

A bill for an act providing the manner in which the right of way for railroad companies over lands belonging to wards or deceased persons may be acquired.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes 38, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Simpson
Cashel	McArthur	Spoonheim
Crane	McDonald	Stade
Dyste	McLean	Steele
Gilbert	Palmer	Strom
Halliday	Pierce	Swenson
Hanna	Plain	Talcott
Johnson of McLean	Purcell	Taylor
Johnson of Walsh	Ramsett	Thatcher
Kelly	Regan	Turner
Koffel	Rice	Wagner
Kraabel	Sharpe	Young
Leutz	Sifton	

Messrs. LaMoure and Movius being absent and not voting.

So the bill passed and the title was agreed to.

Senate Bill No. 293,

A bill for an act to amend section 394 of chapter 5 of the Political Code of the Revised Codes of 1905 for North Dakota, relative to verified claims against the state.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes 37, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McArthur	Simpson
Cashel	McDonald	Spoonheim
Dyste	McLean	Stade
Gilbert	Palmer	Steele
Halliday	Pierce	Strom
Hanna	Plain	Swenson
Johnson of McLean	Purcell	Talcott
Johnson of Walsh	Ramsett	Taylor
Kelly	Regan	Thatcher
Koffel	Rice	Turner
Kraabel	Sharpe	Wagner
Leutz	Sifton	Young
Little		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	LaMoure	Movius

So the bill passed and the title was agreed to.

Senate Bill No. 253,

A bill for an act to legalize the execution and acknowledgment of certain deeds, mortgages and other instruments in writing, and the record thereof, and making the same or certified copies thereof admissible in evidence.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes 39, nays none, absent and not voting 1.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sifton
Cashel	McArthur	Simpson
Crane	McDonald	Spoonheim
Dyste	McLean	Stade
Gilbert	Movius	Steele
Halliday	Palmer	Strom
Hanna	Pierce	Swenson
Johnson of McLean	Plain	Talcott
Johnson of Walsh	Purcell	Taylor
Kelly	Ramsett	Thatcher
Koffel	Regan	Turner
Kraabel	Rice	Wagner
Leutz	Sharpe	Young

Mr. LaMoure being absent and not voting.

So the bill passed and the title was agreed to.

Senate Bill No. 289,

A bill for an act to amend section 2231 of the Revised Codes of North Dakota for 1905, relating to abstractors of title—bonds to be given.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 36, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McArthur	Simpson
Cashel	McDonald	Spoonheim
Crane	McLean	Stade
Dyste	Palmer	Steele
Gilbert	Pierce	Strom
Halliday	Plain	Swenson
Hanna	Purcell	Talcott
Johnson of McLean	Ramsett	Taylor
Johnson of Walsh	Regan	Thatcher
Kelly	Rice	Turner
Koffel	Sharpe	Wagner
Leutz	Sifton	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Kraabel	Little	Movius
LaMoure		

So the bill passed and the title was agreed to.

Mr. Regan moved

That the rules be suspended and that House Bill No. 278 be given its first and second reading and reference.

Which motion prevailed.

Mr. Plain moved

That the vote by which Senate Bills Nos. 253, 289, 277 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 278,

A bill for an act to fix the number of the senate and representatives which shall compose the legislative assembly and to define the senatorial and representative districts of the state of North Dakota, and prescribe the number of senators and representatives therein.

Was read the first and second times, and

Referred to the committee on apportionment.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills to whom was referred

Senate Bill No. 244,

A bill for an act prescribing the duties and authority of the commissioners of public printing, and making an appropriation for public printing and binding.

Also,

Senate Bill No. 245,

A bill for an act to amend section 393 of the Revised Codes of 1905, providing for an appropriation for supplies for the capitol building, executive mansion and the public grounds and parks connected therewith and for necessary repairs upon the capitol building and executive mansion.

Also,

Senate Bill No. 246,

A bill for an act making an appropriation to pay the deficiency in the appropriation for the maintenance of the capitol for the years 1905 and 1906.

Have carefully examined the same and find the same correctly enrolled.

GEORGE M. YOUNG,
Chairman.

The secretary announced the president is about to sign Senate Bill No. 244,

A bill for an act prescribing the duties and authority of the commissioners of public printing, and making an appropriation for public printing and binding.

Also,

Senate Bill No. 245,

A bill for an act to amend section 393 of the Revised Codes of 1905, providing for an appropriation for supplies for the capitol building, executive mansion and the public grounds and parks connected therewith and for necessary repairs upon the capitol building and executive mansion.

Also,

Senate Bill No. 246,

A bill for an act making an appropriation to pay the de-

iciency in the appropriation for the maintenance of the capitol for the years 1905 and 1906.

And the president signed the same in the presence of the senate.

Mr. Sharpe moved

That the senate return to the Ninth order of business.

Which motion prevailed, and

Mr. Sharpe introduced

Senate Bill No: 337,

A bill for an act authorizing the city council to re-district into wards any city in this state of less than two thousand population.

Which was read the first and second times and

Referred to the committee on cities and municipal corporations.

COURTESIES OF THE FLOOR.

The courtesies of the floor were extended to the following:
A. B. Malin, F. F. Crawford, Geo. P. Jones, Philip Blank, Tracy R. Bangs, Knute Westerheim, J. G. Quinlavin, A. T. Crowl, Geo. M. Frye, Charles Hoeden, Frank Lish, Geo. A. Senour, E. A. Lillibridge, Simon Jahr.

Mr. Rice moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

J. W. FOLEY,
Secretary.

FIFTY-THIRD DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 1, 1907.

The senate convened at 2 o'clock,
The president presiding.
Prayer by the chaplain.
Roll call.
All members present.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 1, 1907.

Mr. President:

I have the honor to transmit herewith
House Bill No. 234,

A bill for an act to amend section 9358 of the Revised Codes of the state of North Dakota for the year 1905, relating to prohibition, and to repeal sections 9354, 9355, 9356, 9357 and 9358 of said Codes.

Also,

House Bill No. 233,

A bill for an act entitled, An act making the use of any

store, house, shop or other building or any basement or room therein or any lot, block or other parcel of land situate within this state, for the purpose of carrying on the business of selling intoxicating liquor therein or thereon or keeping for sale, intoxicating liquors, or maintaining thereon a place where intoxicating liquors are sold or kept with intent to be sold, an unlawful use of said premises, and providing for the assessment and levying of a tax against any such premises so used; and providing for the collection of such tax and the procedure for the removal thereof, when unlawfully assessed.

Also,

House Bill No. 96,

A bill for an act to amend section 4466 of the Revised Code of North Dakota of 1905.

Also,

House Bill No. 218.

A bill for an act to repeal section 3111 of the Revised Codes of North Dakota, 1905, relating to terms of office of township officers.

Also,

House Bill No. 151,

A bill for an act to amend section 5743 of the Revised Codes of the state of North Dakota for the year 1905, relating to the foreclosure of mortgages of real property containing a power of sale, and limiting the time in which such mortgages may be foreclosed by advertisement.

Also,

House bill No. 33,

A bill for an act to amend and re-enact chapter 146 of the laws of 1903, being section 4395 of the revised codes of North Dakota for 1905, relating to the maximum coal rate.

Also,

House Bill No. 184,

A bill for an act to amend section 2245 of the Revised Codes of 1905, relating to the license of grain warehouses.

Also,

House Bill No. 98,

A bill for an act to amend section 4440 of the Revised Codes of North Dakota, 1905.

Also,

House Bill No. 290,

A bill for an act entitled "An act providing that when a change of venue is obtained in a civil action pending in a justice's court of this state that garnishment proceedings had in such action shall be transferred with such action and that such change of venue shall carry with it the garnishment proceedings in the action in which the change of venue is obtained.

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

Very respectfully

P. D. NORTON,
Chief Clerk.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 1, 1907.

Mr. President:

I have the honor to inform you that the house has concurred in the senate concurrent resolution relating to misleading reports of climatic conditions in North Dakota.

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

WHEREAS, Many false, misleading and grossly exaggerated reports have been published during the past few months regarding the climatic conditions and loss of life resulting therefrom in North Dakota; and

WHEREAS, Many malicious and sensational stories have been published in the metropolitan press of other states which were far from the truth; and

WHEREAS, Many of these mendacious and untruthful articles emanated from and were published at the instance of men who have sought to make these false reports profitable to themselves, and to divert the tide of immigration from the fertile fields and rapidly developing state of North Dakota; and

WHEREAS, The Minneapolis Journal, of all metropolitan northwestern papers, has consistently investigated the sensational reports responsible for such articles, and denied and denounced the same when shown to be without foundation in fact, and truthful publication made of the real facts and conditions; and

WHEREAS, North Dakota, according to government reports, has more sunny, pleasant days in the year than other northern or eastern states; that it has never been, within the knowledge of the oldest inhabitant, visited by a summer cyclone; that it has never had a serious epidemic of disease in any of its cities; that its death rate is lower, according to the government census, than any state in the union; that its per capita wealth is greater than any state in the United States; and

WHEREAS, In the magnitude of new investments; in the development of new enterprises; in the creation of new cities and towns; in the establishment of new communities; in the opening up and settlement of previously unoccupied territory; in the industrial progress made; in the enlargement and extension of commercial interests during the years of 1905 and 1906 North Dakota stands without a peer in the United States: therefore, be it

Resolved, That the president of the senate be authorized to appoint a committee consisting of three senators to act in conjunction with a committee of four members to be appointed by the speaker of the house to investigate and ascertain the actual conditions that prevailed during the past two months in all sections of the state; that such committee shall be authorized to investigate and determine the truth or falsity of the reports circulated, and upon the completion of their labors report the result of such investigation. Further

Resolved, That the thanks of the legislative assembly is due to the Minneapolis Journal for its fair, impartial and truthful exposition of the true condition and its continued exposure of false and harmful reports.

And the speaker has appointed as such committee on the part of the house, Messrs. Streeter, Chapman, Peake and Casey.

Very respectfully,

P. D. NORTON,
Chief Clerk.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 1, 1907.

Mr. President:

I have the honor to return herewith

Senate Bill No. 3,

A bill for an act to amend section 6710 of chapter 101 of the Civil Code of the Revised Codes of North Dakota, 1905.

Which the house has failed to pass.

Also,

I have the honor to return herewith

Senate Bill No. 55,

A bill for an act to provide for the making official of certain county records.

Which the house has indefinitely postponed.

Very respectfully,

P. D. NORTON,
Chief Clerk.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 1, 1907.

Mr. President:

I have the honor to transmit herewith the following resolution:

Resolved, That the house refuses to concur in the amendments to House Bill No. 18; that we ask for a conference committee on this bill consisting of three members of the house, to be appointed by the speaker, and three members of the senate, to be appointed by the president of the senate; that such conference committee shall consider the senate amendments and other features of the bill and make such recommendation for any modification of the bill as the committee may deem acceptable to the legislative assembly.

Which the house has adopted.

And your early consideration thereof is respectfully requested.

In accordance with above resolution the speaker has appointed as such committee on the part of the house, Messrs. White, Pugh and Griffith.

Very respectfully,
P. D. NORTON,
Chief Clerk.

REFERENCE OF THE JOURNAL.

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

Mr. President:

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

On page 5, line 22, strike out the figures "306" and insert the figures "206."

On page 20, line 5, strike out the word "minority" and insert the word "majority."

On page 22, line 17, strike out the word "Steele" and insert the word "Stade."

On page 33, in line 11, after the word "of" where it appears at the end of the line, add the word "mines."

Also, on page 33, line 10, after the word "public" insert the word "health."

And when so amended recommend that the same be approved.

J. D. TAYLOR,
Chairman.

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

REPORT OF STANDING COMMITTEES

The committee on public health made the following report:

Mr. President:

Your committee on public health to whom was referred
Senate Bill No. 222,

A bill for an act to provide for the immediate registration of all births and deaths throughout the state of North Dakota, by means of certificates of births and deaths, and burial permits; to establish a bureau of vital statistics at the capitol of the state; and to insure the thorough organization and efficiency of the registration of vital statistics throughout the state on the standard forms recommended by the United States bureau of the census and the American Public Health Association; and making an appropriation for establishing and maintaining such a bureau and providing certain penalties.

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

By striking out the following in the title: "And making an appropriation for establishing and maintaining such a bureau."

Also, in section 1 strike out all of lines 5, 6, 7, 8, 9, 10 and 11 and insert the following: "Of the state board of health, and the secretary of said board shall have general supervision over the bureau which is hereby authorized to be established by the board, and for the purposes of this act he shall be ex officio state registrar of vital statistics."

In section 2 of the printed bill strike out the words "shall receive an annual salary of \$1,000.00 and he."

Strike out all of section 24 and insert the following in lieu thereof: "SEC. 24. And it is hereby made the duty of each county auditor to furnish, after each township election, the name of the clerk of each organized civil township within his county, with his postoffice address, to the state registrar of vital statistics; and any auditor who shall wilfully neglect or refuse to furnish such names shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars nor more than fifty dollars."

And when so amended recommend the same do pass.

J. D. TAYLOR,
Chairman.

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

The committee on judiciary made the following report:
Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 329,

A bill for an act to amend section 8894 of the Revised
Codes of the state of North Dakota for 1905, defining rape.

Have had the same under consideration and recommend
that the same be indefinitely postponed.

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:
Mr. President:

Your committee to whom was referred

Senate Bill No. 328,

A bill for an act to amend section 9765 of the Revised
Codes of the state of North Dakota for 1905, relating to
preliminary examinations.

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

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following reports
Mr. President:

Your committee on judiciary to whom was referred

House bill No. 26,

Concurrent resolution for an amendment to the constitu-
tion, providing for the initiative and referendum.

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

That on page 1 in line 10 of section 25 of the printed bill insert the follow-
ing after the word "laws:" "And amendments to the constitution."

That on page 2, in line 18, of the printed bill, insert the following after
the word "proposed:" "But the same constitutional amendment shall not
be proposed oftener than once in ten years."

That on page 4, in line 68, of the printed bill, insert the following after the word "any:" "Constitutional amendment or other."

And when so amended report same to senate without recommendation.

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 280,

A bill for an act entitled, "An act to amend subdivision 3 of section 7225 of the Revised Codes of North Dakota, relating to appeals to the supreme court from orders made in certain cases."

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

Strike out all after the enacting clause and insert in lieu thereof the following:

"SECTION 1. That section 7225 of the Revised Codes of the state of North Dakota, as revised in 1905, be and the same is hereby amended so as to read as follows:

"Sec. 2. What Orders Reviewable.] The following orders when made by the court may be carried to the supreme court:

"1. An order affecting a substantial right made in any action, when such order in effect determines the action and prevents a judgment from which an appeal might be taken.

"2. A final order affecting a substantial right made in special proceedings or upon a summary application in an action after judgment.

"3. When an order grants, refuses, continues or modifies a provisional remedy, or grants, refuses, modifies or dissolves an injunction or refuses to modify or dissolve an injunction, whether such injunction was issued in an action or special proceeding or pursuant to the provisions of section 7454 of this code; when it sets aside or dismisses a writ of attachment for irregularity; when it grants or refuses a new trial or when it sustains or overrules a demurrer.

"4. When it involves the merits of an action or some part thereof; when it orders judgment on application therefor on account of the frivolousness of such a demurrer, answer or reply on account of the frivolousness thereof.

"5. Orders made by the district court or judge thereof without notice are not appealable; but orders made by the district court after a hearing is had upon notice which vacate or refuse to set aside orders previously made without notice may be appealed to the supreme court when by the provisions of this chapter an appeal might have been taken from such order so made without notice, had the same been made upon notice.

"Sec. 3. Whereas, an emergency exists in this: that under the laws of this state as they now exist and are construed by the courts thereof, there is no

appeal to the supreme court from an order refusing to dissolve or modify an injunction issued pursuant to the provisions of section 7454 of the Revised Codes of North Dakota, therefore this act shall take effect from and after its passage and approval."

And when so amended recommend the same do pass.

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report be adopted.

Which motion prevailed and

The report of the committee was adopted.

The committee on apportionment have directed me to make the following report:

Mr. President:

Your committee on apportionment to whom was referred House Bill No. 278,

A bill for an act to fix the number of the senate and representatives which shall compose the legislative assembly and to define the senatorial and representative districts of the state of North Dakota, and prescribe the number of senators and representatives therein.

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

By adding on line 10 of the printed bill the following: "And all towns, villages and cities therein."

By striking out the word "two" on line 102 of the printed bill and inserting the word "three" in lieu thereof.

By striking out the word "three" on line 108 of the printed bill and inserting the word "four" in lieu thereof.

By striking out the word "two" in line 117 of the printed bill and inserting the word "three" in lieu thereof.

By striking out all of lines 118, 119 and 120 and inserting the following: "The twenty-eighth district shall consist of all of that part of the county of Bottineau lying east of the Mouse river and shall be entitled to one senator and two representatives."

By striking out in line 127 of the printed bill the word "three" and inserting the word "four" in lieu thereof.

By striking out in line 132 of the printed bill the word "two" and inserting the word "three" in lieu thereof.

By striking out all of lines 133, 134 and 135 and inserting the following in lieu thereof: "The thirty-fourth district shall consist of townships 155, 156, 157 and 158 north of range 75 west, and also townships 155, 156, 157, 158 and 159 north of ranges 76, 77, 78, 79 and 80, in the county of McHenry, and be entitled to one senator and three representatives.

"The thirty-fifth district shall consist of townships and fractional townships as follows: 143 north of ranges 80 and 81 west; and 144 north of ranges 80, 81, 82, 83 and 84 west; and townships 145 north of ranges 74, 75, 76, 77, 78, 79, 80, 81, 82, 83 and 84; townships 146 north of ranges 74, 75, 76, 77, 78, 79, 80, 81, 82, 83 and 84 in the county of McLean, and shall be entitled to one senator and one representative."

By striking out in line 174 of the printed bill the word "four" and inserting the word "three" in lieu thereof.

By striking out in line 180 of the printed bill the word "one" and inserting the word "two" in lieu thereof.

The 46th district shall consist of the following townships and fractional townships: Township 147, north of ranges 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90 and 91 and townships 148 north of ranges 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90 and 91, and townships 149 north of ranges 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90 and 91, and townships 150 north of ranges 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90 and 91 in the county of McLean, and shall be entitled to one senator and three representatives.

The forty-seventh district shall consist of townships 151, 152, 153 and 154 north of ranges 75, 76, 77, 78, 79 and 80 in the county of McHenry, and shall be entitled to one senator and one representative.

The forty-eighth district shall consist of all that part of Bottineau county lying west of the Mouse river, and shall be entitled to one senator and two representatives.

And when so amended recommend the same do pass

J. AUSTIN REGAN,

Chairman.

A minority of the committee on apportionment made the following report:

Mr. President:

A minority of your committee on apportionment to whom was referred

House Bill No. 278,

A bill for an act to fix the number of the senate and representatives which shall compose the legislative assembly and to define the senatorial and representative districts of the state of North Dakota, and prescribe the number of senators and representatives therein.

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

Strike out all after the enacting clause and substitute the following:

"SECTION 1. Senatorial and Representative Districts. Defining and Numbering the Same.] Until otherwise provided by law under the terms of the constitution the senatorial and representative districts in the state of North Dakota shall be formed, the senators and representatives shall be apportioned as follows:

"The first district shall consist of the townships of Walhalla, St. Joseph, Neche, Pembina, Bathgate, Carlisle, Joliet, Midland, Lincoln and Drayton, in the county of Pembina, and be entitled to one senator and two representatives.

"The second district shall consist of the townships of St. Thomas, city of St. Thomas, Crystal, city of Crystal, Hamilton, town of Hamilton, Cavalier, town of Cavalier, village of Canton, Advance, LaMoure, Akra, beaubeu, Thingvalla, Gardar, Park, Elora and Lodema, in the county of Penbina, and be entitled to one senator and two representatives.

"The third district shall consist of the townships of Perth, Latona, Adams, Silvesta, Cleveland, Norton, Vesta, Tiber, Medford, Vernon, Golden, Lamp-

ton, Eden, Rushford, Kensington, Dundee, Opps, Prairie Center, Fertile, city of Park River, village of Edinburg, village of Conway, village of Hoople, village of Pisek, village of Adams, Glenwood, Kinloss, Shepard, Sauter, and Dewey, in the county of Walsh, and be entitled to one senator and three representatives.

"The fourth district shall consist of the townships of Forest River, village of Forest River, Walsh Center, Grafton, city of Grafton, Farmington, Ardoch, village of Ardoch, Harriston, Oakwood, Martin, Walshville, Pulaski, Acton, Minto, city of Minto and St. Andrews, in the county of Walsh, and be entitled to one senator and two representatives.

"The fifth district shall consist of the townships of Gilby, Johnstown, Strabane, Wheatfield, Hegton, Arvilla, Avon, Northwood, city of Northwood, Lind, Grace, Larimore, city of Larimore, Elm Grove, Agnes, Inkster, city of Inkster, Elkmount, Plymouth, Niagara, Moraine, Logan Center and Loretta, in the county of Grand Forks, and be entitled to one senator and two representatives.

"The sixth district shall consist of the third, fourth, fifth and sixth wards of the city of Grand Forks, as now constituted, and the townships of Falconer, Turtle River, Ferry, Rye, Blooming, Mekinock, Lakeville and Levant, in the county of Grand Forks, and be entitled to one senator and two representatives.

"The seventh district shall consist of the first and second wards of the city of Grand Forks, as now constituted, and the townships of Grand Forks, Brenna, Oakville, Chester, Pleasant View, Fairfield, Allendale, Walle, Bentru, Americus, Michigan, Union, Washinton, and the first and second wards of the city of Reynolds, in the county of Grand Forks, and be entitled to one senator and two representatives.

"The eighth district shall consist of the county of Traill, and be entitled to one senator and three representatives.

"The ninth district shall consist of the township of Fargo and the city of Fargo, in the county of Cass, and the fractional township number one hundred thirty-nine-range forty-eight, and be entitled to one senator and three representatives.

"The tenth district shall consist of the townships of Noble, Wiser, Harwood, Reed, Barnes, Stanley, Pleasant, Kenyon, Gardner, Berlin, Raymond, Mapleton, village of Mapleton, Warren, Normania, Bell, Harmony, Durbin, Addison, Davenport, village of Davenport, Casselton, and the city of Casselton, in the county of Cass, and be entitled to one senator and two representatives.

"The eleventh district shall consist of the townships of Webster, Rush River, Hunter, Arthur, Amenia, Everest, Maple River, Leonard, Dows, Erie, Empire, Wheatland, Gill, Walburg, Watson, Page, Rich, Ayr, Buffalo, village of Buffalo, Howes, Eldred, Highland, Rochester, Lake, Cornell, Tower, Hill, Clifton and Pontiac, in the county of Cass, and be entitled to one senator and two representatives.

"The twelfth district shall consist of the townships of Eagle, Abercrombie, Dwight, Ibsen, Center, Mooreton, Brandenburg, Summit, Fairmount, village of Fairmount, DeVille, LaMars, Waldo, Greenfield, and the city of Wahpeton, in the county of Richland, and be entitled to one senator and two representatives.

"The thirteenth district shall consist of the county of Sargent and be entitled to one senator and two representatives.

"The fourteenth district shall consist of the county of Ransom and be entitled to one senator and two representatives.

"The fifteenth district shall consist of townships 159, 160, 161, 162, 163 and 164, north of ranges 84, 85, 86, 87, 88, 90, 91, 92, 93 and 94 west, of the county of Ward, being all that part of Ward county lying and being north of township line running between townships 158 and 159, and be entitled to one senator and four representatives.

"The sixteenth district shall consist of the counties of Steele and Griggs, and be entitled to one senator and three representatives.

"The seventeenth district shall consist of the county of Nelson, and be entitled to one senator and two representatives.

"The eighteenth district shall consist of townships 153, 154, 155, 156, 157 and 158 north of ranges 88, 89, 90, 91, 92, 93 and 94, and Fort Berthold Indian reservation, of the county of Ward, and being all that part of Ward county lying and being south of township line running between townships 158 and 159 north, and west of the range line running between ranges 87 and 88 west, and be entitled to one senator and one representative.

"The nineteenth district shall consist of the county of Rolette, and be entitled to one senator and two representatives.

"The twentieth district shall consist of the county of Benson, and be entitled to one senator and two representatives.

"The twenty-first district shall consist of the county of Ramsey, and be entitled to one senator and three representatives.

"The twenty-second district shall consist of the counties of Pierce and Towner, and be entitled to one senator and four representatives.

"The twenty-third district shall consist of the county of Stutsman, and be entitled to one senator and four representatives.

"The twenty-fourth district shall consist of the county of LaMoure, and be entitled to one senator and two representatives.

"The twenty-fifth district shall consist of the county of Dickey, and be entitled to one senator and two representatives.

"The twenty-sixth district shall consist of the counties of Emmons and Kidder, and be entitled to one senator and two representatives.

"The twenty-seventh district shall consist of the county of Burleigh, and be entitled to one senator and two representatives.

"The twenty-eighth district shall consist of the county of Bottineau, and be entitled to one senator and four representatives.

"The twenty-ninth district shall consist of townships 151, 152, 153, 154, 155, 156, 157 and 158 of ranges 81, 82, 83, 84, 85, 86 and 87, of the county of Ward, and being that part of Ward county lying and being south of township line between townships 158 and 159 and east of range line between ranges 87 and 88, and be entitled to one senator and four representatives.

"The thirtieth district shall consist of the county of Morton, and be entitled to one senator and three representatives.

"The thirty-first district shall consist of the county of Stark, and be entitled to one senator and three representatives.

"The thirty-second district shall consist of the counties of Eddy and Foster, and be entitled to one senator and two representatives.

"The thirty-third district shall consist of the county of Wells, and be entitled to one senator and two representatives.

"The thirty-fourth district shall consist of the county of McHenry, and be entitled to one senator and four representatives.

"The thirty-fifth district shall consist of the county of McLean, and be entitled to one senator and four representatives.

"The thirty-sixth district shall consist of the counties of McIntosh and Logan, and be entitled to one senator and two representatives.

"The thirty-seventh district shall consist of the townships of Walcott, Colfax, Barrie, Helendale, Sheyenne, Viking, Garborn, Freeman, West End, Homestead, Grafton, Antelope, Dantog, Garfield, Dexter, Wyndmere, village of Wyndmere, Belford, Liberty, Brightwood, village of Hankinson, Elma, Durr, village of Lidgerwood, Moran and Grant, in the county of Richland, and be entitled to one senator and two representatives.

"The thirty-eighth district shall consist of the county of Barnes, and be entitled to one senator and four representatives.

"The thirty-ninth district shall consist of the counties of Billings, Mercer, Oliver and McKenzie, and shall be entitled to one senator and two representatives.

"The fortieth district shall consist of the townships of Mt. Carmel, Hay, Hope, Fremont, Olga, Loam, Harvey, Easby, Alma, East Alma, Montrose, villages of Milton and Osford, Osnabrock, village of Osnabrock, in the county of Cavalier, and be entitled to one senator and two representatives.

"The forty-first district shall consist of the county of Williams, and be entitled to one senator and one representative.

"The forty-second district shall consist of the townships of Cypress, Linden, Dresden, Langdon, city of Langdon, South Dresden, Grey, Glenilla, Huron, Moscow, Banner, Byron, Bruce, Perry, Billings, Storlie, Elgin, Frier, Gordon, Henderson, Minto, Waterloo, Neckoma, Sievert, village of Sarles, village of Neckoma, in the county of Cavalier, and be entitled to one senator and two representatives; provided, however, that on and after December 31, 1910, the said fortieth and forty-second districts herein provided for shall merge into and become the fortieth district and be entitled to one senator and four representatives, and at the general election held in November, 1910, there shall be elected from said fortieth district, consisting of the county of Cavalier, one senator and four representatives.

"That all acts or parts of acts in conflict herewith are hereby repealed."

And when so amended recommend the same do pass.

J. AUSTIN REGAN,

Chairman.

Mr. Regan moved

That the majority and minority reports of the committee on apportionment on Senate Bill No. 278 be referred to committee of the whole.

Which motion prevailed.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills to whom was referred

Senate Bill No. 101,

A bill for an act making an appropriation to the Dickinson experiment station located at the city of Dickinson in Stark county.

Also,

Senate Bill No. 117,

A bill for an act appropriating money for the construction and equipment of an engineering building and for making improvements in the mechanical laboratories and shops of the North Dakota agricultural college.

Senate Bill No. 18,

A bill for an act appropriating money for the enforcement of the food law, drug law, formaldehyde and Paris green laws, and the paint law. Also for making such investigations as are deemed necessary for the purpose of gaining

information under the laws mentioned and for the dissemination of information.

Also,

Senate Bill No. 133,

A bill for an act to provide an appropriation for the current and contingent expenses for the state hospital for the insane at Jamestown.

Also,

Senate Bill No. 285,

A bill for an act to foster the development of mineral and allied industries by providing for experimentation, encouragement and inspection and by making an appropriation therefor.

Also,

Senate Bill No. 39,

A bill for an act to provide for making needed permanent improvements for the school for the deaf at Devils Lake, and making an appropriation therefor.

Also,

Senate Bill No. 108,

A bill for an act to provide an appropriation for the current and contingent expenses and for permanent improvements of the institution for the feeble minded at Grafton.

Also,

Senate Bill No. 207,

A bill for an act creating a state library commission, defining its duties and providing for its maintenance.

Also,

Senate Bill No. 54,

A bill for an act making an appropriation for a deficit in expenses for the construction of additions to present buildings, for heating plant, erection and equipment of a dormitory for state normal school at Mayville, and for interest on overdue warrants issued in connection therewith.

Also,

Senate Bill No. 17,

A bill 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. 84,

A bill for an act making an appropriation for the completion of the buildings of the North Dakota blind asylum, for a boiler house and connections for the same and for furniture and fixtures.

Have carefully examined the same, and find the same correctly enrolled.

GEORGE M. YOUNG,
Chairman.

The secretary announced the president was about to sign Senate Bill No. 101,

A bill for an act making an appropriation to the Dickinson experiment station located at the city of Dickinson in Stark county.

Also,

Senate Bill No. 117,

A bill for an act appropriating money for the construction and equipment of an engineering building and for making improvements in the mechanical laboratories and shops of the North Dakota agricultural college.

Also,

Senate Bill No. 18,

A bill for an act appropriating money for the enforcement of the food law, drug law, formaldehyde and Paris green laws, and the paint law. Also for making such investigations as are deemed necessary for the purpose of gaining information under the laws mentioned and for the dissemination of information.

Also,

Senate Bill No. 133,

A bill for an act to provide an appropriation for the current and contingent expenses for the state hospital for the insane at Jamestown.

Also,

Senate Bill No. 285,

A bill for an act to foster the development of mineral and allied industries by providing for experimentation, encouragement and inspection and by making an appropriation therefor.

Also,

Senate Bill No. 39,

A bill for an act to provide for making needed permanent improvements for the school for the deaf at Devils Lake, and making an appropriation therefor.

Also,

Senate Bill No. 108,

A bill for an act to provide an appropriation for the current and contingent expenses and for permanent improvements of the institution for the feeble minded at Grafton.

Also,

Senate Bill No. 207,

A bill for an act creating a state library commission, defining its duties and providing an appropriation for its maintenance.

Also,

Senate Bill No. 54,

A bill for an act making an appropriation for a deficit in expenses for the construction of additions to present buildings, for heating plant, erection and equipment of a dormitory for state normal school at Mayville, and for interest on overdue warrants issued in connection therewith.

Also,

Senate Bill No. 17,

A bill 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. 84,

A bill for an act making an appropriation for the completion of the buildings of the North Dakota blind asylum, for a boiler house and connections for the same and for furniture and fixtures.

And the president signed the same in the presence of the senate.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred House Bill No. 227,

A bill for an act to amend section 2441, Revised Codes of 1905, relating to the designation of county depositories.

Have had the same under consideration and recommend that the same be indefinitely postponed.

J. B. SHARPE,
Chairman.

Mr. Sharpe moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred House Concurrent Resolution:

WHEREAS, The present laws upon the question of taxation appear to be inadequate; and

WHEREAS, The revenues of the state are not sufficient to meet the increased demands made upon the treasury; and

WHEREAS, There has not been time enough at this session to prepare a comprehensive tax law; therefore, be it

Resolved by the House of Representatives, the Senate Concurring, That the governor, state auditor and attorney general are hereby constituted a commission for the purpose of preparing a thoroughly comprehensive and adequate revenue and taxation law and report the same to the next legislative session.

Have had the same under consideration and recommend that the same be indefinitely postponed.

J. B. SHARPE,
Chairman.

Mr. Sharpe moved

That the report be adopted,

Which motion prevailed and

The report of the committee was adopted.

The committee on railroads made the following report:

Mr. President:

The committee on railroads to whom was referred House bill No. 34.

A bill for an act to amend section 4302 of the revised codes of North Dakota, of 1905, relating to stopping of trains at county seats.

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

In section 1, line 9, of the printed bill, after the word "safety" insert the words "provided, that where any railroad operating three or more regular passenger trains in each direction daily, the provisions of this act shall not apply to one of such trains each way."

And when so amended recommend the same do pass.

E. F. GILBERT,
Chairman.

Mr. Gilbert moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on railroads made the following report:

Mr. President:

Your committee on railroads to whom was referred
House Bill No. 153,

A bill for an act to regulate the operation of passenger and freight trains over railway lines in this state, and to regulate the receipt, transportation and delivery of freight by common carriers, and providing penalties for violations of the act.

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

In section 1, line 2, of the printed bill, after the word "state" insert the words "except branch lines that may hereafter be constructed." Also, in section 1, line 8, of the printed bill, after the word "one" insert the word "local." Also, after the word "passenger" at the end of section 1 of the printed bill add the words "for each and every violation of the provisions of this section the railroad company shall be subject to a fine of five hundred dollars."

Also, in section 2, line 10, of the printed bill, strike out the word "one" and insert the word "two" in lieu thereof; also, in section 2, line 12, of the printed bill, after the word "provided" insert the word "further;" also, in section 2, line 21, of the printed bill, strike out the words "double the value of such freight" and insert the words "the sum of one hundred dollars;" also, in section 2, line 32, of the printed bill, after the word "action" insert the words "upon payment as above provided the railroad corporation shall become at once the absolute owner of said property."

Also, in section 4, line 9, of the printed bill, after the word "scheduled" insert the word "local;" also, in section 4, line 20, of the printed bill, after the word "scheduled" insert the word "local."

And when so amended recommend the same do pass

E. F. GILBERT,
Chairman.

Mr. Gilbert moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on railroads made the following report:
Mr. President:

The committee on railroads, to whom was referred
House Bill No. 7,

A bill for an act requiring railway companies owning or operating a line of railway in this state to construct, maintain, and keep in repair suitable fences and cattle guards, making said company liable for stock killed or injured by reason of its failure to fence and construct cattle guards and regulating speed of trains at depot grounds.

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

In section 1, line 20, of the printed bill, strike out the word "wilful" and insert the words "grossly negligent" in lieu thereof.

Also, in section 1, line 28, of the printed bill, after the word "him" insert the words "and twenty-five dollars as attorney's fee when it shall be adjudged by a court of competent jurisdiction that the claimant is entitled to the amount claimed."

And when so amended recommend the same do pass.

E. F. GILBERT,
Chairman.

Mr. Gilbert moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills to whom was referred

Senate Bill No. 139,

A bill for an act to provide for making necessary improvements at the Industrial School and School for Manual Training, located at Ellendale, providing for the payment of interest on certificates of indebtedness and making an appropriation therefor.

Also,

Senate Bill No. 87,

A bill for an act making an appropriation towards paying deficiency or debts on armories already constructed, or towards the construction of armories for the various military companies of the state of North Dakota, and for the creating of a board of armory supervisors and defining its duties, for the transfer of armories upon the mustering out of any military organization enumerated, and defining the duties of the state treasurer in carrying out the provisions of this act.

Also,

Senate Bill No. 195,

A bill for an act providing for the naming by the governor of the state of a board of grain commission, prescribing

Have carefully examined the same find the same correctly enrolled.

GEORGE M. YOUNG,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Strom moved

That the vote by which the report of the committee on state affairs on Senate Bill No. 307 was adopted be reconsidered.

Which motion prevailed.

Mr. Strom moved that

Senate Bill No. 307,

A bill for an act prescribing additional duties of the county surveyor.

Be re-referred to the committee on state affairs.

Which motion prevailed, and

And the bill was so re-referred.

Mr. Regan moved

That the senate agree to the house request for a conference committee on House Bill No. 18, and that the president appoint such committee.

Which motion prevailed.

And the president named as such conferees on the part of the senate Messrs. Pierce, Regan, Koffel.

Mr. Crane asked unanimous consent to introduce a bill.

Mr. Crane introduced

Senate Bill No. 338,

A bill for an act requiring the governor to furnish each legislative assembly a financial and statistical report on state institutions. Requiring institutional trustees to furnish data demanded by the governor for this purpose and providing for payment of the necessary clerical and printing costs of such statements.

Which was read the first time.

COMMUNICATION FROM THE GOVERNOR.

A sealed communication was received from the governor.

Mr. LaMoure moved

That the rules be suspended and House Bills Nos. 131, 28, 134, 129, 221, 206 and 179 be given third reading and placed on final passage.

Which motion prevailed.

House Bill No. 131,

A bill for an act appropriating an annual sum of money for the use of the government experiment station at Fargo for conducting demonstration farms and for co-operating with farmers; for making experiments in the manufacture of denaturized alcohol; for publishing reports and bulletins; for analysis of fertilizers and stock foods; for complying with the provisions of the pure paint, Paris green and formaldehyde laws, and for making other experiments.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 37, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sifton
Cashel	McArthur	Simpson
Crane	McDonald	Spoonheim
Gilbert	McLean	Stade
Halliday	Movius	Strom
Hanna	Palmer	Swenson
Johnson of McLean	Pierce	Talcott
Johnson of Walsh	Plain	Taylor
Kelly	Purcell	Thatcher
Koffel	Ramsett	Turner
Kraabel	Rice	Wagner
LaMoure	Sharpe	Young
Leutz		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Dyste	Regan	Steele

So the bill passed and the title was agreed to.

House bill No. 28,

A bill for an act making appropriation to cover deficiency on monument, for sewer, and reconstruction of plumbing, for remodeling, for new dormitory, and for construction of an administration building at soldiers' home.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 36, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sharpe
Cashel	Little	Sifton
Dyste	McArthur	Simpson
Gilbert	McDonald	Spoonheim
Halliday	McLean	Strom
Hanna	Movius	Swenson
Johnson of McLean	Palmer	Talcott
Johnson of Walsh	Pierce	Taylor
Kelly	Plain	Thatcher
Koffel	Purcell	Turner
Kraabel	Ramsett	Wagner
LaMoure	Rice	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	Stade	Steele
Regan		

So the bill passed and the title was agreed to.

House Bill No. 134.

A bill for an act to appropriate \$5,894.93 to balance overdraft and reimburse citizens who advanced money to help defray expenses incurred in making the state's exhibit at the Portland (Lewis & Clark) exposition.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 34, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sifton
Crane	McDonald	Simpson
Dyste	McLean	Spoonheim
Gilbert	Movius	Stade
Halliday	Palmer	Strom
Hanna	Pierce	Swenson
Johnson of McLean	Plain	Talcott
Johnson of Walsh	Purcell	Taylor
Kelly	Ramsett	Thatcher
Koffel	Rice	Turner
Kraabel	Sharpe	Young
LaMoure		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel	McArthur	Steele
Little	Regan	Wagner

So the bill passed and the title was agreed to.

House Bill No. 129,

A bill for an act making an appropriation to pay school teachers for teaching under contract in school districts in unorganized territory in this state which school districts were not lawfully organized, and providing the manner of submitting their respective claims.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 36, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Simpson
Cashel	McDonald	Spoonheim
Crane	McLean	Stade
Dyste	Movius	Strom
Gilbert	Palmer	Swenson
Halliday	Pierce	Talcott
Hanna	Plain	Taylor
Johnson of McLean	Purcell	Thatcher
Johnson of Walsh	Ramsett	Turner
Kelly	Rice	Wagner
Koffel	Sharpe	Young
LaMoure	Sifton	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Kraabel	McArthur	Regan
Little		

So the bill passed and the title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 1, 1907.

Mr. President:

I have the honor to return herewith
Senate Bill No. 249,

A bill for an act to amend section 2928 of the Revised Codes of the state of North Dakota for 1905, relating to establishing permanent corners in cities and towns.

Which the house has indefinitely postponed.

Very respectfully,

P. D. NORTON,
Chief Clerk.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills to whom was referred

Senate Bill No. 88,

A bill for an act to provide a site for the statue of Sakakawea, the Indian guide of the Lewis and Clark expedition.

Also,

Senate Bill No. 268,

A bill for an act making an appropriation to pay for certain books for the state law library.

Also,

Senate Bill No. 270,

A bill for an act to provide for the payment of the necessary expenses of the state officers of the state of North Dakota.

Also,

Senate Bill No. 301,

A bill for a joint resolution authorizing the state auditing board, in their discretion, from time to time, as the necessities may arise, to employ additional clerical assistance in the various state offices and authorizing an appropriation for the payment thereof.

Also,

Senate Bill No. 105,

A bill for an act making an appropriation for the erection of a building and greenhouse for the school of forestry located at Bottineau, Bottineau county, and for the proper furnishing and equipment of the same.

Have carefully examined the same and find the same correctly enrolled.

GEORGE M. YOUNG,
Chairman.

The secretary announced the president was about to sign Senate Bill No. 88,

A bill for an act to provide a site for the statue of Sakakawea, the Indian guide of the Lewis and Clark expedition.

Also,
Senate Bill No. 268,

A bill for an act making an appropriation to pay for certain books for the state law library.

Also,
Senate Bill No. 270,

A bill for an act to provide for the payment of the necessary expenses of the state officers of the state of North Dakota.

Also,
Senate Bill No. 301,

A bill for a joint resolution authorizing the state auditing board, in their discretion, from time to time, as the necessities may arise, to employ additional clerical assistance in the various state offices and authorizing an appropriation for the payment thereof.

Also,
Senate Bill No. 105,

A bill for an act making an appropriation for the erection of a building and greenhouse for the school of forestry located at Bottineau, Bottineau county, and for the proper furnishing and equipment of the same.

And the president signed the same in the presence of the senate.

House Bill No. 221,

A bill for an act authorizing the state auditor to audit the salary and expense account of E. F. Chandler, state engineer for the months of February and March, 1905, and making an appropriation to pay the same.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes, 35, nays, none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Simpson
Cashel	McDonald	Spoonheim
Crane	McLean	Stade
Dyste	Movius	Steele
Gilbert	Palmer	Strom
Halliday	Pierce	Swenson
Hanna	Plain	Talcott
Johnson of McLean	Purcell	Taylor
Johnson of Walsh	Ramsett	Turner
Koffel	Rice	Wagner
LaMoure	Sharpe	Young
Leutz	Sifton	

Absent and not voting :

Messrs.—	Messrs.—	Messrs.—
Kelly	McArthur	Thatcher
Kraabel	Regan	

So the bill passed and the title was agreed to.

House Bill No. 206,

A bill for an act to provide for the payment of the necessary traveling expenses of district judges.

Was read the third time.

Mr. Simpson moved

That House Bill No. 206 be returned to the clerk of the committee on appropriations to have amendments corrected.

Which motion prevailed.

House Bill No. 179,

A bill for an act appropriating money for the benefit of the North Dakota Live Stock Association and prescribing its duties.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were ayes 35, nays none, absent and not voting 5.

Those who voted in the affirmative were :

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Simpson
Cashel	McDonald	Spoonheim
Crane	McLean	Stade
Dyste	Movius	Steele
Gilbert	Palmer	Strom
Halliday	Pierce	Swenson
Hanna	Plain	Talcott
Johnson of McLean	Purcell	Taylor
Johnson of Walsh	Ramsett	Thatcher
Koffel	Rice	Turner
Kraabel	Sharpe	Wagner
Leutz	Sifton	

Absent and not voting :

Messrs.—	Messrs.—	Messrs.—
Kelly	McArthur	Young
LaMoure	Regan	

So the bill was passed and the title agreed to.

Mr. Little moved

That the vote by which House Bills Nos. 131, 28, 134, 129, 221 and 179 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Spoonheim moved

That Senate Bill No. 102 be given its third reading and placed on final passage.

Mr. Simpson moved as a substitute

That the senate proceed with the regular order of business.

Which substitute motion was lost.

The question being on the original motion,

Which motion prevailed, and

Senate Bill No. 102,

A bill for an act to prohibit the manufacture and sale of cigarettes, cigarette paper or wrappers, or substitute therefor, and providing a penalty for the violation thereof.

Was read the third time.

Mr. Simpson moved

That Senate Bill No. 102 be amended as follows:

Add after the word "act" in line 14 of the printed bill the following: "Unless before selling, offering for sale, giving away or otherwise disposing of any cigarettes, cigarette paper or cigarette wrappers or any substitute therefor the person or persons offering the same for sale, giving away or otherwise disposing of, shall first submit them to the commissioner for the enforcement of pure food laws at the North Dakota agricultural college experiment station, who shall thereupon make a careful analysis of the same and if he shall find that there is nothing in the same in any way deleterious to the health of any person and that the same are pure in every respect, then and in that case the selling or giving away of any cigarette, cigarette paper or cigarette wrapper shall be lawful, otherwise the person or persons violating the provisions of this act."

Which motion prevailed, and

The amendment was adopted.

Mr. LaMoure moved

That Senate Bill No. 102 be amended as follows:

In line 21 of the printed bill strike out all after the word "days" down to the word "provided."

Which motion prevailed, and

The amendment was adopted.

Mr. Simpson moved

That Senate Bill No. 102 be amended as follows:

SEC. 2. Samples or specimens of cigarettes, cigars or tobacco in any form shall upon being submitted to the chemist of the agricultural college at Fargo by the attorney general or any state's attorney or upon the order of any district court or judge thereof of this state, be by such chemist analyzed or otherwise satisfactorily tested as to the presence of foreign substance, free of expense, and a certificate of the analysis, sworn to by the analyzer, shall be admissible as evidence in all prosecutions under the provisions of this act.

Which motion prevailed, and

The amendment was adopted.

Mr. Simpson moved

That Senate Bill No. 102 be amended by making section 2 read section 3,

Which motion prevailed, and

The amendment was adopted.

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 25, nays 14, absent and not voting 1.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Cashel	McArthur	Ramsett
Crane	Kelly	Swenson
Dyste	Strom	Koffel
Gilbert	Halliday	LaMoure
Halliday	McLean	Spoonheim
Hanna	Sifton	Talcott
Johnson of Walsh	Stade	Turner
Kraabel	Plain	Young
Pierce		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Movius	Simpson
Johnson of McLean	Palmer	Taylor
Leutz	Purcell	Thatcher
Little	Regan	Wagner
McDonald	Sharpe	

Absent and not voting, Mr. Rice.

So the bill passed as amended and the title was agreed to.

Mr. Spoonheim moved

That the vote by which Senate Bill No. 102 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

THIRD READING OF SENATE BILLS.

Senate Bill No. 297,

A bill for an act requiring county officers to reside at and maintain their offices at the county seat of their respective counties.

Was read the third time.

Mr. Simpson moved

That Senate Bill No. 297 be amended as follows:

After word "appointment," being the last word in the last line of section 1, add the following: "Provided that this act shall not apply in counties having a population less than 7,200."

Which motion prevailed, and

The amendment was adopted.

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 38, nays 2, absent and not voting, none.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McArthur	Simpson
Crane	McDonald	Spoonheim
Dyste	McLean	Stade
Gilbert	Movius	Steele
Halliday	Palmer	Strom
Hanna	Pierce	Swenson
Johnson of McLean	Plain	Talcott
Kelly	Purcell	Taylor
Koffel	Ramsett	Thatcher
Kraabel	Regan	Turner
LaMoure	Rice	Wagner
Leutz	Sharpe	Young
Little	Sifton	

Messrs. Cashel and Johnson of Walsh voted in the negative.

So the bill passed as amended and the title was agreed to.

Mr. Rice moved

That the vote by which Senate Bill No. 297 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 181,

A bill for an act to amend section 911 of the Revised Code of North Dakota for 1905, relating to notice of elections to vote bonds for school districts.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes 39, nays, none, absent and not voting 1.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sifton
Cashel	McArthur	Simpson
Crane	McDonald	Spoonheim
Dyste	McLean	Stade
Gilbert	Movius	Steele
Halliday	Palmer	Strom
Hanna	Pierce	Swenson
Johnson of McLean	Plain	Talcott
Johnson of Walsh	Purcell	Taylor

Messrs.—	Messrs.—	Messrs.—
Kelly	Ramsett	Thatcher
Koffel	Rice	Turner
Kraabel	Regan	Wagner
Little	Sharpe	Young

Absent and not voting, Mr. LaMoure.

So the bill was passed and the title agreed to.

Senate Bill No. 240,

A bill for an act to divide the state of North Dakota into two congressional districts, and defining the boundaries of each of said congressional districts in 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 33, nays 6, absent and not voting 1.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kraabel	Sifton
Cashel	McArthur	Spoonheim
Crane	McLean	Stade
Dyste	Movius	Strom
Gilbert	Palmer	Swenson
Halliday	Pierce	Talcott
Hanna	Plain	Taylor
Johnson of McLean	Purcell	Thatcher
Johnson of Walsh	Ramsett	Turner
Kelly	Regan	Wagner
Koffel	Rice	Young

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Leutz	McDonald	Simpson
Little	Sharpe	Steele

Absent and not voting, Mr. LaMoure.

So the bill was passed and the title agreed to.

Mr. Strom moved

That the vote by which Senate Bill No. 240 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 290,

A bill for an act to amend and re-enact section 468 of the Revised Codes of North Dakota for the year A. D. 1905, relating to judicial districts within the state.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were ayes 34, nays 4, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McArthur	Sharpe
Cashel	McDonald	Sifton
Crane	McLean	Simpson
Gilbert	Movius	Spoonheim
Halliday	Palmer	Stade
Hanna	Pierce	Steele
Johnson of McLean	Plain	Swenson
Johnson of Walsh	Purcell	Talcott
Kelly	Ramsett	Taylor
Koffel	Regan	Thatcher
Leutz	Rice	Turner
Little		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Kraabel	Wagner	Young
Strom		

Absent and not voting, Messrs. Dyste and LaMoure.
So the bill passed and the title was agreed to.

Mr. Simpson moved

That the vote by which Senate Bill No. 290 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

On request of Mr. Pierce the senate returned to the eighth order of business.

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

CONCURRENT RESOLUTION.

WHEREAS, There is to be held near Jamestown, Virginia, during the current year, a world's fair or exposition, commonly known as the Jamestown Tri-Centennial Exposition, commemorative of the three hundredth anniversary of the landing of the founders of this republic in that part thereof which includes the states of Maryland and Virginia; and

WHEREAS, The legislative assembly has not seen fit to make provision whereby the state of North Dakota might participate in such exposition, or provide an exhibit of its resources thereat; and

WHEREAS, Charles A. Everhart, a patriotic and public-spirited former resident of the state of North Dakota, has upon his own responsibility and at his own expense, procured a site and erected a building upon the grounds of said exposition for the use and entertainment of the citizens of North Dakota visiting such exposition, and for the display and exhibit thereat of such of the products and industries of the state as the citizens thereof might see fit to display and exhibit thereat; now, therefore, be it

Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring, That the said Charles A. Everhart, in recogni-

tion of his public-spirited and unselfish acts in connection therewith, is hereby appointed and constituted the official representative and commissioner of the people of the state of North Dakota at the said Jamestown Tri-Centennial Exposition; the governor is authorized to commission him as such, and as such he is hereby authorized to accept and receive any and all articles of value or exhibits which may be loaned, donated or transmitted to him by private or public persons and corporations, for display and exhibit at such exposition, and to account for the same in such manner as the contributors thereof may direct. Further

Resolved, That the governor be, and he is hereby, authorized and requested to transmit, and to cause to be transmitted, to said Charles A. Everhart, commissioner, for exhibit and display, such articles illustrative of the resources and industries of the state of North Dakota as are now in and about the capitol building at Bismarck, or any of the public institutions of the state of North Dakota, and not otherwise needed during the time in the work of the department of agriculture and labor, upon the filing of a bond to be approved by him, conditioned for the safe return of such articles, and that the cost of shipment and trans-shipment thereof should be audited and paid out of the general fund of the state. Further

Resolved, That the thanks of the legislative assembly is due and is hereby tendered to the said Charles A. Everhart for the provision made by him for the entertainment of the citizens of North Dakota visiting such exposition and for the facilities thus furnished for the display of her products and industries thereat.

Which motion prevailed, and

The resolution was adopted.

Senate Bill No. 292,

A bill for an act creating and defining the Tenth judicial district within the state of North Dakota; providing for the election of a judge therein and fixing the terms of court in said district.

Was read the third time.

Mr. Simpson moved

That Senate Bill No. 292 be amended as follows:

In line 12 of the printed bill strike out the word "third" and insert the word "first" in lieu thereof.

Which motion prevailed, and

The amendment was adopted.

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 31, nays none, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—
Albright
Cashel
Crane
Dyste
Gilbert
Halliday

Messrs.—
Little
McArthur
McDonald
McLean
Palmer
Plain

Messrs.—
Simpson
Strom
Swenson
Talcott
Taylor
Thatcher

Messrs.—	Messrs.—	Messrs.—
Hanna	Purcell	Turner
Johnson of McLean	Ramsett	Wagner
Johnson of Walsh	Rice	Young
Koffel	Sharpe	
Leutz	Sifton	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Kelly	Movius	Spoonheim
Kraabel	Pierce	Stade
LaMoure	Regan	Steele

So the bill passed as amended and the title was agreed to.

Mr. Simpson moved

That the vote by which Senate Bill No. 292 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 113,

A bill for an act to amend section 140 of the Revised Codes of 1905, relating to the appointment and qualification of the state examiner.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 34, nays, none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Simpson
Cashel	McDonald	Spoonheim
Crane	McLean	Stade
Dyste	Movius	Steele
Gilbert	Plain	Strom
Halliday	Purcell	Swenson
Hanna	Ramsett	Talcott
Johnson of McLean	Regan	Taylor
Johnson of Walsh	Rice	Thatcher
Kelly	Sharpe	Turner
Koffel	Sifton	Wagner
Leutz		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Kraabel	McArthur	Pierce
LaMoure	Palmer	Young

So the bill passed and the title was agreed to.

Mr. Talcott and Mr. Rice asked unanimous consent to have Senate Bill No. 235 and Senate Bill No. 308 given third reading and placed on final passage.

Senate Bill No. 235,

A bill for an act to establish the live stock sanitary board of North Dakota and to provide for the suppression and control of dangerous, contagious and infectious diseases of domestic animals.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 35, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Simpson
Cashel	McArthur	Spoonheim
Crane	McDonald	Stade
Dyste	McLean	Strom
Gilbert	Movius	Swenson
Halliday	Plain	Talcott
Hanna	Purcell	Taylor
Johnson of McLean	Ramsett	Thatcher
Johnson of Walsh	Regan	Turner
Kelly	Rice	Wagner
Koffel	Sharpe	Young
Leutz	Sifton	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Kraabel	Palmer	Steele
LaMoure	Pierce	

So the bill passed and the title was agreed to.

Mr. Talcott moved

That the vote by which Senate Bill No. 235 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills to whom was referred

Senate Bill No. 266,

A bill for an act to amend section 1031, 1032, 1033, 1034, 1035, 1036 and 1037 of chapter 9, article 25 of the Revised Code of 1905, relating to education and creating a new section providing that high schools may be classified as accredited schools of the University of North Dakota, and repealing all acts in conflict therewith.

Also,

Senate Bill No. 177,

A bill for an act relating to the annual reports of life insurance companies.

Also,

Senate Bill No. 254,

A bill for an act regulating the organization and operation of corporations, associations and societies to do and transact upon the assessment plan the business of accident or sickness, or accident and sickness insurance, providing for the regulation and control of the same, and to regulate and control such corporations, associations and societies organized in other states, territories and countries and doing business in this state, prescribing the duties of the insurance commissioner of the state in relation thereto, and fixing the penalty for the violation of its provisions.

Also,

Senate Bill No. 184,

A bill for an act to provide a method whereby assessment life insurance companies may be reincorporated as legal reserve life insurance companies.

Also,

Senate Bill No. 173,

A bill for an act relating to the salaries of officers and agents of life insurance companies.

Also,

Senate Bill No. 178,

A bill for an act prohibiting corporations or stock companies acting as agents or solicitors for life insurance companies.

Also,

Senate Bill No. 171,

A bill for an act to regulate the investment of the funds and the real estate holdings of life insurance companies.

Also,

Senate Bill No. 71,

A bill for an act to amend section 3111 of the Revised Codes of North Dakota, 1906, relating to the term of office of township officers.

Also,

Senate Bill No. 310,

A bill for an act to regulate the public service of stallions and jacks in the state of North Dakota.

Also,
Senate Bill No. 271,
A bill for an act to amend section 7246 of the Revised Codes of 1905, relating to examination of parties.

Also,
Senate Bill No. 60,
A bill for an act providing for and regulating the election of directors of mutual life insurance companies.

Also,
Senate Bill No. 313,
A bill for an act to amend section 4224 of the Revised Codes of the state of North Dakota, relating to the increasing or diminishing of the capital stock of corporations.

Also,
Senate Bill No. 235,
A bill for an act to establish the live stock sanitary board of North Dakota and to provide for the suppression and control of dangerous, contagious and infectious diseases of domestic animals.

Also,
Senate Bill No. 169,
A bill for an act to amend section 8149 of the Revised Codes of the state of North Dakota.

Also,
Senate Bill No. 156,
A bill for an act to amend section 8083 of the Revised Codes of 1905, relating to inventory and appraisement of the decedent's estate.

Also,
Senate Bill No. 304,
A bill for an act to amend and re-enact section 2329 and 2330 of the Revised Codes of North Dakota for the year 1905, relative to the division of counties.

Also,
Senate Bill No. 127,
A bill for an act entitled: An act to reimburse judges of the supreme court for their actual and necessary expenses while absent from home engaged in the discharge of official duties.

Also,
Senate Bill No. 213,

A bill for an act to amend section 9921 of the Revised Codes of the state of North Dakota.

Also,

House Bill No. 279,

A bill for an act to amend section 165 of the Revised Codes of 1905 of chapter 4 of the Political Code of the state of North Dakota, providing for the appointment of a deputy commissioner of university and school lands.

Also,

Senate Bill No. 315,

A bill for an act authorizing and empowering the governor of the state to remove and suspend certain officers who have been guilty of malfeasance or nonfeasance in the performance of their official duties, or guilty of habitual drunkenness, and providing for the filling of vacancies caused by such suspension or removal.

Also,

Senate Bill No. 318,

A bill for an act to amend sections 1872 and 1877 of the Revised Codes of 1905, relating to duty of superintendant of county asylum and poor farm.

Also,

Senate Bill No. 327,

A bill for an act to amend and re-enact section 3054 of the Revised Codes of 1905 of the state of North Dakota, relating to how civil townships may be formed.

Also,

Senate Bill No. 334.

Also,

Senate Bill No. 261,

A bill for an act granting recognition to diplomas issued by first class high schools as teacher's certificates.

Also,

Senate Bill No. 97,

A bill for an act relating to practice on appeals in cases tried by a district court without a jury.

Also,

Senate Bill No. 321,

A bill for an act entitled: An act to provide for changing county lines of organized counties to include unorganized territory.

Have carefully examined the same, and find the same correctly engrossed.

GEORGE M. YOUNG,
Chairman.

Senate Bill No. 308,

A bill for an act to amend sections 8289, 8292, 8295, 8304, 8311, 8316, and 8318 of the Revised Codes of North Dakota for 1905.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 31, nays none, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McArthur	Spoonheim
Crane	Movius	Stade
Gilbert	Palmer	Steele
Halliday	Pierce	Strom
Hanna	Plain	Swenson
Johnson of McLean	Ramsett	Talcott
Johnson of Walsh	Regan	Taylor
Koffel	Rice	Turner
Kraabel	Sifton	Wagner
Leutz	Simpson	Young
Little		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel	LaMoure	Purcell
Dyste	McDonald	Sharpe
Kelly	McLean	Thatcher

So the bill passed and the title was agreed to.

Mr. Rice moved

That the vote by which Senate Bill No. 308 passed be reconsidered. and the motion to reconsider be laid on the table.

Which motion prevailed.

The secretary announced the president was about to sign Senate Bill No. 139,

A bill for an act to provide for making necessary improvements at the Industrial School and School for Manual Training, located at Ellendale, providing for the payment of interest on certificates of indebtedness and making an appropriation therefor.

Also,
Senate Bill No. 87,

A bill for an act making an appropriation towards paying deficiency or debts on armories already constructed, or towards the construction of armories for the various military companies of the state of North Dakota, and for the creating of a board of armory supervisors and defining its duties, for the transfer of armories upon the mustering out of any military organization enumerated, and defining the duties of the state treasurer in carrying out the provisions of this act.

Also,

Senate Bill No. 195,

A bill for an act providing for the naming by the governor of the state of a board of grain commission, prescribing their duties and providing an appropriation therefor.

And the president signed the same in the presence of the senate.

Mr. Steele asked unanimous consent to return to the sixth order of business for the purpose of making a report.

The committee on cities and municipal corporations made the following report:

Mr. President:

Your committee on cities and municipal corporations to whom was referred

Senate Bill No. 337,

A bill for an act authorizing the city council to re-district into wards any city in this state of less than two thousand population.

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

H. H. STEELE,
Chairman.

Mr. Steele moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

EXECUTIVE SESSION.

Mr. LaMoure moved

That the senate do now go into executive session.

Which motion prevailed.

OPEN SESSION.

Senate Bill No. 310,

A bill for an act to regulate the public service of stallions and jacks in the state of North Dakota.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 35, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Spoonheim
Cashel	McDonald	Stade
Crane	McLean	Steele
Dyste	Movius	Strom
Gilbert	Palmer	Swenson
Halliday	Purcell	Talcott
Hanna	Ramsett	Taylor
Johnson of McLean	Regan	Thatcher
Johnson of Walsh	Rice	Turner
Kelly	Sharpe	Wagner
Koffel	Sifton	Young
Kraabel	Simpson	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
LaMoure	McArthur	Plain
Leutz	Pierce	

So the bill passed and the title was agreed to.

Mr. Macdonald moved

That the vote by which Senate Bill No. 310 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Sharpe moved

That the senate do not concur in the house amendments of Senate Bill No. 1, and that the president appoint a conference committee of three on the bill to meet with a like committee on the part of the house,

Which motion prevailed, and

The president named as such conferees on the part of the senate, Messrs. Hanna, Kraabel, LaMoure.

COURTESIES OF THE FLOOR.

The courtesies of the floor were extended to the following:

E. A. Lamb, W. D. Gillespie, Frank Chaney, E. A. Wilson, Jacob Liehman, Elmer Furgeson, H. Guest, F. E.

Court, James Moug, W. F. Piper, J. E. Summerfelt, Knute
Westerheim, Chas. Rich, D. B. Shaw and W. T. Miller.

Mr. Young moved.

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

J. W. FOLEY,
Secretary.

FIFTY-FOURTH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 2, 1907.

The senate convened at 2 o'clock .
The president presiding.
Prayer by the chaplain.
Roll call.
All members present except Mr. Plain who was excused.

MESSAGE FROM THE HOUSE.

The following message was received from the house :

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 2, 1907.

Mr. President:

I have the honor to transmit herewith
Senate Bill No. 37,

A bill for an act amending sections one (1), two (2), and three (3), of chapter 24 of the Special Laws passed at the Sixteenth session of the legislative assembly of the territory of Dakota, approved March 10th, 1885, segregating from Burleigh county to Kidder county, townships 137, 138, 139, 140, 141, 142, 143 and 144, lying in range 74 west of the 5th P. M., and holding such townships not released

from a just and equal proportion of the bonded indebtedness of said Burleigh county existing on said 10th day of March, 1885, and providing that said Kidder county shall assume and pay such proportion thereof, together with the interest thereon, any lapse of time or statute of limitations of actions to the contrary notwithstanding; and defining the manner of ascertaining the amount to be assumed and paid by such Kidder county to said Burleigh county, and designating such amount to be the same per centum of the bonded indebtedness of said Burleigh county existing March 10th, 1885, as the amount of the real property assessment in such townships bore to the entire real property assessment of such county for the year 1884, together with the interest thereon computed to July 1st, 1907. And providing for the issue of six per cent interest bearing bonds in payment of the amount so found due and for the levying of a tax in such Kidder county each year to pay the interest on such bonds and the principal when due, and providing the method of compelling action under this act by an action or proceeding in court.

Which the house has indefinitely postponed.

Also,

House Bill No. 205,

A bill for an act to repeal sections 1195 and 1196 of the North Dakota Revised Code of 1905, and sections 1, 2, 3, and 4 of chapter 76 of the Session Laws of 1905, being sections 1910, 1911 and 1912 of the Revised Code of North Dakota of 1905, and further to provide for the admission to the state hospital for the insane of residents of other states or territories and the payment for such care and treatment, and to provide for the payment by the proper county or the state at large for the care and treatment of all inmates of such state hospital for the insane, and to determine the legal residence of all such patients, and to provide for reimbursing of the county from the estate of the patient for such care and treatment.

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

Also,

Senate Bill No. 111,

A bill for an act creating and establishing an agricultural experiment station at or near Hannah or Langdon in Cav-

alier county, providing for its management and making an appropriation therefor.

Which the house has amended as follows :

Strike out all after the enacting clause and substitute in lieu thereof the following :

"SECTION 1. Experiment Station Created and Established at Williston. Members of Board.] There is hereby created and established an irrigation and dry farming experiment station, to be located at or near Williston in Williams county, in connection with the North Dakota agricultural college at Fargo, and under the direction of a board composed of the board of directors of said college and one additional member to be appointed by the governor by and with the consent of the senate, whose term of office shall be for four years from and after the date of his appointment and until his successor shall have been appointed and shall qualify, and who shall receive for his services the sum of three dollars per day for each day employed under the direction of said board, or in attending its meetings, and five cents for each mile actually and necessarily traveled in connection therewith; provided, however, that said member's authority on said board shall be limited to the consideration of matters affecting the experiment station provided for in this act.

"SEC. 2. Duty of Board to Make Experiments With Grasses, Forage and Other Agricultural Products. Station Not To Be Established or Experiments Undertaken Unless Suitable Land Is Donated for this Work.] It shall be the duty of said board, as constituted herein, to make experiments at said station, through both irrigation and dry farming methods, with native and other forage plants, fruit trees, grains and grasses and other agricultural products, with a view to improving and enlarging the supply of forage plants, fruit trees, grains, grasses and other agricultural products of said district. Provided, that such station shall not be established nor such experiments undertaken unless a suitable tract of land containing not less than one hundred and sixty acres, within two miles of the city of Williston, shall be donated free of charge, by warranty deed, to the state of North Dakota.

"SEC. 3. Appropriation.] There is hereby appropriated out of the funds of the state treasury not otherwise appropriated the sum of four thousand dollars per annum for the purpose of establishing said station, and three thousand dollars per annum hereafter for conducting said experiments, as provided in this act and for no other purpose.

"SEC. 4. Emergency.] An emergency exists in that the necessary arrangements for the location of said experiment station should be made before the completion of the irrigation ditches now being constructed by the United States government in said district, therefore this act shall take effect and be in force from and after its passage and approval."

That the title of said bill shall be amended to read as follows: "An act entitled: An Act Creating and Establishing an Irrigation and Dry Farming Experiment Station At or Near Williston in Williams County, Providing for Its Management, and Making an Appropriation Therefor."

And passed as amended.

Very respectfully,
P. D. NORTON,
Chief Clerk.

REFERENCE OF THE JOURNAL.

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

Mr. President:

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

On page 8, line 42, after the word "of" insert the word "such."

On page 19, on line 4, strike out lines 4, 5, 6, 7 and 8 and insert the following in lieu thereof: "House Bill No. 7. A bill for an act requiring railway companies owning or operating a line of railway in this state to construct, maintain and keep in repair suitable fences and cattle guards, making said company liable for stock killed or injured by reason of its failure to fence and construct cattle guards and regulating speed of trains at depot grounds."

On page 15, line 31, strike out lines 31, 32 and 33 and insert the following in lieu thereof: Senate Bill No. 133. A bill for an act to provide an appropriation for the current and contingent expense for the state hospital for the insane at Jamestown."

On page 23, line 27, strike out the word "Steele."

On page 38, line 2, strike out the word "enrolled" and insert the word "engrossed."

And when so amended recommend that the same be approved.

J. D. TAYLOR,
Chairman.

Mr. Taylor moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

REPORT OF STANDING COMMITTEES.

The committee on judiciary made the following report:
Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 317,

A bill for an act entitled an act to amend and re-enact section 474 of the Revised Codes of 1905.

Have had the same under consideration and recommend that the same be indefinitely postponed.

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:
Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 162,

A bill for an act providing for placing dependent children under sixteen years of age in family homes when parents or custodians fail to support.

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

C. B. LITTLE,
Chairman.

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

The committee on judiciary made the following report:
Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 230,

A bill for an act to amend section 1973 of the Revised Codes of 1905, relating to estrays.

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

That all of section 3 on page 3 of the printed bill be stricken out.

And when so amended recommend the same do pass.

C. B. LITTLE,
Chairman.

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

The committee on judiciary made the following report:
Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 176,

A bill for an act to amend section 9929 of the Revised Codes of the state of North Dakota.

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

C. B. LITTLE,
Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 182,

A bill for an act entitled, "An act to amend sections 466
and 467 of chapter 7 of the Political Code of the state of
North Dakota providing for the distribution of supreme
court reports."

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

C. B. LITTLE,
Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 224,

A bill for an act to repeal article 1 of chapter 30 of the
Code of Civil Procedure relating to the foreclosure of mort-
gages by advertisement.

Have had the same under consideration and recommend
that the same be indefinitely postponed.

C. B. LITTLE,
Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 152,

A bill for an act entitled an act to amend section 469 of

the Revised Codes of North Dakota of 1905, relating to the boundaries and terms of court in the First judicial district.

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

C. B. LITTLE,
Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 11,

A bill for an act to amend section 1854 of the revised codes of 1905, relating to residence of the poor.

Have had the same under consideration and recommend that the same be returned to the house for correction.

C. B. LITTLE,
Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 283,

A bill for an act to amend section 408, of the Revised Codes of 1905, relating to the bonding of certain officers.

Have had the same under consideration and recommend that the same be indefinitely postponed.

C. B. LITTLE,
Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

House Bill No. 175,

A bill for an act to amend section 9921 of the Revised Codes of the state of North Dakota.

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

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

House Bill No. 59,

A bill for an act to provide for the satisfaction of liens and mortgages upon the property before the date of maturity, and for the discharge of the same by the laws now in force in the state of North Dakota.

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

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred

Senate Bill No. 227,

A concurrent resolution amending the constitution of the state of North Dakota, relating to changing the name of the state reform school.

Have had the same under consideration and recommend that the same be referred to general orders.

J. B. SHARPE,
Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 68,

A bill for an act to amend section 6130 of the Revised
Codes of North Dakota for the year 1905, relating to liens
on future interest.

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

That all of lines 14 and 15 of the printed bill be stricken out.

And when so amended recommend the same do pass.

C. B. LITTLE,
Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate bill No. 22.

A bill for an act concerning land titles.

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

Referring to the printed bill as it appears in the journal of February 14th:
First, that in subdivision B of section 4, strike out the words "age of
applicant" and insert in lieu thereof the words "that the applicant is over
21 years of age." That the same subdivision be also amended by inserting
thereafter the words "whether or not the property the title of which is sought
to be registered constitutes a homestead, or whether or not the family home-
stead is included within the limits thereof, or whether or not any part of
said land is contained within the limits of the homestead."

That subdivision J of section 4 be amended by striking out all of said
subdivision following the period in line 2.

That section 9 be amended by striking out all that portion following the
word "duties," in line 5, down to and including the word "do" in line 8.

That section 13 be amended by striking out all of the last line thereof
and all of the next preceding line following the word "paid" and inserting
in lieu thereof the words "by the applicant or person for whom the service
is performed."

That section 15 be amended by striking out the last four words in line 5 and also the first four words in the following line.

That section 21 be amended by striking out the last eight words of the last line of the section and inserting in lieu thereof the words "by the applicant."

That the bill be further amended by adding at the end of section 26 the following: "And upon payment of all costs and fees and upon the payment of an attorney fee of \$10 to each defendant who shall have appeared in the proceedings."

That the bill be further amended by striking out the word "cannot" at the end of line 2, in subdivision 1 of section 30, and inserting in lieu thereof the words "do not." And to further amend the same subdivision by inserting at the end thereof the words "judgments properly docketed or transcribed to and in the office of the clerk of the district court of the county in which the land is situated."

That section 31 be amended by inserting after the word "wife," in line 4, the words "whether or not the property constitutes the homestead or is included within the homestead or the homestead included therein."

That section 46 be amended by inserting after the word "deeds," in line 3, the words "or the clerk of the district court."

That all of section 70 of the printed bill be stricken out.

That the printed bill be further amended by striking out all of that part of section 86 following the period in the third line from the bottom.

That the printed bill be further amended by adding thereto section 102, as follows:

"Whenever any owner or person having an interest in land theretofore brought within the provisions of this act, shall elect to take the title thereof out of the further operation of the same, he may do so by an action under the provisions of chapter 5 of the laws of 1901, and acts amendatory thereof, and the judgment to be entered therein shall find and set forth the chain of title from the date of filing the application for registration until the entry of such judgment, and which judgment shall be recorded in the office of the register of deeds of the county wherein the land is situated, and thereafter the title of said land, or any interest therein, may be transferred, conveyed or incumbered in the manner provided by law as if this act were not in force or effect."

That the title of this bill be amended as follows: "For an act providing for the insurance by the state of North Dakota of titles to real estate."

That section 20 be amended by striking out the word "conclusive" in the fourth line from the bottom of that section and inserting the words "prima facie."

That section 64 be amended by striking out the word "con" at the end of the fourth line, and in the fifth line the word "clusive," and inserting in lieu thereof the words "prima facie."

That in lieu of section 70, which has been stricken out, insert the following:

"On filing a judgment roll upon a judgment, directing in whole or in part the payment of money, it may be docketed with the clerk of the district court in which it was rendered, in a book to be known as the judgment book, and in any other county upon the filing with the clerk of the district court for said county a transcript of the original docket, and it shall be a lien on all the real property except the homestead in the county where the same is so docketed, of every person against whom any such judgment shall be rendered which he may have at the time of the docketing thereof in the county in which such real property is situated, or which he shall acquire at any time thereafter, for ten years from the time of docketing the same in the county where it was rendered, or in any county in which a transcript thereof shall be properly filed; and no judgment heretofore rendered shall become a lien upon real property as herein provided unless it is docketed in the county where the land is situated, and the lien of such judgment

shall attach to lands the titles of which may be brought within the operation of this act as well as those the titles of which may not have been registered. Provided, however, that when the land is situated in an unorganized county, said judgment may be filed in the county to which such unorganized county is attached for judicial purposes, and it shall thereupon become a lien upon the land of the judgment debtor in such unorganized county, but when said unorganized county becomes organized, the said lien must be filed in the office of the clerk of the district court of such county within ninety days after the organization of such county or it shall cease to be a lien upon such real estate. But whenever an appeal from any judgment shall be pending, and the undertaking requisite to stop execution on such judgment shall have been given, and the appeal perfected as provided in this code, the court in which such judgment was recovered may on special motion, after notice to the person owning the judgment, direct the clerk to make an entry upon the judgment book that the judgment is secured upon appeal, and thereupon it shall cease during the pendency of the appeal to be a lien upon the real property of the judgment debtor as against purchasers and mortgagees in good faith and for value. Provided, further, that the filing and docketing of a transcript or abstract of a judgment from the records of any justice of the peace, or of any county court having increased jurisdiction, may be transcribed to, filed and docketed in the office of the clerk of the district court of any such county with like effect as the filing of a judgment roll as hereinbefore provided."

That the bill be further amended by adding the following:

"Sec. 97. Any county in this state may adopt the provisions of this act in relation to the registration of land titles, by a majority vote of the qualified electors voting therein.

"Sec. 98. Whenever five per cent of the qualified voters in any county in this state, voting for governor at the preceding general election, shall petition the board of county commissioners so to do sixty days prior to the next general election, it shall be the duty of the board of county commissioners so petitioned to submit to a vote of the people in their county at the next general election to be held therein the question whether such county shall adopt the provisions of this act. At such election, the question submitted shall be:

"Shall.....county (naming the county) adopt the Torrens system of registration of land titles?" and the form of ballot shall be:

"For the Torrens system of registration of land title ()"

"Against the Torrens system of registration ()"

"Sec. 99. If the majority of the votes cast at such election for governor shall be for the Torrens system, such county shall be deemed to have adopted the provisions of this act, and the title to any land therein may be registered as provided herein.

"Sec. 100. If at such election a majority of the votes cast for governor shall be for the Torrens system, the board of commissioners shall enter upon their record such fact, giving the whole number of votes cast thereon, the number for and the number against, and shall cause the same to be published in the official papers in the county in the same manner as now provided for delinquent taxes. Provided, however, that this act shall not go into effect until January 1, 1909."

And when so amended recommend the same do pass

C. B. LITTLE,
Chairman.

Mr. Pierce objected to the present consideration of the report of the committee on judiciary on Senate Bill No. 22, and the same went over for one day.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 238,

A bill for an act to punish public officials, their assistants, deputies, clerks, and employees of such officers, and all persons who attempt improperly to influence such officers, clerks, etc., and providing for their punishment, and declaring an emergency.

Have had the same under consideration and recommend that the same be indefinitely postponed.

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report be adopted,
Which motion prevailed, and
The report of the committee was adopted..

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 291,

A bill for an act defining the sixth judicial district within the state of North Dakota.

Have had the same under consideration and recommend that the same be indefinitely postponed.

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report be adopted,
Which motion prevailed, and
The report of the committee was adopted..

The committee on railroads made the following report:

Mr. President:

The committee on railroads to whom was referred
Senate Bill No. 203,

A bill for an act to regulate the employment and occupation of railway telegraphers, and establishing a board of telegraph examiners.

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

Amend the title of the bill by inserting the words "by railroad companies" after the word "telegraphers;" also, after the word "examiners" add the words "and prescribing penalties for violation thereof;" also, in section 2, line 2, of the printed bill, strike out the word "five" and insert the word "three" in lieu thereof.

Also, in section 4, line 12, of the printed bill, after the word "held" insert the words "in Bismarck, Fargo, Grand Forks and Minot;" also, in section 4, line 13, of the printed bill, after the word "October" insert the word "respectively;" also, in section 4, line 17, of the printed bill, strike out the word "three" and insert the word "two" in lieu thereof.

Also, in section 5, line 18, of the printed bill, strike out the words "two dollars and a half" and insert the words "five dollars."

Also, in section 8, line 2, of the printed bill, the word "state" be inserted before the word "auditor;" also, in section 8, line 2, of the printed bill, the words "of public accounts" be stricken out.

Also, in section 11, line 7, of the printed bill, after the word "board" add the words "provided, further, in case of general strike with railway operators, the provisions of this act shall not be operative for a term of thirty days from the commencement of the date of the employment of said employee."

Also, section 12 shall read as follows: "Any railroad company operating a line of railway in this state which shall employ any telegraph operator not having the qualifications prescribed by this act or not having passed the examination herein provided for and not holding such certificate as is required by this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined for each offense not less than one hundred dollars, or more than five hundred dollars." Also, that section 12 of the printed bill be re-numbered "13."

And when so amended recommend the same do pass.

E. F. GILBERT,

Chairman.

Mr. Gilbert moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted..

The committee on education made the following report:

Mr. President:

Your committee on education to whom was referred

Senate Bill No. 333,

A bill for an act to amend sections 1050, 1051, 1082, 1092, and 1231 of the Revised Codes of 1905, relating to education.

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

F. S. TALCOTT,

Chairman.

Mr. Talcott moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted..

The committee on education made the following report:
Mr. President:

A majority of your committee on education to whom was referred

Senate Bill No. 331,

A concurrent resolution for an act locating the public institutions and locating a state normal school at such place in the counties of McHenry or Ward as the legislative assembly may hereafter determine.

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

That after the word "ward" in the title of the bill the words "or McLean" be inserted and on page 3, line 40, of the printed bill, the words "or McLean" be inserted after the word "McHenry."

And when so amended recommend the same do pass

F. S. TALCOTT,
 Chairman.

A minority of the committee on education made the following report:

Mr. President:

A minority of your committee on education have considered

Senate Bill No. 331,

A concurrent resolution for an act locating the public institutions and locating a state normal school at such place in the counties of McHenry or Ward as the legislative assembly may hereafter determine.

And recommend that the same be indefinitely postponed.

GEORGE M. YOUNG,
 E. K. SPOONHEIM,
 A. T. KRAABEL.

Mr. Young objected to the present consideration of the majority and minority reports of the committee on education on Senate Bill No. 331, and the consideration of the reports went over for one day.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills to whom was referred

Senate Bill No. 38,

A bill for an act amending section 6130 of the Revised Codes of 1905 of the state of North Dakota, relative to liens upon future interest.

Also,

Senate Bill No. 298,

A bill for an act requiring each county officer who receives from any county a stated salary of not less than \$2,000 per annum, to keep a record of the fees received by him as such officer, and to pay such fees into the county treasury, and making it a misdemeanor for any such officer to neglect or omit to charge or collect the fees which he is by law allowed to charge or collect, or to fail to keep a record of the same, or to fail to turn over or pay the same into the county treasury.

Also,

Senate Bill No. 326,

A bill for an act entitled an act to provide for owners and managers of elevators and warehouses to make annual reports to the commissioner of agriculture and labor.

Also,

Senate Bill No. 328,

A bill for an act to amend section 9765 of the Revised Codes of the state of North Dakota for 1905, relating to preliminary examinations.

Have carefully examined the same, and find the same correctly engrossed.

GEORGE M. YOUNG,
Chairman.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills to whom was referred

Senate Bill No. 69,

A bill for an act making an appropriation for carrying into effect provisions of law relating to the duties of the commissioner of agriculture and labor.

Also,

Senate Bill No. 243,

A bill for an act to reimburse the person or persons who advanced certain sums of money for the use and benefit of

the state normal school at Mayville, the state normal school at Valley City and the industrial school at Ellendale, to provide for the interest on the said sums and making an appropriation therefor.

Also,

Senate Bill No. 275,

A bill for an act making an appropriation for the state historical society of North Dakota.

Also,

Senate Bill No. 129,

A bill for an act to amend and re-enact sections 1034, 1035, and 1036 of the Revised Codes of 1905, relating to education.

Have carefully examined the same, and find the same correctly enrolled.

GEORGE M. YOUNG,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Cashel moved

That the rules be suspended and Senate Bill No. 334 be given its third reading and placed on final passage.

Which motion prevailed.

Senate Bill No. 334,

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 35, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Spoonheim
Cashel	Little	Stade
Dyste	McDonald	Steele
Gilbert	McLean	Strom
Halliday	Movius	Swenson
Hanna	Palmer	Talcott
Johnson of McLean	Ramsett	Taylor
Johnson of Walsh	Regan	Thatcher
Kelly	Rice	Turner
Koffel	Sharpe	Wagner
Kraabel	Sifton	Young
LaMoure	Simpson	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	Pierce	Purcell
McArthur	Plain	

So the bill passed and the title was agreed to.

Mr. Cashel moved

That the vote by which Senate Bill No. 334 passed be reconsidered, and the motion to reconsider be laid on the table.
Which motion prevailed.

Mr. LaMoure moved

That Jas. Twamley and E. J. Morris be allowed \$5 a day for their services during the session.
Which motion prevailed.

The secretary announced the president was about to sign Senate Bill No. 69,

A bill for an act making an appropriation for carrying into effect provisions of law relating to the duties of the commissioner of agriculture and labor.

Also,

Senate Bill No. 243,

A bill for an act to reimburse the person or persons who advanced certain sums of money for the use and benefit of the state normal school at Mayville, the state normal school at Valley City and the industrial school at Ellendale, to provide for the interest on the said sums and making an appropriation therefor.

Also,

Senate Bill No. 275,

A bill for an act making an appropriation for the state historical society of North Dakota.

Also,

Senate Bill No. 129,

A bill for an act to amend and re-enact sections 1034, 1035, and 1036 of the Revised Codes of 1905, relating to education.

And the president signed the same in the presence of the senate.

Mr. Regan moved

That the senate resolve itself into the committee of the whole for the consideration of House Bill No. 278.

Which motion prevailed.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the governor:

GOVERNOR'S OFFICE, NORTH DAKOTA,
BISMARCK, March 2, 1907.

To the Senate:

GENTLEMEN: I have the honor to inform you that I have this day approved and filed with the secretary of state

Senate Bill No. 14,

A bill for an act making appropriations for permanent improvements at the state university and school of mines of North Dakota.

Also,

Senate Bill No. 91,

A bill for an act making an appropriation for completing the present building and for furniture, fixtures and improvements for the state normal school at Mayville and for the erection of a woman's dormitory for said school.

Also,

Senate Bill No. 116,

A bill for an act appropriating money for buildings, for repairs and for making improvements at the North Dakota agricultural college and experiment station at Fargo.

Also,

Senate Bill No. 117,

A bill for an act appropriating money for the construction and equipment of an engineering building and for making improvements in the mechanical laboratories and shops of the North Dakota agricultural college.

Also,

Senate Bill No. 118,

A bill for an act making an appropriation for the purchase of a building, paying indebtedness on a machine shop, paying sewer assessment, making repairs on building, for furniture and equipment and for library, bookcases and library furniture and maintenance of school for two years beginning January 1, 1907, for the North Dakota academy of science at Wahpeton, N. D.

Also,

Senate Bill No. 153,

A bill for an act making appropriations for the current and contingent expenses of the state reform school of North Dakota, and for making permanent improvements thereto.

Also,

Senate Bill No. 185,

A bill for an act appropriating money to provide for the equipment and maintenance of a public laboratory in the medical department of the state university and school of mines at Grand Forks.

Also,

Senate Bill No. 186,

A bill for an act making an appropriation for expenses incurred in repairs made to the so-called main building at the state university and school of mines of North Dakota during the summer of 1906.

Also,

Senate Bill No. 242,

A bill for an act making an appropriation to pay the interest due in the years 1907 and 1908 upon certain so-called institution bonds now held in the permanent school fund of the state.

Also,

Senate Bill No. 244,

A bill for an act prescribing the duties and authority of the commissioners of public printing, and making an appropriation for public printing and binding.

Also,

Senate Bill No. 245,

A bill for an act to amend section 393 of the Revised Codes of 1905, providing for an appropriation for supplies for the capitol building, executive mansion and the public grounds and parks connected therewith and for necessary repairs upon the capitol building and executive mansion.

Also,

Senate Bill No. 246,

A bill for an act making an appropriation to pay the deficiency in the appropriation for the maintenance of the capitol for the years 1905 and 1906.

Also,

Senate Bill No. 62,

A bill for an act providing for the erection of a building upon the agricultural grounds in which to conduct the experiments provided for in section 1118 of the Revised

Codes of North Dakota to determine the milling values of wheat and to install therein necessary machinery, providing for the maintenance of the same and making an appropriation therefor.

Also,

Senate Bill No. 132,

A bill for an act to provide for the making of permanent improvements at the Valley City state normal school, to assist in the maintenance thereof, and for other purposes, and making appropriations therefor.

Also,

Senate Bill No. 135,

A bill for an act to provide for the erection of necessary additional buildings and other improvements at the state hospital for the insane at Jamestown, North Dakota, and for a deficit on buildings erected in the years 1905 and 1906 for the hospital for the insane at Jamestown, North Dakota.

I have the honor to be,

Respectfully,

JOHN BURKE,
Governor.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 2, 1907.

I have the honor to inform you that the house has concurred in the senate concurrent resolution pertaining to the Jamestown exposition.

CONCURRENT RESOLUTION.

WHEREAS, There is to be held near Jamestown, Virginia, during the current year, a world's fair or exposition, commonly known as the Jamestown Tri-Centennial Exposition, commemorative of the three hundredth anniversary of the landing of the founders of this republic in that part thereof which includes the states of Maryland and Virginia; and

WHEREAS, The legislative assembly has not seen fit to make provision whereby the state of North Dakota might participate in such exposition, or provide an exhibit of its resources thereat; and

WHEREAS, Charles A. Everhart, a patriotic and public-spirited former resident of the state of North Dakota, has upon his own responsibility and at his own expense, procured a site and erected a building upon the grounds

of said exposition for the use and entertainment of the citizens of North Dakota visiting such exposition, and for the display and exhibit thereof of such of the products and industries of the state as the citizens thereof might see fit to display and exhibit thereat; now, therefore, be it

Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring, That the said Charles A. Everhart, in recognition of his public-spirited and unselfish acts in connection therewith, is hereby appointed and constituted the official representative and commissioner of the people of the state of North Dakota at the said Jamestown Tri-Centennial Exposition; the governor is authorized to commission him as such, and as such he is hereby authorized to accept and receive any and all articles of value or exhibits which may be loaned, donated or transmitted to him by private or public persons and corporations, for display and exhibit at such exposition, and to account for the same in such manner as the contributors thereof may direct. Further

Resolved, That the governor be, and he is hereby, authorized and requested to transmit, and to cause to be transmitted, to said Charles A. Everhart, commissioner, for exhibit and display, such articles illustrative of the resources and industries of the state of North Dakota as are now in and about the capitol building at Bismarck, or any of the public institutions of the state of North Dakota, and not otherwise needed during the time in the work of the department of agriculture and labor, upon the filing of a bond to be approved by him, conditioned for the safe return of such articles, and that the cost of shipment and trans-shipment thereof should be audited and paid out of the general fund of the state. Further

Resolved, That the thanks of the legislative assembly is due and is hereby tendered to the said Charles A. Everhart for the provision made by him for the entertainment of the citizens of North Dakota visiting such exposition and for the facilities thus furnished for the display of her products and industries thereat.

Also,

I have the honor to transmit herewith
House Bill No. 211,

A bill for an act to provide for the payment of premiums and awards by the North Dakota State Poultry Association for the purpose of promoting and increasing the poultry industry in the state of North Dakota.

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

Also,

I have the honor to inform you that the house has concurred in the request of the senate for the appointment of a conference committee on Senate Bill No. 1 and the speaker has appointed as such conferees on the part of the house Messrs. Sorley, Casey and Graham.

Very respectfully,

P. D. NORTON,
Chief Clerk.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 2, 1907.

Mr. President:

I have the honor to return herewith

Senate Bill No. 90,

A bill for an act to amend section 122 of the Revised Codes of 1905 of the state of North Dakota, relating to state treasurer's bond.

Also,

Senate Bill No. 248,

A bill for an act to amend section 6146 of the Revised Codes of 1905 of the state of North Dakota, relating to extinction of liens.

Which the house has indefinitely postponed.

Very respectfully,

P. D. NORTON,
Chief Clerk.

COMMITTEE OF THE WHOLE.

Mr. Talcott in the chair.

When the committee rose it made the following report:

Mr. President:

Your committee of the whole beg leave to report that they have had under consideration House Bill No. 278, and that the minority report of the committee on apportionment has been adopted, also that the committee reports progress and beg leave to sit again.

F. S. TALCOTT,
Chairman.

Mr. Talcott moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The secretary announced the president was about to sign House Bill No. 315,

A bill for an act entitled an act creating park districts and for the government thereof, creating a board of park

commissioners, conferring power and authority upon such board and district, and providing rules for the government thereof.

Also,

House bill No. 28,

A bill for an act making appropriation to cover deficiency on monument, for sewer, and reconstruction of plumbing, for remodeling, for new dormitory, and for construction of an administration building at soldiers' home.

Also,

House Bill No. 129,

A bill for an act making an appropriation to pay school teachers for teaching under contract in school districts in unorganized territory in this state which school districts were not lawfully organized, and providing the manner of submitting their respective claims.

Also,

House Bill No. 221,

A bill for an act authorizing the state auditor to audit the salary and expense account of E. F. Chandler, state engineer for the months of February and March, 1905, and making an appropriation to pay the same.

Also,

House Bill No. 179,

A bill for an act appropriating money for the benefit of the North Dakota Live Stock Association and prescribing its duties.

Also,

House Bill No. 134.

A bill for an act to appropriate \$5,894.93 to balance overdraft and reimburse citizens who advanced money to help defray expenses incurred in making the state's exhibit at the Portland (Lewis & Clark) exposition.

Also,

House Bill No. 131,

A bill for an act appropriating an annual sum of money for the use of the government experiment station at Fargo for conducting demonstration farms and for co-operating with farmers; for making experiments in the manufacture of denaturized alcohol; for publishing reports and bulletins; for analysis of fertilizers and stock foods; for complying with the provisions of the pure paint, Paris green and formaldehyde laws, and for making other experiments.

Also,

Concurrent Resolution relating to public lands.

And the president signed the same in the presence of the senate.

Mr. Spoonheim moved

That Senate Bill No. 212 be recalled from the committee of the whole and placed on the calendar.

Which motion prevailed.

SECOND READING OF SENATE BILLS.

Senate Bill No. 335,

A bill for an act providing that all public buildings hereafter erected in this state shall be constructed so far as practicable, from material manufactured or produced in the state of North Dakota.

Was read the second time, and

Referred to the committee on state affairs.

Senate Bill No. 336,

A bill for an act providing that boards of trustees of the state institutions shall file with the governor in each even numbered year a statement of needs for permanent improvements.

Was read the second time, and

Referred to the committee on state affairs.

THIRD READING OF SENATE BILLS.

Senate Bill No. 294,

A bill for an act to amend and re-enact section 40 of the Revised Codes of 1905.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes 34, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sifton
Crane	McArthur	Spoonheim
Dyste	McDonald	Stade
Gilbert	McLean	Steele
Hanna	Movius	Strom
Johnson of McLean	Palmer	Swenson
Johnson of Walsh	Plain	Talcott
Kelly	Ramsett	Taylor
Koffel	Regan	Thatcher
Kraabel	Rice	Turner
LaMoure	Sharpe	Wagner
Leutz		

Absent and not voting:

Messrs.—

Cashel
Halliday

Messrs.—

Pierce
Purcell

Messrs.—

Simpson
Young

Mr. Regan moved

That the title of Senate Bill No. 294 be amended by inserting after the figures "1905" of the title the following: "Relating to maximum prices to be charged for public printing."

So the bill passed and the title as amended was agreed to.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the governor:

GOVERNOR'S OFFICE, NORTH DAKOTA,
BISMARCK, March 2, 1907.

To the Senate:

GENTLEMEN: I have the honor to inform you that I have this day approved and filed with the secretary of state

Senate Bill No. 64,

A bill for an act appropriating money for paying the indebtedness on superintendent's residence and for building a machine shed and seed house and for other improvements at Edgeley Sub-Experiment Station.

Except as to the following items:

\$2,500 for the erection of a seed house.

\$2,000 for putting down an artesian well.

\$1,000 for piping to house and barn and testing gas for lighting and heating.

These items are vetoed for the reason that in my judgment they are extravagant and unnecessary. There is a standing appropriation of \$5,000 for this sub-station at Edgeley which really ought to be enough to conduct such experiments as the agricultural college desires at this station. If we permit the appropriations each year for these sub-stations to increase it will only be a little while until they become distinct state institutions.

I have the honor to be

Respectfully,

JOHN BURKE,

Governor.

GOVERNOR'S OFFICE, NORTH DAKOTA,
BISMARCK, March 2, 1907.

To the Senate:

GENTLEMEN: I have the honor to return to you herewith without my approval

Senate Bill No. 101,

A bill for an act making an appropriation to the Dickinson experiment station located at the city of Dickinson in Stark county.

For the reason that in my judgment so large an appropriation is not necessary for a sub-station.

The Ninth legislative assembly appropriated \$10,000 to establish an agricultural and grass experiment station at or near Dickinson in Stark county. You have now appropriated \$23,475 for the same institution. If the legislature keeps on appropriating money at the same ratio, we will soon have at Dickinson a more expensive institution than the state university or the agricultural college. This sub-station having been established, no doubt there should be an appropriation for its maintenance, but as the amount appropriated is in one sum, I feel that it is my duty to veto the bill and return it herewith without my approval for your further consideration.

I have the honor to be

Respectfully,

JOHN BURKE,

Governor.

Senate Bill No. 311,

A bill for an act to prohibit discrimination between different sections, communities or localities; unfair competition, and providing penalties for the violation thereof.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes 37, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—

Albright
Cashel
Crane
Dyste
Gilbert
Halliday
Hanna
Johnson of McLean
Johnson of Walsh
Kelly
Koffel
Kraabel
LaMoure

Messrs.—

Leutz
Little
McArthur
McDonald
McLean
Movius
Palmer
Pierce
Purcell
Regan
Rice
Sharpe

Messrs.—

Sifton
Spoonheim
Stade
Steele
Strom
Swenson
Talcott
Taylor
Thatcher
Turner
Wagner
Young

Absent and not voting:

Messrs.—

Plain

Messrs.—

Ramsett

Messrs.—

Simpson

So the bill passed and the title was agreed to.

Senate Bill No. 306,

A bill for an act to provide for the assessment of lignite

coal and minerals underlying lands in cases of several ownership.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 35, nays 1 absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sifton
Cashel	Little	Simpson
Crane	McArthur	Spoonheim
Dyste	McDonald	Stade
Gilbert	McLean	Swenson
Halliday	Movius	Talcott
Hanna	Palmer	Taylor
Johnson of McLean	Pierce	Thatcher
Johnson of Walsh	Purcell	Turner
Kelly	Regan	Wagner
Koffel	Rice	Young
Kraabel	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
LaMoure	Ramsett	Steele
Plain		

Mr. Strom voting in the negative

So the bill passed and the title was agreed to.

Senate Bill No. 267,

A bill for an act to amend section 7176 of the 1905 Revised Codes of North Dakota.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 35, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sifton
Cashel	McArthur	Simpson
Crane	McDonald	Spoonheim
Dyste	McLean	Stade
Halliday	Movius	Strom
Hanna	Palmer	Talcott
Johnson of McLean	Pierce	Taylor
Johnson of Walsh	Purcell	Thatcher
Kelly	Ramsett	Turner
Koffel	Regan	Wagner
Kraabel	Rice	Young
Leutz	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gilbert	Plain	Swenson
LaMoure	Steele	

Mr. Purcell moved to amend the title of Senate Bill No. 267 as follows:

Add after the word, "Dakota" the following: "Relating to attorneys' fees on foreclosure."

Which motion prevailed, and

The amendment was adopted.

So the bill passed and the title as amended was agreed to. Senate Bill No. 251,

A bill for an act making entries in a book or other permanent form evidence in certain cases.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes 37, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sifton
Cashel	McArthur	Simpson
Crane	McDonald	Spoonheim
Dyste	McLean	Stade
Gilbert	Movius	Steele
Halliday	Palmer	Strom
Hanna	Pierce	Talcott
Johnson of McLean	Purcell	Taylor
Johnson of Walsh	Ramsett	Thatcher
Kelly	Regan	Turner
Koffel	Rice	Wagner
Kraabel	Sharpe	Young
Leutz		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
LaMoure	Plain	Swenson

So the bill passed and the title was agreed to.

Senate Bill No. 53,

A bill for an act relating to the provisions of life insurance policies.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 34, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Simpson
Cashel	Little	Spoonheim
Crane	McArthur	Stade
Dyste	McLean	Steele
Gilbert	Palmer	Strom
Halliday	Pierce	Talcott

Messrs.—	Messrs.—	Messrs.—
Hanna	Purcell	Taylor
Johnson of McLean	Ramsett	Thatcher
Johnson of Walsh	Regan	Turner
Kelly	Rice	Wagner
Koffel	Sifton	Young
Kraabel		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
LaMoure	Movius	Sharpe
McDonald	Plain	Swenson

So the bill passed and the title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 2, 1907.

Mr. President:

I have the honor to request the return to the house of Senate Bill No. 90,

A bill for an act to amend section 122 of the Revised Codes of 1905 of the state of North Dakota, relating to state treasurer's bond.

Which was returned to the senate today indefinitely postponed.

Very respectfully,
P. D. NORTON,
Chief Clerk.

Senate Bill No. 61,

A bill for an act to require an annual apportionment and accounting of surplus of life insurance companies.

Was read the third time.

The question being on the final passage of the bill:

The roll was called and there were ayes 32, nays none, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kraabel	Rice
Cashel	Leutz	Sharpe
Crane	Little	Simpson
Dyeste	McArthur	Stade
Gilbert	McDonald	Swenson
Halliday	McLean	Talcott
Hanna	Palmer	Taylor
Johnson of McLean	Pierce	Thatcher
Johnson of Walsh	Purcell	Turner
Kelly	Ramsett	Wagner
Koffel	Regan	

Absent and not voting:

Messrs.—

LaMoire
Movius
Plain

Messrs.—

Sifton
Spoonheim
Steele

Messrs.—

Young
Strom

So the bill passed and the title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 2, 1907.

Mr. President:

I have the honor to return herewith
Senate Bill No. 143,

A bill for an act to amend section 472 of the Revised
Codes of 1905 relating to the boundaries and terms of court
in the Fourth judicial district of the state of North Dakota.

Which the house has indefinitely postponed.

Also,

I have the honor to transmit herewith
House Bill No. 306,

A bill for an act fixing the salaries and providing for the
payment of necessary expenses for the judges of the dis-
trict courts of the state of North Dakota.

Also,

House Bill No. 110,

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

Also,

House Bill No. 116,

A bill for a concurrent resolution amending the consti-
tution of the state of North Dakota, establishing and locat-
ing a state normal school in the city of Minot, county of
Ward.

Also,

House Bill No. 322,

A bill for an act to amend section 7045 of the Revised
Codes of North Dakota of 1905 relating to when another
judge may be called in for prejudice or bias.

Also,

House Bill No. 292,

A bill for an act to amend section 9202 of chapter 50 of the Revised Codes of 1905 for the state of North Dakota, relating to the manner of payment of reward for the arrest and conviction of horse and cattle thieves.

Also,

House Bill No. 301,

A bill for an act to amend sections 926, 928 and 935 of the Revised Codes of North Dakota, 1905, relating to depositors of school funds.

Also,

House Bill No. 325,

A concurrent resolution for amendment to the constitution of the state of North Dakota relating to revenue and taxation.

Also,

House Bill No. 242,

A bill for an act to amend section 1584 of the Revised Codes of the state of North Dakota, relating to the rights of purchaser of land at sale for the nonpayment of taxes.

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

Also,

I have the honor to transmit herewith

House bill No. 11.,

A bill for an act to amend section 1854 of the revised codes of 1905, relating to residence of the poor.

Which the senate returned to the house for correction.

Very respectfully,

P. D. NORTON,

Chief Clerk.

Mr. Talcott moved

That Senate Bills Nos. 266 and 251 be withdrawn from the regular order.

Which motion prevailed.

Senate Bill No. 177,

A bill for an act relating to the annual reports of life insurance companies.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 29, nays none, absent and not voting 11.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoore	Spoonheim
Cashel	Leutz	Stads
Crane	Little	Steele
Dyste	McLean	Swenson
Halliday	Purcell	Talcott
Hanna	Ramsett	Taylor
Johnson of McLean	Regan	Thatcher
Johnson of Walsh	Rice	Turner
Koffel	Sifton	Wagner
Kraabel	Simpson	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gilbert	Movius	Sharpe
Kelly	Palmer	Strom
McArthur	Pierce	Young
McDonald	Plain	

So the bill passed and the title was agreed to.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the governor:

GOVERNOR'S OFFICE, NORTH DAKOTA,
BISMARCK, March 2, 1907.

To the Senate:

GENTLEMEN: I have the honor to inform you that I have this day approved and filed with the secretary of state

Senate Bill No. 105,

A bill for an act making an appropriation for the erection of a building and greenhouse for the school of forestry located at Bottineau, Bottineau county, and for the proper furnishing and equipment of the same.

Also,

Senate Bill No. 108,

A bill for an act to provide an appropriation for the current and contingent expenses and for permanent improvements of the institution for the feeble minded at Grafton.

Also,

Senate Bill No. 84,

A bill for an act making an appropriation for the completion of the buildings of the North Dakota blind asylum, for a boiler house and connections for the same and for furniture and fixtures.

Also,

Senate Bill No. 207,

A bill for an act creating a state library commission, defining its duties and providing an appropriation for its maintenance.

Also,

Senate Bill No. 88,

A bill for an act to provide a site for the statue of Sakakawea, the Indian guide of the Lewis and Clark expedition.

Also,

Senate Bill No. 39,

A bill for an act to provide for making needed permanent improvements for the school for the deaf at Devils Lake, and making an appropriation therefor.

Also,

Senate Bill No. 18,

A bill for an act appropriating money for the enforcement of the food law, drug law, formaldehyde and Paris green laws, and the paint law. Also for making such investigations as are deemed necessary for the purpose of gaining information under the laws mentioned and for the dissemination of information.

Also,

Senate Bill No. 268,

A bill for an act making an appropriation to pay for certain books for the state law library.

I have the honor to be,

Respectfully,

JOHN BURKE,

Governor.

Mr. Little moved

That the rules be suspended and house bills be given first and second reading and reference.

Which motion prevailed.

FIRST AND SECOND READING OF HOUSE BILLS.

House Bill No. 259,

A bill for an act to provide for the collection of delinquent personal taxes.

Was read the first and second times, and

Referred to the committee on state affairs.

House Bill No. 75,

A bill for an act to amend section 835 of the Revised Codes of 1905, providing for the enumeration of children of school age.

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

House Bill No. 279,

A bill for an act to amend section 165 of the Revised Codes of 1905 of chapter 4 of the Political Code of the state of North Dakota, providing for the appointment of a deputy commissioner of university and school lands.

Was read the first and second times, and
Referred to the committee on public lands.

House Bill No. 314,

A bill for an act amending section 605 of the Revised Codes of 1905, relating to the qualifications of electors.

Was read the first and second times, and
Referred to the committee on election.

House Bill No. 165,

A bill for an act providing for the levy and collection of road taxes in incorporated villages.

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

House Bill No. 262,

A bill for an act to amend sections 4608 and 4609 of chapter 18 of the Revised Codes of North Dakota, 1905, relating to, debts limited, and, income and expenses, respectively,

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

House Bill No. 299,

A bill for an act to amend section 1882 of the Revised Codes of the state of North Dakota for 1905 relating to asylums and poor farms.

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

House Bill No. 76,

A bill for an act permitting farmers and land owners to drain their land into road ditches and other depressions, when such ditch or depression is wholly upon the owner's land.

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

House Bill No. 309,

A bill for an act prohibiting the establishment of a hospital for the treatment of patients for pay in any residence block of any city without the consent of the inhabitants of such block.

Was read the first and second times, and

Referred to the committee on municipal corporations.

House bill No. 15,

A bill for an act entitled an act requiring railway companies to provide at stations or sidings where an agent is not employed prompt means for sealing loaded cars and receipting for their contents.

Was read the first and second times, and

Referred to the committee on railroads.

House Bill No. 154,

A bill for an act to amend section 1508 of the Revised Codes of 1905, relating to the assessment of bank stocks.

Was read the first and second times, and

Referred to the committee on banks and banking.

House bill No. 313,

A bill for an act to provide for the assessment of lignite coal and minerals underlying lands in cases of severed ownership.

Was read the first and second time, and

Referred to the committee on judiciary

House Bill No. 308,

A bill for an act to amend section 4587, Revised Codes of North Dakota of 1905, relating to cemetery corporation.

Was read the first and second times, and

Referred to the committee on corporations other than municipal.

House Bill No. 312,

A bill for an act to regulate telegraph service within the state.

Was read the first and second times, and

Referred to the committee on state affairs.

House Bill No. 302,

A bill for an act to repeal section 3013 of the Revised Codes of North Dakota for the year 1905, relating to bridge funds.

Was read the first and second times, and

Referred to the committee on judiciary

House Bill No. 304,

A bill for an act to amend section 2612 of the Revised Codes of 1905, relating to fees of county surveyors.

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

House Bill No. 159,

A bill for an act to amend section 2580 of the Revised Codes of North Dakota for 1905 relating to the salaries of clerks of the district court.

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

House Bill No. 290,

A bill for an act entitled "An act providing that when a change of venue is obtained in a civil action pending in a justice's court of this state that garnishment proceedings had in such action shall be transferred with such action and that such change of venue shall carry with it the garnishment proceedings in the action in which the change of venue is obtained.

Was read the first and second times and
Referred to the committee on judiciary

House Bill No. 184,

A bill for an act to amend sections 2245 and 2246 of the Revised Codes of 1905, relating to the license of grain warehouses.

Was read the first and second times, and

Referred to the committee on warehousing, grain and grain grading.

House bill No. 33,

A bill for an act to amend and re-enact chapter 146 of the laws of 1903, being section 4395 of the revised codes of North Dakota for 1905, relating to the maximum coal rate.

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 5743 of the Revised Codes of the state of North Dakota for the year 1905, relating to the foreclosure of mortgages of real property containing a power of sale, and limiting the time in which such mortgages may be foreclosed by advertisement.

Was read the first and second time, and
Referred to the committee on judiciary

House Bill No. 98,

A bill for an act to amend section 4440 of the Revised Codes of North Dakota, 1905.

Was read the first and second time, and

Referred to the committee on judiciary

House Bill No. 218.

A bill for an act to repeal section 3111 of the Revised Codes of North Dakota, 1905, relating to terms of office of township officers.

Was read the first and second times, and

Referred to the committee on state affairs.

House Bill No. 306,

A bill for an act fixing the salaries and providing for the payment of necessary expenses for the judges of the district courts of the state of North Dakota.

Was read the first and second times, and

Referred to the committee on elections.

House Bill No. 96,

A bill for an act to amend section 4466 of the Revised Code of North Dakota of 1905.

Was read the first and second times, and

Referred to the committee on insurance.

House Bill No. 234,

A bill for an act to amend section 9358 of the Revised Codes of the state of North Dakota for the year 1905, relating to prohibition, and to repeal sections 9354, 9355, 9356, 9357 and 9358 of said Codes.

Was read the first and second times, and

Referred to the committee on temperance.

House Bill No. 233,

A bill for an act entitled, An act making the use of any store, house, shop or other building or any basement or room therein or any lot, block or other parcel of land situate within this state, for the purpose of carrying on the business of selling intoxicating liquor therein or thereon or keeping for sale, intoxicating liquors, or maintaining thereon a place where intoxicating liquors are sold or kept with intent to be sold, an unlawful use of said premises, and providing for the assessment and levying of a tax against any such premises so used; and providing for the collection of

such tax and the procedure for the removal thereof, when unlawfully assessed.

Was read the first and second times, and
Referred to the committee on temperance.

House Bill No. 211,

A bill for an act to provide for the payment of premiums and awards by the North Dakota State Poultry Association for the purpose of promoting and increasing the poultry industry in the state of North Dakota.

Was read the first and second times, and
Referred to the committee on appropriations.

House Bill No. 110,

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

Was read the first and second times, and
Referred to the committee on elections.

House Bill No. 116,

A bill for a concurrent resolution amending the constitution of the state of North Dakota, establishing and locating a state normal school in the city of Minot, county of Ward.

Was read the first and second times, and
Referred to the committee on education.

House Bill No. 322,

A bill for an act to amend section 7045 of the Revised Codes of North Dakota of 1905 relating to when another judge may be called in for prejudice or bias.

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

House Bill No. 292,

A bill for an act to amend section 9202 of chapter 50 of the Revised Codes of 1905 for the state of North Dakota, relating to the manner of payment of reward for the arrest and conviction of horse and cattle thieves.

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

House Bill No. 301,

A bill for an act to amend sections 926, 928 and 935 of the Revised Codes of North Dakota, 1905, relating to depositors of school funds.

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

House Bill No. 325,

A concurrent resolution for amendment to the constitution of the state of North Dakota relating to revenue and taxation.

Was read the first and second times, and
Referred to the committee on ways and means.

House Bill No. 242,

A bill for an act to amend section 1584 of the Revised Codes of the state of North Dakota, relating to the rights of purchaser of land at sale for the nonpayment of taxes.

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

Mr. Regan moved

That the regular order be taken up and Senate Bills Nos. 254, 184, 173, 178, be given third reading and placed on final passage.

Which motion prevailed.

House Bill No. 254,

A bill for an act amending section 926 of the Revised Codes of 1905 relating to the making of time deposits of the sinking fund, or other revenue of a city or school district.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 31, nays none, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—

Albright
Cashel
Crane
Dyste
Gilbert
Halliday
Hanna
Johnson of McLean
Johnson of Walsh
Kelly
Koffel

Messrs.—

Kraabel
Leutz
McArthur
McDonald
McLean
Palmer
Purcell
Ramsett
Regan
Sharpe

Messrs.—

Sifton
Spoonheim
Stade
Steele
Strom
Swenson
Taylor
Thatcher
Turner
Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
LaMoure	Pierce	Simpson
Little	Plain	Talcott
Movius	Rice	Wagner

So the bill passed and the title was agreed to.

Senate Bill No. 184,

A bill for an act to provide a method whereby assessment life insurance companies may be reincorporated as legal reserve life insurance companies.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were ayes 29, nays none, absent and not voting 11.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kraabel	Spoonheim
Cashel	Leutz	Sifton
Crane	McDonald	Stade
Dyste	McLean	Strom
Gilbert	Palmer	Swenson
Halliday	Purcell	Taylor
Hanna	Ramsett	Thatcher
Johnson of McLean	Regan	Turner
Johnson of Walsh	Rice	Wagner
Kelly	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Koffel	Movius	Talcott
LaMoure	Plain	Young
Little	Simpson	Pierce
McArthur	Steele	

So the bill passed and the title was agreed to.

Senate Bill No. 173,

A bill for an act relating to the salaries of officers and agents of life insurance companies.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were ayes 27, nays none, absent and not voting 13.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Spoonheim
Crane	Kraabel	Stade
Dyste	McDonald	Strom
Gilbert	McLean	Swenson

Messrs.—

Halliday
Hanna
Johnson of McLean
Johnson of Walsh
Kelly

Messrs.—

Palmer
Ramsett
Rice
Sharpe
Sifton

Messrs.—

Taylor
Thatcher
Turner
Wagner
Young

Absent and not voting:

Messrs.—

Cashel
LaMoure
Leutz
Little
McArthur

Messrs.—

Movius
Pierce
Plain
Purcell

Messrs.—

Regan
Simpson
Steele
Talcott

So the bill passed and the title was agreed to.

Senate Bill No. 178,

A bill for an act prohibiting corporations or stock companies acting as agents or solicitors for life insurance companies.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 23, nays 3, absent and not voting 14.

Those who voted in the affirmative were:

Messrs.—

Albright
Cashel
Gilbert
Hanna
Johnson of McLean
Johnson of Walsh
Koffel
Leutz

Messrs.—

McArthur
McDonald
McLean
Ramsett
Regan
Sharpe
Sifton
Spoonheim

Messrs.—

Stade
Swenson
Taylor
Thatcher
Turner
Wagner
Young

Those who voted in the negative were:

Messrs.—

Halliday

Messrs.—

Kelly

Messrs.—

Rice

Absent and not voting:

Messrs.—

Crane
Dyste
Kraabel
LaMoure
Little

Messrs.—

Movius
Palmer
Pierce
Plain
Purcell

Messrs.—

Simpson
Steele
Strom
Talcott

So the bill passed and the title was agreed to.

Mr. Young moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

J. W. FOLEY,
Secretary.

FIFTY-SIXTH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 4, 1907.

The senate convened at 2 o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All members present except Mr. Crane who was excused.

REFERENCE OF THE JOURNAL.

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

Mr. President:

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

On page 15, line 22, strike out word "house" and insert "senate" in lieu thereof, and change title to that of Senate Bill No. 328.

On page 16, in roll call for Senate Bill 334 transpose names "Cashel" and "Crane."

On page 18, line 35, add after the word "furniture:—" "and maintenance of school for two years, beginning January 1st, 1907, for the North Dakota academy of science located at Wahpeton, North Dakota."

On page 22, line 37, strike out the figures "331" and insert in lieu thereof "315;" and change title to that of House Bill No. 315.

On page 33, line 4, after the word "providing" insert the words "an appropriation."

On page 34, line 7, insert after "No." the figures "75."

On line 39, same page, strike out the word "senate" and insert the word "house;" and change title to that of House Bill No. 76.

On page 35, after line 12 insert the following: "Was read the 1st and 2nd times and."

On page 36, line 35, strike out the word "senate" and insert the word "house;" and change title to that of House Bill No. 151.

On page 37, line 1, strike out the word "senate" and insert the word "house;" and change title following to that of House Bill No. 98."

And when so amended recommend that the same be approved.

J. D. TAYLOR,
Chairman.

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

REPORT OF STANDING COMMITTEES.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred
House Bill No. 211,

A bill for an act to provide for the payment of premiums and awards by the North Dakota State Poultry Association for the purpose of promoting and increasing the poultry industry in the state of North Dakota.

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

J. LAMOURE,
Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred.

House Bill No. 60,

A bill for an act to amend section 4036 of the Revised Codes of North Dakota, for 1905, relating to who may solemnize marriages and to marriage licenses.

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

C. B. LITTLE,
Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred.

House Bill No. 262,

A bill for an act to amend sections 4608 and 4609 of chapter 18 of the Revised Codes of North Dakota, 1905, relating to, debts limited, and, income and expenses, respectively, of agricultural fair corporations.

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

C. B. LITTLE,
 Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred.

House Bill No. 54,

A bill for an act amending section 2439 of the Revised Codes of 1905, relating to county funds.

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

That in line 6 of the printed bill insert the words "five hundred" after the word "thousand."

That in line 9 of the printed bill strike out the words "or six months."

And when so amended recommend the same do pass.

C. B. LITTLE,
 Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred.

House Bill No. 144,

A bill for an act providing a contingent fund for the use of the state's attorney for the payment of such expenses as are necessary and not otherwise provided for in securing evidence in criminal cases, and providing for the auditing and payment of such expenditures.

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

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted..

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred.

House Bill No. 52,

A bill for an act providing that whenever any court, in passing sentence on any person convicted of a misdemeanor, sentences such person to confinement in the court jail, the court shall, if in his opinion such person is capable of performing manual labor, sentence such person to confinement in the county jail at hard labor.

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

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred.

House bill No. 11,

A bill for an act to amend section 1478 of the Revised Codes of 1905, relating to residence of the poor.

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

C. B. LITTLE,
Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred.

House Bill No. 43,

A bill for a concurrent resolution amending the constitution of the state of North Dakota, relating to railroad corporations and requiring them to maintain a public office or place in the state for the transaction of business.

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

That on page 2, in line 16, of the printed bill, insert the following after the word "where:" "a record of the."

And when so amended recommend the same do pass.

C. B. LITTLE,
Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred.

House bill No. 53,

A bill for an act to amend section 6295 of the Revised Codes of 1905, providing for a lien for repairs of personality.

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

That in line 3 of the printed bill the word "personality" be changed so as to read "personalty."

That in page 1, in line 3, of the printed bill, the word "person," after the word "any," be stricken out and the following words: "blacksmith or machinist having an established place of business with the state," be inserted in lieu thereof.

That on page 1, in line 5, of the printed bill, the words "article of personal property" be stricken out and the following words: "engine, threshing machine or well machine" be inserted in lieu thereof.

That on page 3, in line 40, of the printed bill, insert the word "or proceedings" after the word "action."

And when so amended recommend the same do pass.

C. B. LITTLE,
Chairman.

Mr. Hanna objected to the present consideration of the report of the committee on judiciary on House Bill No. 53, and the further consideration of the report went over for one day.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 4, 1907.

Mr. President:

I have the honor to transmit herewith
House Bill No. 326,

A bill for an act to amend and re-enact section 3054 of the Revised Codes of 1905 of the state of North Dakota, relating to how civil townships may be formed.

Also,

House Bill No. 183,

A bill for an act to amend chapter 24 of the laws of 1905, being sections 2213, 2218 and 2226, in relation to oil inspection.

Also,

House Bill No. 93,

A bill for an act to provide for the division of funds and property owned jointly by a village and a township, when they become separate and independent municipalities, by said village becoming organized under chapter 31 of the Political Code of North Dakota.

Also,

House Bill No. 100,

A bill for an act to amend section 1313 of the revised codes of North Dakota, relating to county fairs.

Also,

House Bill No. 20,

A bill for an act to amend section 7459 of the Revised Codes for 1905, relating to the publication of notice in the foreclosure of real estate mortgages by advertisement.

Also,

House Bill No. 150,

A bill for an act amending section 2887 of the Revised

Codes of 1905 relating to the powers of village marshals and to legalize past acts of village marshals.

Also,

House Bill No. 327,

A bill for an act to amend and re-enact section 2330 of the Revised Code of 1905, relating to the formation of new counties.

Also,

House Bill No. 323,

A bill for an act providing for the safety of trainmen operating trains on railroads within the state of North Dakota and providing for the construction of cabooses for trainmen.

Also,

House Bill No. 300,

A bill for an act to amend section 3213 of the Revised Codes of the state of North Dakota of 1905 relating to townships purchasing road machinery.

Also,

House Bill No. 219,

A bill for an act to amend sections 1378 and 1380, of the Revised Codes of 1905 relating to locating and building of bridges.

Also,

House Bill No. 281,

A bill for an act to amend section 2596 of the Revised Codes of North Dakota of 1905, providing the clerk hire for the register of deeds office in the various counties in the state.

Also,

House Bill No. 263.

A bill for an act providing for the keeping of books containing statistical information to be furnished to the commissioner of agriculture and labor, and for the making of reports regarding such statistics, and prescribing a penalty for violation.

Also,

House Bill No. 107,

A bill for an act to provide for the erection and maintenance of workhouses in counties having a population of ten thousand or more inhabitants.

Also,

House Bill No. 220,

A bill for an act amending sections 7608 and 7609 of the Revised Codes of 1905, and making the state engineer ex officio coal mine inspector of the state.

Also,

House Bill No. 287,

A bill for an act to legalize certain foreclosures of real estate mortgages.

Also,

House Bill No. 286,

A bill for an act to prohibit the uttering of profane, lascivious or obscene language over telephones in this state.

Also,

House Bill No. 297,

A bill for an act to provide for a uniform system of accounting by the state institutions of North Dakota; prescribing the books, forms, the duties of the accounting officer, the state auditor, and the institution treasurer, with regard to such uniform system of accounting; also prescribing the forms of checks and receipts to be used and the manner of accounting to the state auditor and the state treasurer.

Also,

House Bill No. 291,

A bill for an act making it a misdemeanor for an employee to obtain railway or other transportation, or the benefit of other advancements made by employers to be thereafter repaid in labor, to refuse to perform such labor or repay such advancements and providing for punishment thereof.

Also,

House Bill No. 243,

A bill for an act to amend section 2869 of the Revised Code of 1905, providing for the contracting of loans and for the incurring of indebtedness by villages and providing for the creation of a sinking fund for the liquidation of such loans and indebtedness.

Also,

House Bill No. 317,

A bill for an act to amend section 1582 of the Revised

Codes of 1905, relating to redemption from sale of real estate for taxes, time of payment of subsequent taxes, and rate of interest thereon.

Also,

House Bill No. 210,

A bill for an act to amend section 5572 of the Revised Codes of 1905, relating to master and servant.

Also,

House Bill No. 207,

A bill for an act to amend section 1484 of the Political Code, Revised Codes of North Dakota of 1905, relating to property exempt from taxation.

Also,

House Bill No. 208,

A bill for an act entitled, an act to amend section 1933, of the Revised Codes of 1905, relating to when stock may run at larke.

Also,

House Bill No. 340,

A bill for an act reinstating and validating the charter of corporations that have been canceled for failure to make and file with the secretary of state reports as required under section 4168 Revised Codes 1905.

Also,

House Bill No. 167,

A bill for an act appropriating to Zeno Bruegger, clerk of the district court of Williams county, North Dakota, \$200 clerk's fees for services rendered in the unorganized territory attached to Williams county for judicial purposes during the years 1903 and 1904.

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

Also,

I have the honor to return herewith

Senate Bill No. 134,

A bill for an act establishing and naming a state flower for the state of North Dakota.

Also,

Senate Bill No. 48,

A bill for an act to repeal sections 395, 396, 397, 398 and

399 of the Revised Codes of 1905, relating to state weather bureau.

Also,

Senate Bill No. 15,

A bill for an act providing for the creating of a public health laboratory, for the control of such laboratory, and duties of the director, for the appointment of a director of such laboratory who shall be ex-officio state bacteriologist.

Also,

Senate Bill No. 136,

A bill for an act to amend section 2625 of the Revised Codes of 1905, relative to fees for interpreters.

Also,

Senate Bill No. 94,

A bill for an act for the reservation of lands for the preservation of the Fort Clark and Mandan village sites on certain school lands in Mercer county, North Dakota.

Also,

Senate Bill No. 10,

A bill for an act requiring railroad companies to report all wrecks and casualties wherein any person is injured or **killed, to the railroad commissioners.**

Which the house has passed unchanged.

Also,

I have the honor to request the return to the house of Senate Bill No. 55,

A bill for an act to provide for the making official of certain county records.

Which was returned to the senate on March 1 indefinitely postponed.

Very respectfully,

P. D. NORTON,

Chief Clerk.

Mr. Little moved

That the request of the house regarding the return of Senate Bill No. 55 be granted.

Which motion prevailed.

MOTIONS AND RESOLUTIONS.

Mr. Regan moved

That the rules be suspended and that House Bill No. 153 be placed upon third reading and final passage.

Which motion prevailed, and

House Bill No. 153,

A bill for an act to regulate the operation of passenger and freight trains over railway lines in this state, and to regulate the receipt, transportation and delivery of freight by common carriers, and providing penalties for violations of the act.

Was read the third time.

Mr. Koffel moved

That house bill No. 153 be amended as follows:

By striking out section 7 and inserting the following in lieu thereof: "Nothing in this act contained shall in any manner be construed as repealing or in any manner altering any other act, or part of act, heretofore adopted by the legislature of this state, but the remedies herein provided shall be cumulative to all other remedies now existing."

Which motion prevailed, and

The amendment was adopted.

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 36, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McArthur	Simpson
Cashel	McDonald	Spoonheim
Dyste	McLean	Stade
Gilbert	Movius	Steele
Halliday	Palmer	Strom
Hanna	Pierce	Swenson
Johnson of McLean	Plain	Talcott
Johnson of Walsh	Ramsett	Taylor
Kelly	Regan	Thatcher
Koffel	Rice	Turner
Kraabel	Sharpe	Wagner
Leutz	Sifton	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	Little	Purcell
LaMoure		

So the bill passed as amended and the title was agreed to.

Mr. Regan moved

That the vote by which Senate Bill No. 153 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Taylor offered the following

CONCURRENT RESOLUTION.

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

That, for the purpose of promoting and perpetuating the love of home, country and flag among American citizens wherever dispersed upon the face of the earth, the president of the United States be, and is hereby, respectfully requested to issue, thirty days prior to the Fourth of July, 1907, and upon the same day every year thereafter, a proclamation to the following effect:

That at one o'clock p. m., Washington time, July the fourth, or such other time on that day as may seem most expedient, and at the same hour in all other climes and countries according to the separate deviations of standard time within the United States and as calculated by astronomical deduction elsewhere throughout the globe, American citizens be urged to assemble in such groups or assemblages as may be most convenient and unite in singing "Home Sweet Home," "America" and "Star Spangled Banner," and that military, marine and other bands, wherever possible, render the notes of these inspiring airs in military establishments, upon warships and in civic assemblages of citizens, that the echoes of these patriotic and exalting airs may be heard at the same hour and minute around the world, and be it further

Resolved. That this suggestion be conveyed to the president of the United States by the secretary of state of North Dakota through a copy of these resolutions properly engrossed.

Mr. Taylor moved

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

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

Resolved, That Ole Walden be allowed \$4 per day from January 10th until January 21st, for the reason he was delayed that length of time on his way to Bismarck.

Which motion prevailed, and

The resolution was adopted.

Mr. Plain moved

That further consideration of Senate Bill No. 22 be indefinitely postponed.

Which motion prevailed.

Mr. Sharpe moved

That the senate return to the sixth order of business.

Which motion prevailed.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills to whom was referred.

Senate Bill No. 321,

A bill for an act entitled: An act to provide for changing county lines of organized counties to include unorganized territory.

Also,

Senate Bill No. 222,

A bill for an act to provide for the immediate registration of all births and deaths throughout the state of North Dakota, by means of certificates of births and deaths, and burial permits; to establish a bureau of vital statistics at the capitol of the state; and to insure the thorough organization and efficiency of the registration of vital statistics throughout the state on the standard forms recommended by the United States bureau of the census and the American Public Health Association; and making an appropriation for establishing and maintaining such a bureau and providing certain penalties.

Also,

Senate Bill No. 337,

A bill for an act authorizing the city council to re-district into wards any city in this state of less than two thousand population.

Also,

Senate Bill No. 280,

A bill for an act entitled, "An act to amend subdivision 3 of section 7225 of the Revised Codes of North Dakota, relating to appeals to the supreme court from orders made in certain cases."

Also,

Senate Bill No. 212,

A bill for an act to amend section 28 of the Revised Codes of North Dakota of 1905, relating to legislative officers and employes and their compensation.

Also,

Senate Bill No. 333,

A bill for an act to amend sections 1050, 1051, 1082, 1092, and 1231 of the Revised Codes of 1905, relating to education.

Also,

Senate Bill No. 203,

A bill for an act to regulate the employment and occupation of railway telegraphers by railroad companies, and es-

establishing a board of telegraph examiners, and prescribing penalties for violation thereof.

Have carefully examined the same and find the same correctly engrossed.

GEORGE M. YOUNG,
Chairman.

The committee on railroads made the following report:
Mr. President:

Your committee on railroads to whom was referred
House Bill No. 15,

A bill for an act entitled an act requiring railway companies to provide at stations or sidings where an agent is not employed prompt means for sealing loaded cars and receipts for their contents.

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

E. F. GILBERT,
Chairman.

Mr. Gilbert moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted..

The minority committee on ways and means made the following report:

Mr. President:

A minority of your committee on ways and means to whom was referred

Senate Bill No. 300,

A bill for an act to license each person, firm or corporation transacting a telephone business in the state of North Dakota, and fixing license fees; to prevent discrimination, and fixing rules for the conducting of such business, and making it a misdemeanor to charge toll for service until such license is issued and posted.

Have had the same under consideration and recommend that the same be indefinitely postponed.

A. T. KRAABEL,
L. A. SIMPSON.

The majority committee on ways and means made the following report:

Mr. President:

The majority of your committee on ways and means to whom was referred

Senate Bill No. 300,

A bill for an act to license each person, firm or corporation transacting a telephone business in the state of North Dakota, and fixing license fees; to prevent discrimination, and fixing rules for the conducting of such business, and making it a misdemeanor to charge toll for service until such license is issued and posted.

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

A. T. KRAABEL,
Chairman.

Mr. Kraabel objected to the present consideration of the majority and minority reports of the committee on ways and means on Senate Bill No. 300, and the further consideration of the reports went over for one day.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred

Senate Bill No. 330,

A bill for an act to prevent monopoly and for the protection of traders.

Have had the same under consideration and recommend that the same be indefinitely postponed.

J. B. SHARPE,
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred

Senate Bill No. 335,

A bill for an act providing that all public buildings hereafter erected in this state shall be constructed so far as practicable, from material manufactured or produced in the state of North Dakota.

Have had the same under consideration and recommend that the same be indefinitely postponed.

J. B. SHARPE,
Chairman.

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

The committee on state affairs made the following report:
Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 336,

A bill for an act providing that boards of trustees of the state institutions shall file with the governor in each even numbered year a statement of needs for permanent improvements.

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

Strike out the following words: "And no appropriation for these specific purposes shall be made by the legislative assembly next convening in excess of the filed statement herein provided for."

And when so amended recommend the same do pass.

J. B. SHARPE,
Chairman.

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

The committee on state affairs made the following report:
Mr. President:

Your committee on state affairs to whom was referred
House Bill No. 292,

A bill for an act to amend section 9202 of chapter 50 of the Revised Codes of 1905 for the state of North Dakota, relating to the manner of payment of reward for the arrest and conviction of horse and cattle thieves.

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

The title be amended to read as follows: "A bill for an act authorizing the board of county commissioners to appoint a board of visitors whose duty it shall be to visit county asylums or poor farms and make report thereon."

Strike out the words in section 1: "That section 1882 of the Revised

Codes of the state of North Dakota for 1905 is hereby amended to read as follows: Section 1882."

And when so amended recommend the same do pass.

J. B. SHARPE,
Chairman.

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

The committee on state affairs made the following report:
Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 307,
A bill for an act prescribing additional duties of the
county surveyor.
Have had the same under consideration and recommend
that the same do pass.

J. B. SHARPE,
Chairman.

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

The committee on state affairs made the following report:
Mr. President:

Your committee on state affairs to whom was referred
House Bill No. 218.
A bill for an act to repeal section 3111 of the Revised
Codes of North Dakota, 1905, relating to terms of office of
township officers.
Have had the same under consideration and recommend
that the same be indefinitely postponed.

J. B. SHARPE,
Chairman.

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

The committee on state affairs made the following report:
Mr. President:

Your committee on state affairs to whom was referred

House Bill No. 205,

A bill for an act to repeal sections 1195 and 1196 of the North Dakota Revised Code of 1905, and sections 1, 2, 3, and 4 of chapter 76 of the Session Laws of 1905, being sections 1910, 1911 and 1912 of the Revised Code of North Dakota of 1905, and further to provide for the admission to the state hospital for the insane of residents of other states or territories and the payment for such care and treatment, and to provide for the payment by the proper county or the state at large for the care and treatment of all inmates of such state hospital for the insane, and to determine the legal residence of all such patients, and to provide for reimbursing of the county from the estate of the patient for such care and treatment.

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

J. B. SHARPE,
Chairman.

Mr. Sharpe moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred

House Bill No. 304,

A bill for an act to amend section 2612 of the Revised Codes of 1905, relating to fees of county surveyors.

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

J. B. SHARPE,
Chairman.

Mr. Sharpe moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred

House Bill No. 301,

A bill for an act to amend sections 926, 928 and 935 of the

Revised Codes of North Dakota, 1905, relating to depositors of school funds.

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

J. B. SHARPE,
Chairman.

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

The committee on counties made the following report:

Mr. President:

Your committee on counties to whom was referred
House Bill No. 241,

A bill for an act amending and re-enacting sections 2361 and 2364 of the Revised Codes of 1905, relating to county seats.

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

AUG. E. JOHNSON,
Chairman.

Mr. Johnson of McLean moved
That the report be adopted,
Which motion prevailed, and
The report of the committee was adopted.

Mr. Johnson of McLean moved
That the majority report of the committee on education on Senate Bill No. 331 be adopted.
Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 4, 1907.

Mr. President:

I have the honor to return herewith
Senate Bill No. 189,
A bill for an act providing that the amount of insurance

written upon real property shall be taken conclusively to be the true value thereof.

Which the house has indefinitely postponed.

Very respectfully,

OTTO SOUGSTAD,
Acting Chief Clerk.

HOUSE OF REPRESENTATIVES,

BISMARCK, NORTH DAKOTA,

March 4, 1907.

Mr. President:

I have the honor to transmit herewith.

Senate Bill No. 109,

A bill for an act amending sections 6, 8 and 9 of chapter 108 of the laws of 1903, being sections 1165, 1167 and 1168 of the Revised Codes of 1905, and repealing chapter 76 of the Laws of 1905, in so far as the same applies to the institution for feeble minded.

Which the house has passed unchanged.

Very respectfully,

OTTO SOUGSTAD,
Acting Chief Clerk.

SECOND READING OF SENATE BILLS.

Senate Bill No. 338,

A bill for an act requiring the governor to furnish each legislative assembly a financial and statistical report on state institutions. Requiring institutional trustees to furnish data demanded by the governor for this purpose and providing for payment of the necessary clerical and printing costs of such statements.

Was read the second time.

Mr. Young moved

That Senate Bill No. 338 be referred to the committee on engrossment and when engrossed be placed on third reading and final passage.

Which motion prevailed.

THIRD READING OF SENATE BILLS.

Senate Bill No. 171,

A bill for an act to regulate the investment of the funds and the real estate holdings of life insurance companies.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 35, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McArthur	Simpson
Cashel	McDonald	Spoonhelm
Dyste	McLean	Stade
Gilbert	Movius	Steele
Halliday	Palmer	Strom
Hanna	Pierce	Swenson
Johnson of McLean	Plain	Talcott
Johnson of Walsh	Purcell	Taylor
Kelly	Ramsett	Thatcher
Koffel	Rice	Turner
Leutz	Sharpe	Wagner
Little	Sifton	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	LaMoure	Swenson
Kraabel	Regan	

Mr. Crane being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 71,

A bill for an act to repeal section 3111 of the Revised Codes of North Dakota, 1905, relating to the term of office of township officers.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes 33, nays 1, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McDonald	Spoonhelm
Cashel	McLean	Stade
Dyste	Movius	Steele
Gilbert	Palmer	Strom
Johnson of McLean	Pierce	Swenson
Johnson of Walsh	Plain	Talcott
Kelly	Purcell	Taylor
Koffel	Ramsett	Thatcher
Leutz	Rice	Turner
Little	Sharpe	Wagner
McArthur	Sifton	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	Kraabel	Regan
Hanna	LaMoure	Simpson

Mr. Halliday voting in the negative.

Mr. Crane being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 271,

A bill for an act to amend section 7246 of the Revised Codes of 1905, relating to examination of parties.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 32, nays none, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McDonald	Spoonheim
Cashel	McLean	Stade
Dyste	Movius	Strom
Gilbert	Palmer	Swenson
Halliday	Pierce	Talcott
Johnson of Walsh	Plain	Taylor
Kelly	Purcell	Thatcher
Koffel	Ramsett	Turner
Leutz	Rice	Wagner
Little	Sharpe	Young
McArthur	Sifton	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	Kraabel	Simpson
Hanna	LaMoure	Steele
Johnson of McLean	Regan	

Mr. Crane being excused.

So the bill passed and the title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 4, 1907.

Mr. President:

I have the honor to inform you that the house has concurred in the senate concurrent resolution relating to the promotion of the love of home, country and flag amongst Americans abroad.

Very respectfully,
OTTO SOUGSTAD,
Acting Chief Clerk.

Senate Bill No. 60,

A bill for an act providing for and regulating the election of directors of mutual life insurance companies.

Was read the third time.

The question being on the final passage of the bill;
The roll was called and there were ayes 32, nays none,
absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McLean	Stade
Cashel	Movius	Steele
Dyste	Palmer	Strom
Gilbert	Plain	Swenson
Johnson of McLean	Purcell	Talcott
Johnson of Walsh	Ramsett	Taylor
Kelly	Regan	Thatcher
Koffel	Rice	Turner
Leutz	Sifton	Wagner
Little	Spoonheim	Young
McArthur		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	LaMoure	Sharpe
Hanna	McDonald	Simpson
Kraabel	Pierce	

Mr. Crane being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 313,

A bill for an act to amend section 4224 of the Revised Codes of the state of North Dakota, relating to the increasing or diminishing of the capital stock of corporations.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were ayes 31, nays none,
absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Movius	Stade
Cashel	Palmer	Steele
Dyste	Pierce	Strom
Gilbert	Plain	Swenson
Halliday	Purcell	Talcott
Johnson of McLean	Ramsett	Taylor
Johnson of Walsh	Regan	Thatcher
Kelly	Sifton	Turner
Leutz	Simpson	Wagner
Little	Spoonheim	Young
McLean		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	Kraabel	McDonald
Hanna	LaMoure	Rice
Koffel	McArthur	Sharpe

Mr. Crane being excused.

So the bill passed and the title was agreed to.

Mr. Little moved

That the vote by which Senate Bills Nos. 171, 71, 271, 60, 313 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 4, 1907.

Mr. President:

I have the honor to return herewith

Senate Bill No. 80,

A bill for an act entitled: "An act defining the duties of district school boards in relation to the planting, cultivation and protection of trees and shrubs upon school house grounds.

Which the house has failed to pass.

Very respectfully,

OTTO SOUGSTAD,
Acting Chief Clerk.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 4, 1907.

Mr. President:

I have the honor to request the return to the house of Senate Bill No. 189,

A bill for an act providing that the amount of insurance written upon real property shall be taken conclusively to be the true value thereof.

Which was returned to the senate today indefinitely postponed.

Very respectfully,

OTTO SOUGSTAD,
Acting Chief Clerk.

Senate Bill No. 169,

A bill for an act to amend section 8149 of the Revised Codes of the state of North Dakota.

Was read the third time.

The question being on the final passage of the bill;
The roll was called and there were ayes 32, nays none,
absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McLean	Spoonheim
Cashel	Movius	Stade
Gilbert	Palmer	Steele
Halliday	Pierce	Strom
Johnson of McLean	Plain	Swenson
Johnson of Walsh	Purcell	Talcott
Kelly	Ramsett	Taylor
Koffel	Regan	Thatcher
Leutz	Rice	Turner
Little	Sharpe	Wagner
McDonald	Sifton	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	Kraabel	Simpson
Dyste	LaMoure	Young
Hanna	McArthur	

Mr. Crane being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 156,

A bill for an act to amend section 8083 of the Revised Codes of 1905, relating to inventory and appraisalment of the decedent's estate.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 34, nays none,
absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McLean	Simpson
Cashel	Movius	Spoonheim
Dyste	Palmer	Stade
Gilbert	Pierce	Steele
Halliday	Plain	Strom
Johnson of McLean	Purcell	Swenson
Johnson of Walsh	Ramsett	Taylor
Kelly	Regan	Thatcher
Koffel	Rice	Turner
Leutz	Sharpe	Wagner
Little	Sifton	Young
McDonald		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Adams	Hanna	LaMoure
Crane	Kraabel	Talcott

Mr. Crane being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 304,

A bill for an act to amend and re-enact section 2329 of the Revised Codes of 1905, relative to the division of counties.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 34, nays 1, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McDonald	Simpson
Cashel	McLean	Spoonheim
Dyste	Movius	Stade
Gilbert	Palmer	Steele
Halliday	Pierce	Strom
Johnson of McLean	Plain	Swenson
Johnson of Walsh	Purcell	Taylor
Kelly	Ramsett	Thatcher
Koffel	Regan	Turner
Leutz	Rice	Wagner
Little	Sharpe	Young
McArthur		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	Kraabel	Talcott
Hanna	LaMoure	

Mr. Sifton voting in the negative.

Mr. Crane being excused.

So the bill passed and the title was agreed to.

Mr. Simpson asked unanimous consent to introduce a bill, providing an appropriation,

Which request was granted, and

Mr. Simpson introduced

Senate Bill No. 339,

A bill for an act making an appropriation to the Dickinson experiment station located at the city of Dickinson in Stark county.

Which was read the first and second times and

Referred to the committee on appropriations.

Mr. Pierce and Mr. Koffel introduced

Senate Bill No. 340,

A joint resolution.

Which was read the first and second times, and

Referred to the committee on judiciary.

Senate Bill No. 127,

A bill for an act entitled: An act to reimburse judges of the supreme court for their actual and necessary ex-

penses while absent from home engaged in the discharge of official duties.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 33, nays 2, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McArthur	Spoonheim
Cashel	McDonald	Stade
Dyste	Movius	Steele
Gilbert	Palmer	Strom
Halliday	Pierce	Swenson
Johnson of McLean	Purcell	Talcott
Johnson of Walsh	Ramsett	Taylor
Kelly	Rice	Thatcher
Koffel	Sharpe	Turner
Leutz	Sifton	Wagner
Little	Simpson	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	Kraabel	Regan
Hanna	LaMoure	

Messrs. McLean and Plain voting in the negative.

Mr. Crane being excused.

So the bill was passed and the title agreed to.

Senate Bill No. 213,

A bill for an act to amend section 9921 of the Revised Codes of the state of North Dakota.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 36, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McDonald	Simpson
Cashel	McLean	Spoonheim
Dyste	Movius	Stade
Gilbert	Palmer	Steele
Halliday	Pierce	Strom
Johnson of McLean	Plain	Swenson
Johnson of Walsh	Purcell	Talcott
Kelly	Ramsett	Taylor
Koffel	Regan	Thatcher
Leutz	Rice	Turner
Little	Sharpe	Wagner
McArthur	Sifton	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	Kraabel	LaMoure
Hanna		

Mr. Crane being excused.

Mr. Purcell moved

That the title of Senate Bill No. 213 be amended by adding after the word Dakota the following: "Relative to change of place of trial."

So the bill passed and the title as amended was agreed to.

Senate Bill No. 279,

A bill for an act authorizing the use of typewritten abstracts and briefs in certain criminal cases on appeal to the supreme court.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 32, nays none, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McDonald	Spoonheim
Cashel	McLean	Stade
Dyste	Pierce	Steele
Gilbert	Plain	Strom
Halliday	Purcell	Swenson
Johnson of Walsh	Ramsett	Talcott
Kelly	Regan	Taylor
Koffel	Rice	Thatcher
Leutz	Sharpe	Turner
Little	Sifton	Wagner
McArthur	Simpson	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	Kraabel	Palmer
Hanna	LaMoure	Young
Johnson of McLean	Movius	

Mr. Crane being excused.

So the bill passed and the title was agreed to.

Mr. Pierce moved

That the president be authorized to provide for an assistant to the reading clerk.

Which motion prevailed.

Mr. Simpson moved

That the rules be suspended and Senate Bill No. 339 be referred to the committee on appropriations, without printing.

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 4, 1907.

Mr. President:

I have the honor to return herewith
Senate Bill No. 72,

A bill for an act defining pools and trusts and providing
the penalties and remedies therefor.

Which the house has amended:

By striking out all of section 15 and making "section 16" read "section 15."
Also by adding to the title: "And to repeal chapter 53 of the penal code
of the Revised Codes of 1905."

And passed as amended.

Very respectfully,

OTTO SOUGSTAD,
Acting Chief Clerk.

Senate Bill No. 318,

A bill for an act to amend sections 1872 and 1877 of the
Revised Codes of 1905, relating to duty of superintendent
of county asylum and poor farm.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 30, nays none,
absent and not voting 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Spoonheim
Cashel	McArthur	Stade
Dyste	McLean	Steele
Gilbert	Pierce	Strom
Halliday	Plain	Swenson
Johnson of McLean	Purcell	Talcott
Johnson of Walsh	Ramsett	Taylor
Kelly	Regan	Thatcher
Koffel	Rice	Turner
Leutz	Sifton	Wagner

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	McDonald	Sharpe
Hanna	Movius	Simpson
Kraabel	Palmer	Young
LaMoire		

Mr. Crane being excused.

So the bill passed and the title agreed to.

Senate Bill No. 327,

A bill for an act to amend and re-enact section 3054 of the Revised Codes of 1905 of the state of North Dakota, relating to how civil townships may be formed.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were ayes 34, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McLean	Simpson
Cashel	Movius	Spoonheim
Dyste	Palmer	Stade
Gilbert	Pierce	Strom
Halliday	Plain	Swenson
Johnson of McLean	Purcell	Talcott
Johnson of Walsh	Ramsett	Taylor
Kelly	Regan	Thatcher
Koffel	Rice	Turner
Leutz	Sharpe	Wagner
Little	Sifton	Young
McArthur		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	Kraabel	McDonald
Hanna	LaMoure	Steele

Mr. Crane being excused.

Mr. Purcell moved

That the consideration of Senate Bill No. 97 go over for one day.

Which motion prevailed.

Senate Bill No. 321,

A bill for an act entitled: An act to provide for changing county lines of organized counties to include unorganized territory.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 33, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McArthur	Simpson
Cashel	McLean	Spoonheim
Dyste	Movius	Stade
Gilbert	Palmer	Steele
Halliday	Plain	Strom
Johnson of McLean	Purcell	Swenson
Johnson of Walsh	Ramsett	Talcott

Messrs.—
 Kelly
 Koffel
 Leutz
 Little

Messrs.—
 Regan
 Rice
 Sharpe
 Sifton

Messrs.—
 Taylor
 Thatcher
 Turner
 Wagner

Absent and not voting:

Messrs.—
 Crane
 Hanna
 Kraabel

Messrs.—
 LaMoure
 McDonald

Messrs.—
 Pierce
 Young

Mr. Crane being excused.

So the bill passed and the title was agreed to.

Mr. Little moved

That the vote by which Senate Bills Nos. 169, 156, 304, 127, 279, 318, 327, 321 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 58,

A bill for an act to create the Ninth judicial district of the state of North Dakota, defining the boundaries of the Second, Eighth and Ninth judicial districts of the said state, and providing for terms of court in the said districts.

Was read the third time.

Mr. Simpson moved

That Senate Bill No. 58 be amended as follows:

Amend the title by striking out the words "to create the ninth judicial district of the state of North Dakota." Title to read as follows: "A bill for an act defining the boundaries of the second, eighth and ninth judicial districts of the state of North Dakota, and providing for terms of court in said districts."

Amend section 1 as follows: After the figure "1" in line 1 of section 1 of the printed bill insert the words "boundaries of." Strike out the balance of the remaining four lines of section 1. Section 1 to read as follows: "SECTION 1. Boundaries of Judicial Districts]," and then continue on as the bill now reads from line 5 in section 1 down.

Strike out all of section 4 of the bill and insert in lieu thereof the following:

"Sec. 4. There shall be chosen a judge of the district court for the ninth judicial district at the general election to be held in November, 1908, and thereafter as provided by law."

Amend section 5 by striking out the figure "5" and inserting in lieu thereof the figure "6" so that the repeal clause will read "section 6."

Add the following section as "section 5.:"

"Until the election and qualification of the judge of the ninth judicial district as herein provided for, all of the territory comprehended in said ninth judicial district shall be and remain a part of the judicial district to which it belongs under existing laws."

Which motion prevailed.

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 32, nays none, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McLean	Stade
Cashel	Movius	Steele
Dyste	Palmer	Strom
Gilbert	Plain	Swenson
Halliday	Purcell	Talcott
Johnson of McLean	Ramsett	Taylor
Johnson of Walsh	Regan	Thatcher
Koffel	Rice	Turner
Leutz	Sharpe	Wagner
Little	Simpson	Young
McArthur	Spoonheim	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	Kraabel	Pierce
Hanna	LaMoure	Sifton
Kelly	McDonald	

Mr. Crane being excused.

So the bill passed as amended and the title was agreed to.
Senate Bill No. 326,

A bill for an act entitled an act to provide for owners and managers of elevators and warehouses to make annual reports to the commissioner of agriculture and labor.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 34, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McDonald	Simpson
Cashel	McLean	Spoonheim
Dyste	Movius	Stade
Gilbert	Palmer	Steele
Halliday	Pierce	Strom
Johnson of McLean	Plain	Swenson
Johnson of Walsh	Purcell	Talcott
Kelly	Ramsett	Taylor
Koffel	Regan	Thatcher
Leutz	Rice	Turner
Little	Sharpe	Wagner
McArthur		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	Kraabel	Sifton
Hanna	LaMoure	Young

Mr. Crane being excused.

So the bill passed and the title was agreed to.
Senate Bill No. 328,

A bill for an act to amend section 9765 of the Revised Codes of the state of North Dakota for 1905, relating to preliminary examinations.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 30, nays none, absent and not voting 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McArthur	Stade
Cashel	McLean	Steele
Dyste	Movius	Strom
Gilbert	Palmer	Swenson
Halliday	Plain	Talcott
Johnson of Walsh	Purcell	Taylor
Kelly	Ramsett	Thatcher
Koffel	Rice	Turner
Leutz	Sharpe	Wagner
Little	Spoonheim	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	LaMoure	Regan
Hanna	McDonald	Sifton
Johnson of McLean	Pierce	Simpson
Kraabel		

Mr. Crane being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 172,

A bill for an act establishing standard forms in which policies of life insurance may be issued in this state and in which policies of life insurance companies organized under the laws of this state may be issued; and regulating the conditions and provisions to be contained in policies of life insurance companies that do not adopt such standard forms.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes 28, nays 1, absent and not voting 11.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McDonald	Spoonheim
Cashel	McLean	Stade
Dyste	Plain	Steele
Gilbert	Purcell	Swenson
Johnson of McLean	Ramsett	Talcott
Johnson of Walsh	Regan	Thatcher
Kelly	Rice	Turner

Messrs.—	Messrs.—	Messrs.—
Koffel	Sharpe	Wagner
Leutz	Simpson	Young
Little		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	LaMoure	Pierce
Halliday	McArthur	Sifton
Hanna	Movius	Taylor
Kraabel	Palmer	

Mr. Strom voting in the negative.

Mr. Crane being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 222,

A bill for an act to provide for the immediate registration of all births and deaths throughout the state of North Dakota, by means of certificates of births and deaths, and burial permits; to establish a bureau of vital statistics at the capitol of the state; and to insure the thorough organization and efficiency of the registration of vital statistics throughout the state on the standard forms recommended by the United States bureau of the census and the American Public Health Association; and making an appropriation for establishing and maintaining such a bureau and providing certain penalties.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 30, nays 1, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McLean	Spoonheim
Cashel	Pierce	Stade
Dyste	Plain	Steele
Gilbert	Purcell	Swenson
Johnson of McLean	Ramsett	Talcott
Johnson of Walsh	Regan	Taylor
Koffel	Rice	Thatcher
Leutz	Sharpe	Turner
Little	Sifton	Wagner
McDonald	Simpson	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	Kelly	McArthur
Halliday	Kraabel	Movius
Hanna	LaMoure	Palmer

Mr. Strom voting in the negative.

Mr. Crane being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 337,

A bill for an act authorizing the city council to re-district into wards any city in this state of less than two thousand population.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 33, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McLean	Spoonheim
Cashel	Palmer	Stade
Dyste	Pierce	Steele
Gilbert	Plain	Strom
Halliday	Purcell	Swenson
Johnson of McLean	Ramsett	Talcott
Johnson of Walsh	Regan	Taylor
Koffel	Rice	Thatcher
Leutz	Sharpe	Turner
Little	Sifton	Wagner
McDonald	Simpson	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	Kraabel	McArthur
Hanna	LaMoure	Movius
Kelly		

Mr. Crane being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 280,

A bill for an act entitled, "An act to amend subdivision 3 of section 7225 of the Revised Codes of North Dakota, relating to appeals to the supreme court from orders made in certain cases."

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 33, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McLean	Spoonheim
Cashel	Palmer	Stade
Dyste	Pierce	Steele
Gilbert	Plain	Strom
Halliday	Purcell	Swenson
Johnson of McLean	Ramsett	Talcott
Johnson of Walsh	Regan	Taylor
Kelly	Rice	Thatcher
Koffel	Sharpe	Turner
Leutz	Sifton	Wagner
Little	Simpson	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	LaMoure	McDonald
Hanna	McArthur	Movius
Kraabel		

Mr. Crane being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 212,

A bill for an act to amend section 28 of the Revised Code of North Dakota of 1905, relating to legislative officers and employees and their compensation.

Was read the third time.

Mr. Pierce moved

That further consideration of Senate Bill No. 212 be indefinitely postponed.

Which motion was lost.

Mr. Spoonheim demanded a call of the senate.

Mr. Regan moved

That the call of the senate be dispensed with.

Which motion prevailed.

Mr. Pierce moved

That Senate Bill No. 212 be amended as follows:

By striking out the last five words in line 2 of section 2 and insert in lieu thereof "a resolution of the senate or house of representatives."

Which motion prevailed, and

The amendment was adopted.

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 26, nays 9, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Cashel	McArthur	Stade
Dyste	McLean	Strom
Gilbert	Plain	Swenson
Halliday	Purcell	Taylor
Johnson of McLean	Ramsett	Thatcher
Johnson of Walsh	Regan	Turner
Kelly	Rice	Wagner
Koffel	Sifton	Young
Kraabel	Spoonheim	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Hanna	Movius	Sharpe
Leutz	Palmer	Steele
Little	Pierce	Talcott

Absent and not voting:

Messrs.—
Albright
Crane

Messrs.—
LaMoure
McDonald

Messrs.—
Simpson

Mr. Crane being excused.

So the bill passed as amended and the title was agreed to.

Mr. Little moved

That the rules be suspended and all house bills be given their first and second reading and reference.

MESSAGE FROM THE HOUSE.

The following message was received from the house.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 4, 1907.

Mr. President:

I have the honor to transmit herewith

House Bill No. 94,

A bill for an act to provide for the safekeeping of the public funds.

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

Very respectfully

OTTO SOUGSTAD,
Acting Chief Clerk.

Mr. Simpson moved

That the request of the house for the return of Senate Bill No. 189 be granted.

Which motion prevailed.

FIRST AND SECOND READING OF HOUSE BILLS.

House bill No. 20,

A bill for an act to amend section 5848 of the revised codes for 1895, being section 5848 of the revised codes of 1899, relating to the publication of notice in the foreclosure of real estate mortgages by advertisement.

Was read the first and second times, and

Referred to the committee on judiciary.

House Bill No. 107,

A bill for an act providing to provide for the erection

and maintenance of workhouses in counties having a population of ten thousand or more inhabitants.

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

House Bill No. 167,

A bill for an act appropriating to Zeno Bruegger, clerk of the district court of Williams county, North Dakota, \$200 clerk's fees for services rendered in the unorganized territory attached to Williams county for judicial purposes during the years 1903 and 1904.

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

House Bill No. 95,

A bill for an act relating to boards of equalization.

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

House Bill No. 94,

A bill for an act to provide for the safekeeping of the public funds.

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

House Bill No. 150,

A bill for an act amending section 2887 of the Revised Codes of 1905 relating to the powers of village marshals and to legalize past acts of village marshals.

Was read the first and second times, and

Referred to the committee on cities and municipal corporations.

House Bill No. 100,

A bill for an act to amend section 1313 of the Revised Codes of North Dakota, relating to county fairs.

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

House Bill No. 183,

A bill for an act to amend chapter 24 of the laws of 1905, being sections 2213, 2218 and 2226, in relation to oil inspection.

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

House Bill No. 243,

A bill for an act to amend section 2869 of the Revised Code of 1905, providing for the contracting of loans and for the incurring of indebtedness by villages and providing for the creation of a sinking fund for the liquidation of such loans and indebtedness.

Was read the first and second times, and
Referred to the committee on municipal corporations.

House Bill No. 291,

A bill for an act making it a misdemeanor for an employee to obtain railway or other transportation, or the benefit of other advancements made by employers to be thereafter repaid in labor, to refuse to perform such labor or repay such advancements and providing for punishment thereof.

Was read the first and second times, and

Referred to the committee on judiciary.

House Bill No. 297,

A bill for an act to provide for a uniform system of accounting by the state institutions of North Dakota; prescribing the books, forms, the duties of the accounting officer, the state auditor, and the institution treasurer, with regard to such uniform system of accounting; also prescribing the forms of checks and receipts to be used and the manner of accounting to the state auditor and the state treasurer.

Was read the first and second times, and

Referred to the committee on state affairs.

House Bill No. 286,

A bill for an act to prohibit the uttering of profane, lascivious or obscene language over telephones in this state.

Was read the first and second time, and

Referred to the committee on judiciary.

House Bill No. 287,

A bill for an act to legalize certain foreclosures of real estate mortgages.

Was read the first and second time, and

Referred to the committee on judiciary.

House Bill No. 220,

A bill for an act amending sections 7608 and 7609 of the Revised Codes of 1905, and making the state engineer ex officio coal mine inspector of the state.

Was read the first and second times, and

Referred to the committee on state affairs.

House Bill No. 263,

A bill for an act providing for the keeping of books containing statistical information to be furnished to the commissioner of agriculture and labor, and for the making of reports regarding such statistics, and prescribing a penalty for violation.

Was read the first and second time, and

Referred to the committee on mines and mining.

House Bill No. 281,

A bill for an act to amend section 2596 of the Revised Codes of North Dakota of 1905, providing the clerk hire for the register of deeds office in the various counties in the state.

Was read the first and second time, and
Referred to the committee on state affairs.

House Bill No. 208,

A bill for an act entitled an act to amend section 1903 of the Revised Codes of 1905, relating to when stock may run at large.

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

House Bill No. 219,

A bill for an act to amend sections 1378 and 1380, of the Revised Codes of 1905 relating to locating and building of bridges.

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

House Bill No. 207.

A bill for an act to amend section 1484 of the Political Code, Revised Codes of North Dakota of 1905.

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 5572 of the Revised Codes of 1905, relating to master and servant.

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

House Bill No. 317,

A bill for an act to amend section 1582 of the Revised Codes of 1905, relating to redemption from sale of real estate for taxes, time of payment of subsequent taxes, and rate of interest thereon.

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

House Bill No. 340,

A bill for an act reinstating and validating the charter of corporations that have been canceled for failure to make and file with the secretary of state reports as required under section 4168 Revised Codes 1905.

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

House Bill No. 326,

A bill for an act to amend and re-enact section 3054 of the Revised Codes of 1905 of the state of North Dakota, relating to how civil townships may be formed.

Was read the first and second times, and

Referred to the committee on state affairs.

House Bill No. 323,

A bill for an act providing for the safety of trainmen operating trains on railroads within the state of North Dakota and providing for the construction of cabooses for trainmen.

Was read the first and second times, and

Referred to the committee on railroads.

House Bill No. 300,

A bill for an act to amend section 3213 of the Revised Codes of the state of North Dakota of 1905 relating to townships purchasing road machinery.

Was read the first and second times, and

Referred to the committee on judiciary.

House Bill No. 327,

A bill for an act to amend and re-enact section 2330 of the Revised Code of 1905, relating to the formation of new counties.

Was read the first and second times, and

Referred to the committee on counties.

Senate Bill No. 203,

A bill for an act to regulate the employment and occupation of railway telegraphers by railroad companies, and establishing a board of telegraph examiners, and prescribing penalties for violation thereof.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 34, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McDonald	Simpson
Cashel	McLean	Spoonheim
Dyste	Palmer	Stade
Gilbert	Pierce	Steele
Halliday	Plain	Strom
Johnson of McLean	Purcell	Swenson
Johnson of Walsh	Ramsett	Talcott
Kelly	Regan	Taylor
Koffel	Rice	Thatcher
Leutz	Sharpe	Turner
Little	Sifton	Wagner
McArthur		

Absent and not voting :

Messrs.—	Messrs.—	Messrs.—
Crane	Kraabel	Movius
Hanna	LaMoure	Young

Mr. Crane being excused.

So the bill passed and the title was agreed to.

Mr. Little moved

That the senate do now concur in the house amendments to Senate Bill No. 72,

Which motion prevailed, and

The roll was called and there were ayes 35, nays none, absent and not voting 5.

Those who voted in the affirmative were :

Messrs.—	Messrs.—	Messrs.—
Albright	McDonald	Simpson
Cashel	McLean	Spoonheim
Dyste	Movius	Stade
Gilbert	Palmer	Steele
Halliday	Pierce	Strom
Johnson of McLean	Plain	Swenson
Johnson of Walsh	Purcell	Talcott
Kelly	Ramsett	Taylor
Koffel	Regan	Thatcher
Leutz	Rice	Turner
Little	Sharpe	Wagner
McArthur	Sifton	

Absent and not voting :

Messrs.—	Messrs.—	Messrs.—
Crane	Kraabel	Young
Hanna	LaMoure	

So the house amendment was concurred in.

Senate Bill No. 333,

A bill for an act to amend sections 1050, 1051, 1082, 1092, and 1231 of the Revised Codes of 1905, relating to education.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes 36, nays none, absent and not voting 4.

Those who voted in the affirmative were :

Messrs.—	Messrs.—	Messrs.—
Albright	McDonald	Simpson
Cashel	McLean	Spoonheim
Dyste	Movius	Stade
Gilbert	Palmer	Steele
Halliday	Pierce	Strom
Johnson of McLean	Plain	Swenson
Johnson of Walsh	Purcell	Talcott
Kelly	Ramsett	Taylor
Koffel	Regan	Thatcher
Leutz	Rice	Turner
Little	Sharpe	Wagner
McArthur	Sifton	Young

Absent and not voting:

Messrs.—

Crane
Hanna

Messrs.—

Kraabel

Messrs.—

LaMoure

Mr. Crane being excused.

So the bill passed and the title was agreed to.

Mr. Talcott moved

That the vote by which Senate Bill No. 333 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Regan moved

That the senate resolve itself into the committee of the whole for the consideration of Senate Bill No. 197.

Which motion prevailed.

COMMITTEE OF THE WHOLE

Mr. Taylor in the chair.

When the committee arose it submitted the following report:

Mr. President:

The committee of the whole have had under consideration Senate Bill No. 197,

A bill for an act regulating the salaries of state officers, expenses, residence and penalty.

And recommend that the same do pass.

J. D. TAYLOR,

Chairman.

Mr. Taylor moved

That the report be adopted.

Mr. Regan objected to the present consideration of the report of the committee of the whole on Senate Bill No. 197.

The point of order was not sustained.

Mr. Young moved as a substitute that the consideration of the report of the committee of the whole be made a special order for tomorrow at 2:30 o'clock p. m.

Which motion prevailed.

COURTESIES OF THE FLOOR.

The courtesies of the floor were extended to Col. W. H. Mann, Vic Rose, W. B. Douglas, Hon. E. T. Burke, Hon. John Simons, A. L. Geil, Harve Robinson, George Burgess.

Mr. Talcott moved
That the senate do now adjourn.
Which motion prevailed, and
The senate adjourned.

J. W. FOLEY,
Secretary.

FIFTY-SEVENTH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 5, 1907.

The senate convened at 2 o'clock.
The president presiding.
Prayer by the chaplain.
Roll call.
All members present.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the governor:

GOVERNOR'S OFFICE, NORTH DAKOTA.
BISMARCK, March 4, 1907.

To the Senate:

GENTLEMEN: I have the honor to inform you that I have this day approved and filed with the secretary of state.

Senate Bill No. 17,

A bill 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. 54,

A bill for an act making an appropriation for a deficit

in expenses for the construction of additions to present buildings, for heating plant, erection and equipment of a dormitory for state normal school at Mayville, and for interest on overdue warrants issued in connection therewith.

Also,

Senate Bill No. 69,

A bill for an act making an appropriation for carrying into effect provisions of law relating to the duties of the commissioner of agriculture and labor.

Also,

Senate Bill No. 87,

A bill for an act making an appropriation towards paying deficiency or debts on armories already constructed, or towards the construction of armories for the various military companies of the state of North Dakota, and for the creating of a board of armory supervisors and defining its duties, for the transfer of armories upon the mustering out of any military organization enumerated, and defining the duties of the state treasurer in carrying out the provisions of this act.

Also,

Senate Bill No. 129,

A bill for an act to amend and re-enact sections 1034, 1035, and 1036 of the Revised Codes of 1905, relating to education.

Also,

Senate Bill No. 133,

A bill for an act to provide an appropriation for the current and contingent expenses for the state hospital for the insane at Jamestown.

Also,

Senate Bill No. 139,

A bill for an act to provide for making necessary improvements at the Industrial School and School for Manual Training, located at Ellendale, providing for the payment of interest on certificates of indebtedness and making an appropriation therefor.

Also,

Senate Bill No. 195,

A bill for an act providing for the naming by the gov-

error of the state of a board of grain commission, prescribing their duties and providing an appropriation therefor.

Also,

Senate Bill No. 270,

A bill for an act to provide for the payment of the necessary expenses of the state officers of the state of North Dakota.

Also,

Senate Bill No. 275,

A bill for an act making an appropriation for the state historical society of North Dakota.

Also,

Senate Bill No. 285,

A bill for an act to foster the development of mineral and allied industries by providing for experiment stations, encouragement, publicity and practical tests under the direction of the school of mines.

Also,

Senate Bill No. 301,

A bill for a joint resolution authorizing the state auditing board, in their discretion, from time to time, as the necessities may arise, to employ additional clerical assistance in the various state offices and authorizing an appropriation for the payment thereof.

I have the honor to be

Respectfully,

JOHN BURKE,

Governor.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,

BISMARCK, NORTH DAKOTA,

March 5, 1907.

Mr. President:

I have the honor to transmit herewith

House Bill No. 169,

A bill for a concurrent resolution for amendment to the

constitution of the state of North Dakota providing for the purchase of and sale of school and public lands.

Which the house has adopted and your favorable consideration thereof is respectfully requested.

Very respectfully,

P. D. NORTON,

Chief Clerk.

HOUSE OF REPRESENTATIVES,

BISMARCK, NORTH DAKOTA,

March 5, 1907.

Mr. President:

I have the honor to return herewith

Senate Bill No. 168,

A bill for an act to amend sections 977 and 998 of the Revised Codes of 1905, relating to education.

Also,

Senate Bill No. 221,

A bill for an act entitled an act concerning artesian wells and the regulation and acquirement of rights to the use of water therefrom.

Also,

Senate Bill No. 93,

A bill for an act entitled, "An act to amend section 746 of the Revised Codes of 1905, relating to the amount of population of cities and villages in which registration of voters is required."

Which the house has indefinitely postponed.

I have the honor to return herewith

Senate Bill No. 77,

A bill for an act to amend section 5039 of the Revised Codes of 1905, relating to conveyances.

Also,

Senate Bill No. 78,

A bill for an act to prohibit the soliciting of orders for the purchase or sale for future delivery of intoxicating liquors to others than persons holding druggist' permits, and providing a penalty for a violation of the same.

Also,

Senate Bill No. 63,

A bill for an act to prevent adulteration, misbranding

and selling of adulterated and insufficiently labeled "Concentrated commercial feeding stuff," prescribing a penalty for the violation thereof, providing for the inspection, testing and analysis of said feeding stuffs; charging the North Dakota government agricultural experiment station with the duty thereof, and charging the state's attorney with the enforcement thereof.

Also,

Senate Bill No. 57,

A bill for an act to prevent the adulteration and misbranding of foods and beverages, the selling of adulterated and unwholesome foods and beverages, and providing for the proper labeling of all foods and beverages.

Also,

Senate Bill No. 160,

A bill for an act to amend section 182 of the Revised Codes of 1905, relating to assignee of purchasers of school lands.

Also,

Senate Bill No. 137,

A bill for an act amending section 9245 relating to unauthorized wearing or use of badges, name, title of officers, insignia, ritual or ceremonies of certain orders and societies.

Also,

Senate Bill No. 206,

• A bill for an act defining a watercourse.

Also,

Senate Bill No. 151,

A bill for an act entitled "An act to prohibit unfair commercial discrimination between different sections, communities, or localities, or unfair competition, and providing penalties therefor.

Also,

Senate Bill No. 192,

A bill for an act regulating disbursements by life insurance companies.

Which the house has passed unchanged.

Also,

I have the honor to return herewith

Senate Bill No. 33,

A bill for an act entitled, "An act to regulate the practice in appellate courts, as to the review of errors committed by trial courts in ruling upon demurrers to pleadings."

Which the house has amended as follows:

Strike out everything after the enacting clause and substitute in lieu thereof the following:

"SECTION 1. Waiver of Demurrer.] In all cases, civil or criminal, in which any or either party shall demur to any indictment, information, complaint, answer, or other pleading of the adverse party, and said demurrer shall be overruled, the party demurring shall be given the right to plead over, by traverse or otherwise, without waiving his said demurrer; and upon appeal shall have the right to insist upon his demurrer and have the benefit thereof as fully as if he had not pleaded over.

"SEC. 2. Whereas there is no law now in existence covering waiver of demurrer, an emergency is deemed to exist; therefore, this act shall take effect and be in force from and after its passage and approval."

And passed as amended.

Very respectfully

P. D. NORTON,

Chief Clerk.

REFERENCE OF THE JOURNAL.

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

Mr. President:

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

On page 3, lines 25 and 26, strike out enacting clause and insert in lieu thereof "a bill for an act amending section 1, chapter 75, of the session laws of 1903, relating to deposits of county funds.

On page 4, lines 37 and 38, strike out enacting clause and insert in lieu thereof: "A bill for an act to amend section 1478 of the Revised Codes of 1905, relating to residence of the poor."

On page 14, line 23, insert the word "minority" after the word "the."

On page 15, line 1, insert the word "majority" after the word "the."

On page 38 change "House Bill No. 143" to "House Bill No. 243."

And when so amended recommend that the same be approved.

J. D. TAYLOR,

Chairman.

Mr. Taylor moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

REPORT OF STANDING COMMITTEES

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 339,

A bill for an act making an appropriation to the Dickinson experiment station located at the city of Dickinson in Stark county.

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

J. LAMOURE,
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted..

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 217,

A bill for an act to provide for the establishment and maintenance of county training schools for teachers.

Have had the same under consideration and report it back without recommendation.

J. LAMOURE,
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 314,

A bill for an act to appropriate money to defray the expense of prosecuting and defending litigation growing out of the enforcement of laws relating to the regulation of rates of compensation for the transportation of freight and passengers by common carriers.

Have had the same under consideration and report it back without recommendation.

J. LAMOURE,
Chairman.

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

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 154,

A bill for an act entitled, An act to reimburse judges of the district court for their actual and necessary expenses while absent from home engaged in the discharge of official duties and while absent from home engaged in the discharge of the duties of a judge of the supreme court.

Have had the same under consideration and report it back without recommendation.

J. LAMOURE,
Chairman.

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

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 237,

A bill for an act to create the North Dakota state board of horticulture, to prescribe its powers and duties, and to appropriate money therefor.

Have had the same under consideration and report it back without recommendation.

J. LAMOURE,
Chairman.

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

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate bill No. 13,

A bill for an act to create a State Board of Control, and to provide for the management and control of charitable, reformatory, penal and educational institutions of the state, and to make an appropriation therefor, and abolishing existing boards governing such institutions.

Have had the same under consideration and report it back without recommendation.

J. LAMOURE,
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 140,

A bill for an act to create a permanent state board of equalization, and making an appropriation therefor.

Have had the same under consideration and report it back without recommendation.

J. LAMOURE,
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 166.

A bill for an act to amend sections 367 and 369 of the Revised Codes of 1905 relating to powers and duties of the commission of railroads.

Have had the same under consideration and report it back without recommendation.

J. LAMOURE,
Chairman.

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

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred
Senate Bill No. 50,
A bill for an act to encourage elementary education and
appropriate money therefor.

Have had the same under consideration and report it back without recommendation.

J. LAMOURE,
Chairman.

Mr. LaMoure moved
That the report be adopted.
Which motion prevailed and
The report of the committee was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred
Senate Bill No. 219,
A bill for an act to provide for the payment of necessary
expenses for the governor of the state of North Dakota.

Have had the same under consideration and report it back without recommendation.

J. LAMOURE,
Chairman.

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

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 283,

A bill for an act to provide a building for the model high school in connection with teachers' college at the state university and school of mines of North Dakota, and making an appropriation therefor.

Have had the same under consideration and report it back without recommendation.

J. LAMOURE,
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 284,

A bill for an act to provide equipment for the mechanical laboratory of the college of mechanical and electrical engineering at the state university and school of mines of North Dakota and making an appropriation therefor.

Have had the same under consideration and report it back without recommendation.

J. LAMOURE,
Chairman.

Mr. LaMoure moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 130,

A bill for an act to prevent the development and dissemination of the seeds of noxious weeds.

Have had the same under consideration and report it back without recommendation.

J. LAMOURE,
Chairman.

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

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred
Senate Bill No. 208.

A bill for an act to regulate the selling, offering or exposing of seeds for sale, and providing an appropriation for carrying out the same.

Have had the same under consideration and report it back without recommendation.

J. LAMOURE,
Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 322,

A bill for an act to amend section 7045 of the Revised Codes of North Dakota of 1905 relating to when another judge may be called in for prejudice or bias.

Have had the same under consideration and recommend that the same be indefinitely postponed.

C. B. LITTLE,
Chairman.

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

The committee on judiciary made the following report:
Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 287,
A bill for an act to legalize certain foreclosures of real
estate mortgages.
Have had the same under consideration and recommend
that the same be indefinitely postponed.

C. B. LITTLE,
Chairman.

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

The committee on judiciary made the following report:
Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 210,
A bill for an act to amend section 5572 of the Revised
Codes of 1905, relating to master and servant.
Have had the same under consideration and recommend
that the same do pass.

C. B. LITTLE,
Chairman.

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

The committee on judiciary made the following report:
Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 159,
A bill for an act to amend section 3880 of the Revised
Codes of North Dakota for 1905 relating to the salaries
of clerks of the district court.
Have had the same under consideration and recommend
that the same do pass.

C. B. LITTLE,
Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 151,

A bill for an act to amend section 5743 of the Revised Codes of the state of North Dakota for the year 1905, relating to the foreclosure of mortgages of real property containing a power of sale, and limiting the time in which such mortgages may be foreclosed by advertisement.

Have had the same under consideration and recommend that the same be indefinitely postponed.

C. B. LITTLE,
Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 340,

A bill for an act reinstating and validating the charter of corporations that have been canceled for failure to make and file with the secretary of state reports as required under section 4168 Revised Codes 1905.

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

C. B. LITTLE,
Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 291,

A bill for an act making it a misdemeanor for an em-

ployee to obtain railway or other transportation, or the benefit of other advancements made by employers to be thereafter repaid in labor, to refuse to perform such labor or repay such advancements and providing for punishment thereof.

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

C. B. LITTLE,
Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 300,

A bill for an act to amend section 3213 of the Revised Codes of the state of North Dakota of 1905 relating to townships purchasing road machinery.

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

C. B. LITTLE,
Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 286,

A bill for an act to prohibit the uttering of profane, lascivious or obscene language over telephones in this state.

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

C. B. LITTLE,
Chairman.

Mr. Little moved
That the report be adopted.
Which motion prevailed, and
The report of the committee was adopted.

The committee on counties made the following report:

Mr. President:

Your committee on counties to whom was referred
Senate Bill No. 325,

A bill for an act amending and re-enacting section 2592
of the Revised Codes of 1905, relating to salary of county
auditors.

Have had the same under consideration and recommend
that the same do pass.

A. E. JOHNSON,
Chairman.

Mr. Johnson of McLean moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 49,

A bill for an act to amend section 429 of chapter 6 of the
Political Code of 1905, relating to vacancies in the board
of county commissioners.

Have had the same under consideration and recommend
that the same be amended as follows:

That all of section 1 be stricken out and the following be inserted as
section 1 in lieu thereof:

"SECTION 1. Amendment.] That section 429 of chapter 6 of the political
code of 1905 be amended and re-enacted to read as follows:

"Sec. 429. Vacancies in Board of County Commissioners, How Filled.]
When a vacancy occurs in the board of county commissioners, it shall be
the duty of the remaining members of the board, with the county judge and
auditor, immediately to appoint some suitable person to fill such vacancy
from the district in which such vacancy occurred. In case a majority of
such officers fail to agree upon a person to fill such vacancy the county
treasurer shall be called in and act as an additional member of such board,
to fill such vacancy. The appointee shall hold office until his successor is
elected at the next general election and qualified."

And when so amended recommend the same do pass

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 290,

A bill for an act entitled "An act providing that when a change of venue is obtained in a civil action pending in a justice's court of this state that garnishment proceedings had in such action shall be transferred with such action and that such change of venue shall carry with it the garnishment proceedings in the action in which the change of venue is obtained.

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on public health made the following report:

Mr. President:

Your committee on public health to whom was referred
House Bill No. 115,

A bill for an act to protect the traveling public from being compelled to eat adulterated food stuffs served in hotels, restaurants, and boarding houses in the state of North Dakota, without having due notice thereof.

Have had the same under consideration and recommend that the same do pass.

J. D. TAYLOR,
Chairman.

Mr. Taylor moved

That the report be adopted,

Which motion prevailed and

The report of the committee was adopted.

The committee on mines and minerals made the following report:

Mr. President:

Your committee on mines and minerals to whom was referred

House Bill No. 263,

A bill for an act providing for the keeping of books con-

taining statistical information to be furnished to the commissioner of agriculture and labor, and for the making of reports regarding such statistics, and prescribing a penalty for violation.

Have had the same under consideration and recommend that the same do pass.

K. S. RAMSETT,
Chairman.

Mr. Ramsett moved
That the report be adopted.
Which motion prevailed, and
The report of the committee was adopted.

The committee on agriculture made the following report:
Mr. President:

Your committee on agriculture to whom was referred
Senate Bill No. 332,
A bill for an act to prevent the exhaustion of the fertility
of the soil.

Have had the same under consideration and recommend
that the same be indefinitely postponed.

IVER SWENSON,
Chairman.

Mr. Swenson moved
That the report be adopted,
Which motion prevailed, and
The report of the committee was adopted.

The committee on education made the following report:
Mr. President:

Your committee on education to whom was referred
House Bill No. 116,
A bill for a concurrent resolution amending the consti-
tution of the state of North Dakota, establishing and locat-
ing a state normal school in the city of Minot, county of
Ward.

Have had the same under consideration and recommend
that the same be amended as follows:

Strike out all of section 1 of engrossed bill and substitute the following:
"SECTION 1. That the following proposed amendment to section 216 of the
constitution of the state of North Dakota be referred to the legislative
assembly to be chosen at the next general election in said state to be by
said last mentioned legislative assembly submitted to the qualified electors of

the state for approval or rejection in accordance with the provisions of section 202 of the constitution of the state of North Dakota."

And when so amended recommend the same do pass.

F. S. TALCOTT,
Chairman.

Mr. Talcott moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on education made the following report:

Mr. President:

Your committee on education to whom was referred

House Bill No. 75,

A bill for an act to amend section 835 of the Revised Codes of 1905, providing for the enumeration of children of school age.

Have had the same under consideration and recommend that the same do pass.

F. S. TALCOTT,
Chairman.

Mr. Talcott moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on public lands made the following report.

Mr. President:

Your committee on public lands to whom was referred

House Bill No. 279,

A bill for an act to amend section 165 of the Revised Codes of 1905 of chapter 4 of the Political Code of the state of North Dakota, providing for the appointment of a deputy commissioner of university and school lands.

Have had the same under consideration and recommend that the same be amended as follows:

Add section 2: whereas there is now no provision of law creating the office of deputy land commissioner, an emergency is deemed to exist; therefore, this act shall be in force from and after its passage and approval."

And when so amended recommend the same do pass.

E. A. MOVIUS,
Chairman.

Mr. Movius moved
That the report be adopted.
Which motion prevailed, and
The report of the committee was adopted.

The committee on game and fish made the following report:

Mr. President:

Your committee on game and fish to whom was referred
Senate Bill No. 6,

A bill for an act to repeal sections numbered 9456, 9457, 9458, 9459, 9460, 9461, 9462, 9468 and 9470 of article 1, chapter 22 of the Revised Codes of 1905, relating to game.

Have had the same under consideration and recommend that the same be indefinitely postponed.

THEODORE KOFFEL,
Chairman.

Mr. Koffel moved
That the report be adopted,
Which motion prevailed, and
The report of the committee was adopted.

The committee on cities and municipal corporations made the following report:

Mr. President:

Your committee on cities and municipal corporations to whom was referred

House Bill No. 309,

A bill for an act prohibiting the establishment of a hospital for the treatment of patients for pay in any residence block of any city without the consent of the inhabitants of such block.

Have had the same under consideration and recommend that the same do pass.

H. H. STEELE,
Chairman.

Mr. Steele moved
That the report be adopted.
Which motion prevailed and
The report of the committee was adopted.

The committee on cities and municipal corporations made the following report:

Mr. President:

Your committee on cities and municipal corporations to whom was referred

House Bill No. 150,

A bill for an act amending section 2887 of the Revised Codes of 1905 relating to the powers of village marshals and to legalize past acts of village marshals.

Have had the same under consideration and recommend that the same do pass.

H. H. STEELE,
Chairman.

Mr. Steele moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted..

The committee on temperance made the following report:

Mr. President:

Your committee on temperance to whom was referred

House Bill No. 234,

A bill for an act to amend section 9358 of the Revised Codes of the state of North Dakota for the year 1905, relating to prohibition, and to repeal sections 9354, 9355, 9356, 9357 and 9359 of said Codes.

Have had the same under consideration and recommend that the same be amended as follows:

By amending the title of the bill as follows: "A bill for an act to repeal sections 9354, 9355, 9356, 9357 and 9359 of the Revised Codes of the state of North Dakota for the year 1905."

And by striking out all of section 1 of the printed bill.

And in line 1, section 2 of the printed bill, strike out the figure "2" and insert the figure "1" in lieu thereof.

And when so amended recommend the same do pass.

H. H. STROM,
Chairman.

Mr. Strom moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on railroads made the following report:
Mr. President:

Your committee on railroads to whom was referred
House Bill No. 323,

A bill for an act providing for the safety of trainmen operating trains on railroads within the state of North Dakota and providing for the construction of cabooses for trainmen.

Have had the same under consideration and recommend that the same do pass.

E. F. GILBERT,
Chairman.

Mr. Gilbert moved

That the report be adopted,
Which motion prevailed, and

The report of the committee was adopted.

The committee on corporations other than municipal made the following report:

Mr. President:

Your committee on corporations other than municipal to whom was referred

House Bill No. 308,

A bill for an act to amend section 4587, Revised Codes of North Dakota of 1905, relating to cemetery corporation.

Have had the same under consideration and recommend that the same do pass.

MAYNARD CRANE,
Chairman.

Mr. Crane moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred

House Bill No. 292,

A bill for an act to amend section 9202 of chapter 50 of the Revised Codes of 1905 for the state of North Dakota, relating to the manner of payment of reward for the arrest and conviction of horse and cattle thieves.

Have had the same under consideration and recommend that the same do pass.

J. B. SHARPE,
Chairman.

Mr. Sharpe moved
That the report be adopted.
Which motion prevailed, and
The report of the committee was adopted..

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred
House Bill No. 219,

A bill for an act to amend sections 1378 and 1380 of the Revised Codes of 1905 relating to locating and building of bridges.

Have had the same under consideration and recommend that the same do pass.

J. B. SHARPE,
Chairman.

Mr. Sharpe moved
That the report be adopted.
Which motion prevailed, and
The report of the committee was adopted.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills to whom was referred

Senate Bill No. 10,

A bill for an act requiring railroad companies to report all wrecks and casualties wherein any person is injured or killed, to the railroad commissioners.

Also,

Senate Bill No. 15.

A bill for an act providing for the creating of a public health laboratory, for the control of such laboratory, and duties of the director, for the appointment of a director of such laboratory who shall be ex-officio state bacteriologist.

Also,

Senate Bill No. 48,

A bill for an act to repeal sections 395, 396, 397, 398 and 399 of the Revised Codes of 1905, relating to state weather bureau.

Also,

Senate Bill No. 94,

A bill for an act for the reservation of lands for the preservation of the Fort Clark and Mandan village sites on certain school lands in Mercer county, North Dakota.

Also,

Senate Bill No. 109,

A bill for an act amending sections 6, 8 and 9 of chapter 108 of the laws of 1903, being sections 1165, 1167 and 1168 of the Revised Codes of 1905, and repealing chapter 76 of the Laws of 1905, in so far as the same applies to the institution for feeble minded.

Also,

Senate Bill No. 134,

A bill for an act establishing and naming a state flower for the state of North Dakota.

Also,

Senate Bill No. 136,

A bill for an act to amend section 2625 of the Revised Codes of 1905, relative to fees for interpreters.

Have carefully examined the same, and find the same correctly enrolled.

GEORGE M. YOUNG,
Chairman.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills to whom was referred

Senate Bill No. 338,

A bill for an act requiring the governor to furnish each legislative assembly a financial and statistical report on state institutions. Requiring institutional trustees to furnish data demanded by the governor for this purpose and providing for payment of the necessary clerical and printing costs of such statements.

Also,

Senate Bill No. 336,

A bill for an act providing that boards of trustees of the state institutions shall file with the governor in each even numbered year a statement of needs for permanent improvements.

Also,

Senate Bill No. 307,

A bill for an act prescribing additional duties of the county surveyor.

Have carefully examined the same, and find the same correctly engrossed.

GEORGE M. YOUNG,

Chairman.

The secretary announced the president was about to sign Senate Bill No. 134,

A bill for an act establishing and naming a state flower for the state of North Dakota.

Also,

Senate Bill No. 109,

A bill for an act amending sections 6, 8 and 9 of chapter 108 of the laws of 1903, being sections 1165, 1167 and 1168 of the Revised Codes of 1905, and repealing chapter 76 of the Laws of 1905, in so far as the same applies to the institution for feeble minded.

Also,

Senate Bill No. 94,

A bill for an act for the reservation of lands for the preservation of the Fort Clark and Mandan village sites on certain school lands in Mercer county, North Dakota.

Also,

Senate Bill No. 48,

A bill for an act to repeal sections 395, 396, 397, 398 and 399 of the Revised Codes of 1905, relating to state weather bureau.

Also,

Senate Bill No. 15,

A bill for an act providing for the creating of a public health laboratory, for the control of such laboratory, and duties of the director, for the appointment of a director of

such laboratory who shall be ex-officio state bacteriologist.

Also,

Senate Bill No. 10,

A bill for an act requiring railroad companies to report all wrecks and casualties wherein any person is injured or killed, to the railroad commissioners.

Also,

Senate Bill No. 136,

A bill for an act to amend section 2625 of the Revised Codes of 1905, relative to fees for interpreters.

Also,

Concurrent resolution relating to love of country.

Also,

Concurrent resolution relating to indorsement of C. A. Everhart for work in connection with world fair at Jamestown.

And the president signed the same in the presence of the senate.

MOTIONS AND RESOLUTIONS.

Mr. LaMoure moved

That P. O. Fossem and Geo. N. Platzer, janitors, and A. Glorvick, messenger, be allowed \$5 per day for their services, and that C. I. Hutchinson be allowed \$5 per day for the last 40 days of the session.

Which motion prevailed.

Mr. LaMoure offered the following resolution and moved its adoption:

Be It Resolved, That the secretary of the senate be authorized to complete and collate the material for the Legislative Manual, prepare the index and read proof upon the manual; and that for such services he be and is hereby allowed the sum of \$50.

Which motion prevailed, and
The resolution was adopted.

EXECUTIVE SESSION.

Mr. Sharpe moved

That the senate now go into executive session.

Which motion prevailed.

OPEN SESSION.

In open session announcement was made of the confirmation of the following executive nominations:

For trustees of the School for the Feeble Minded—

C. I. Christensen of Park River, North Dakota.

J. E. Gray of Grafton, North Dakota.

Col. W. C. Treuman of Grafton, North Dakota.

M. F. Hegge of Hatton, North Dakota.

For trustees of the Mayville Normal School—

Samuel Torgerson of Grand Forks, North Dakota.

M. B. Cassell of Hope, North Dakota.

Charles T. Studness of Churchs Ferry, North Dakota.

For trustees of the Valley City Normal School—

E. R. Brownson of Williston, North Dakota.

John Severn of Jamestown, North Dakota.

For director of the School of Forestry at Bottineau—

A. R. McKay of Bottineau for the term of two years.

For trustee of the Hospital for the Insane—

M. A. Hildreth of Fargo, North Dakota.

For trustees of the blind asylum—

John Childrehouse of St. Thomas, North Dakota.

H. C. Thompson of Bowsmont, North Dakota.

Alexander Morrison of Bathgate, North Dakota.

Trustees of the School for the Deaf at Devils Lake North Dakota—

A. J. F. Voight of Leeds, North Dakota.

Charles M. Fisher of Devils Lake, North Dakota.

Trustees of the State Reform School at Mandan, North Dakota—

Christian Bertsch, Jr., of Bismarck.

Fred F. Fritz of Towner, North Dakota.

Trustees of the Soldiers' Home at Lisbon, North Dakota—

D. F. Siegfried, Sanborn, North Dakota.

O. F. Sperry, Lisbon, North Dakota.

Trustees of the State University at Grand Forks, North Dakota—

James V. Brooke, Cando, North Dakota.

H. T. Helgesen of Milton, North Dakota.

Trustees of the Academy of Science at Wahpeton, North Dakota—

George E. Wallace of Richland county.

Charles Quinn of Richland county.

Member State Board of Pharmacy—

Walter Masters, Willow City, North Dakota.

Member State Board of Dental Examiners—

Dr. E. J. Brownlee of Devils Lake, North Dakota.

District Veterinarians—

First District, Paul Bilden, Northwood, North Dakota.

Second District, D. T. McNaughton, Devils Lake, North Dakota.

Third District, E. H. Hishel, Mayville, North Dakota.

Fourth District, F. H. Farmer, Wahpeton, North Dakota.

Fifth District, J. J. Clary, LaMoure, North Dakota.

Sixth District—William Mackin, Mandan, North Dakota.

Seventh District, A. F. Elliott, Milton, North Dakota.

Tenth District—G. H. Davidson, Rugby, North Dakota.

Eleventh District—F. W. Weston, Dickinson, North Dakota.

Twelfth District, J. W. Robinson, Coal Harbor, North Dakota.

State Examiner—

Oliver Knudson of Nelson county, North Dakota.

Superintendent State Board of Health—

Dr. G. Grassick of Grand Forks, North Dakota.

For trustees of the Agricultural College at Fargo—

Clark W. Kelly of Devils Lake, North Dakota.

James Radford of Warren, North Dakota.

H. R. Hartman of Page, North Dakota.

Mr. Talcott moved

That the majority report of the committee on ways and means on Senate Bill No. 300 be adopted.

Mr. LaMoure moved as a substitute that the report be referred to the committee of the whole.

Which substitute motion prevailed.

Mr. Taylor offered the following resolution and moved its adoption:

Resolved, That the president of the senate be requested to appoint one member of the senate and the secretary of the senate, together with one assistant, as a committee to correct the journal of the sixtieth day, and compare the journal of the session with the written journal, and that they be each allowed \$6.00 per day for the time necessary to do the work.

The president and secretary of the senate are hereby authorized and directed to sign the necessary vouchers for the service.

Which motion prevailed, and

The resolution was adopted.

The president appointed Messrs. Taylor, Foley and Weatherhead as such committee to complete and compare the journal of the senate.

Mr. Johnson moved

That the rules be suspended and that Senate Bills Nos. 103, 339, 217, 227 be given third reading and placed on final passage.

Which motion prevailed.

Senate Bill No. 103,

A bill for an act locating a state normal school at the city of Washburn, in the county of McLean.

Was read the third time.

Mr. Steele moved to amend Senate Bill 103 as follows:

In line 49 of the printed bill strike out the word "Washburn" and insert the word "Minot."

In line 50 strike out the word "McLean" and insert the word "Ward."

Which motion was lost.

Mr. Steele moved to amend Senate Bill 103 as follows:

Section 49 to read as follows: "A state normal school at such place in the county of McLean or Ward as the legislative assembly may hereafter determine."

Which motion was lost.

Mr. Johnson moved to amend Senate Bill 103 as follows:

In line 25 strike out the word "eight" and insert the word "eighty."

Which motion prevailed and

The amendment was adopted.

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 27, nays 9, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Regan
Cashel	McArthur	Rice
Gilbert	McDonald	Sharpe
Halliday	McLean	Simpson
Hanna	Movius	Spoonheim
Johnson of McLean	Palmer	Stade
Johnson of Walsh	Pierce	Taylor
Kelly	Plain	Thatcher
LaMoure	Ramsett	Turner

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Crane	Leutz	Strom
Dyste	Purcell	Wagner
Kraabel	Steele	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Koffel	Swenson	Talcott
Sifton		

So the bill passed as amended and the title was agreed to.

Mr. Johnson of McLean moved

That the vote by which Senate Bill No. 103 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 339,

A bill for an act making an appropriation to the Dickinson experiment station located at the city of Dickinson in Stark county.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 27, nays 9, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McArthur	Sifton
Gilbert	McDonald	Simpson
Halliday	Movius	Stade
Hanna	Palmer	Steele
Johnson of McLean	Pierce	Swenson
Kelly	Ramsett	Talcott
LaMoure	Regan	Taylor
Leutz	Rice	Thatcher
Little	Sharpe	Young

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Crane	McLean	Spoonheim
Johnson of Walsh	Plain	Turner
Kraabel	Purcell	Wagner

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel	Koffel	Strom
Dyste		

So the bill passed and the title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,

BISMARCK, NORTH DAKOTA,

March 5, 1907.

Mr. President:

I have the honor to return herewith

Senate Bill No. 161,

A bill for an act to mend section 1484 of the Political Code Revised Codes of North Dakota 1905.

Also,

Senate Bill No. 45,

A bill for an act defining and providing for the assessment of express companies.

Also,

Senate Bill No. 181,

A bill for an act to amend section 911 of the Revised Code of North Dakota for 1905, relating to notice of elections to vote bonds for school districts.

Also,

Senate Bill No. 52,

A bill for an act regulating life insurance companies and prohibiting the diversion of funds for political purposes.

Which the house has indefinitely postponed.

Very respectfully,

P. D. NORTON,

Chief Clerk.

Senate Bill No. 227,

A concurrent resolution amending the constitution of the state of North Dakota, relating to changing the name of the state reform school.

Was read the third time.

Mr. Leutz moved

That Senate Bill No. 227 be amended as follows:

In line 40, page 3 of the printed bill, strike out the words: "an institution for the feeble minded."

Which motion prevailed, and

The amendment was adopted.

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 35, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Simpson
Cashel	Little	Spoonheim
Crane	McLean	Stade
Dyste	Palmer	Steele
Gilbert	Pierce	Strom
Halliday	Plain	Swenson
Hanna	Purcell	Talcott
Johnson of McLean	Ramsett	Taylor
Johnson of Walsh	Regan	Thatcher
Kelly	Rice	Turner
Kraabel	Sharpe	Wagner
LaMoure	Sifton	

Absent and not voting:

Messrs.—

Koffel
McArthur

Messrs.—

McDonald
Movius

Messrs.—

Young

So the bill passed as amended and the title was agreed to.

Senate Bill No. 217,

A bill for an act to provide for the establishment and maintenance of county training schools for teachers.

Was read the third time.

Mr. Kraabel moved

That Senate Bill No. 217 be re-referred to the committee on education.

Which motion prevailed, and

The bill was so referred.

Mr. Simpson moved

That the vote by which Senate Bills Nos. 103, 339, 227 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

THIRD READING OF SENATE BILLS.

Mr. Johnson of McLean moved

That senate Bill No. 325 be given third reading and placed on final passage.

Which motion prevailed.

Senate Bill No. 325,

A bill for an act amending and re-enacting section 2592 of the Revised Codes of 1905, relating to salary of county auditors.

Was read the third time.

Mr. Johnson of McLean moved

That Senate Bill No. 325 be amended as follows:

In line 41 of the printed bill strike out the word "treasurer" and insert in lieu thereof the word "auditor."

Which motion prevailed, and

The amendment was adopted.

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 35, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—

Albright
Cashel

Messrs.—

Little
McArthur

Messrs.—

Spoonheim
Stade

Messrs.—	Messrs.—	Messrs.—
Crane	McDonald	Steele
Gilbert	McLean	Strom
Halliday	Pierce	Swenson
Hanna	Plain	Talcott
Johnson of McLean	Purcell	Taylor
Johnson of Walsh	Ramsett	Thatcher
Kelly	Regan	Turner
Koffel	Rice	Wagner
Kraabel	Sifton	Young
Leutz	Simpson	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Dyste	Movius	Sharpe
LaMoure	Palmer	

So the bill passed as amended and the title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 5, 1907.

Mr. President:

I have the honor to transmit herewith

Senate Bill No. 235,

A bill for an act to establish the live stock sanitary board of North Dakota and to provide for the suppression and control of dangerous, contagious and infectious diseases of domestic animals.

Also,

Senate Bill No. 332,

A bill for an act to prevent the exhaustion of the fertility of the soil.

Also,

House bill No. 345,

A bill for an act providing for summary administration when estate is of small value.

Also,

House Bill No. 344,

A bill for an act to provide for paving, curbing or macadamizing the highways in civil townships adjoining incor-

porated cities of not less than 6,000 inhabitants, and for the construction of sewers and water mains therein, connecting with city sewers and water mains or with their own trunk sewers, and for the construction of sidewalks.

Also,

House Bill No. 337,

A bill for an act to amend section 364 of the Revised Codes of North Dakota for 1905 relating to the board of railroad commissioners.

Which the house has passed and your favorable consideration thereof is respectfully requested.

Very respectfully,

P. D. NORTON,

Chief Clerk.

Senate Bill No. 298,

A bill for an act requiring each county officer who receives from any county a stated salary of not less than \$2,000 per annum, to keep a record of the fees received by him as such officer, and to pay such fees into the county treasury, and making it a misdemeanor for any such officer to neglect or omit to charge or collect the fees which he is by law allowed to charge or collect, or to fail to keep a record of the same, or to fail to turn over or pay the same into the county treasury.

Was read the third time.

Mr. McArthur moved

That Senate Bill No. 298 be amended as follows:

Wherever the word "fees" appears insert the words "or commission" after word "fees."

Which motion prevailed, and

The amendment was adopted.

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 33, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—

Albright
Cashel
Crane
Dyste
Gilbert
Halliday
Hanna
Johnson of Walsh

Messrs.—

Leutz
Little
McDonald
McLean
Pierce
Plain
Purcell
Ramsett

Messrs.—

Simpson
Spoonheim
Stade
Strom
Swenson
Talcott
Taylor
Thatcher

Messrs.—

Kelly
Koffel
Kraabel

Messrs.—

Rice
Sharpe
Sifton

Messrs.—

Turner
Wagner
Young

Absent and not voting:

Messrs.—

Johnson of McLean
LaMoure
McArthur

Messrs.—

Movius
Palmer

Messrs.—

Regan
Steele

So the bill passed as amended and the title was agreed to.
Mr. Simpson moved

That the consideration of Senate Bill No. 97 be deferred for the present, but that the bill retain its place on the calendar.

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 5, 1907.

Mr. President:

I have the honor to request the return to the house of Senate Bill No. 52,

A bill for an act regulating life insurance companies and prohibiting the diversion of funds for political purposes.

Which was returned to the senate today indefinitely postponed.

Very respectfully,

P. D. NORTON,
Chief Clerk.

Mr. Hanna moved

That the request of the house relative to the return of Senate Bill No. 52 be granted.

Which motion prevailed.

House Bill No. 338,

A bill for an act authorizing the secretary of state on the approval of the governor to receive and receipt to the United States surveyor general of the district of North Dakota for all the field notes, maps, records and other papers appertaining to land titles within the state of North Dakota, and for such other property and records as the

government may direct to be turned over to the state when all of the public surveys of the state of North Dakota shall have been completed.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were ayes 30, nays none, absent and not voting 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kraabel	Spoonheim
Cashel	LaMoure	Stade
Crane	Little	Steele
Dyste	Plain	Strom
Gilbert	Purcell	Talcott
Halliday	Ramsett	Taylor
Hanna	Rice	Thatcher
Johnson of McLean	Sharpe	Turner
Johnson of Walsh	Sifton	Wagner
Kelly	Simpson	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Koffel	McLean	Pierce
Leutz	Movius	Regan
McArthur	Palmer	Swenson
McDonald		

So the bill passed and the title was agreed to.

Mr. Crane moved

That the vote by which the report of the committee on state affairs on Senate Bill No. 336 was adopted be reconsidered, and that the bill be placed on final passage without amendment.

Which motion prevailed.

Senate Bill No. 336,

A bill for an act providing that boards of trustees of the state institutions shall file with the governor in each even numbered year a statement of needs for permanent improvements.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 32, nays none, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Stade
Cashel	Little	Steele
Crane	Palmer	Strom
Dyste	Plain	Swenson
Gilbert	Purcell	Talcott

Messrs.—	Messrs.—	Messrs.—
Hanna	Ramsett	Taylor
Johnson of McLean	Rice	Thatcher
Johnson of Walsh	Sharpe	Turner
Kelly	Sifton	Wagner
Kraabel	Simpson	Young
LaMoure	Spoonheim	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Halliday	McDonald	Pierce
Koffel	McLean	Regan
McArthur	Movius	

So the bill passed and the title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 5, 1907.

Mr. President:

I have the honor to transmit herewith

House Bill No. 288,

A bill for an act to amend section 434 of the Political Code.

Also,

House Bill No. 324,

A bill for an act to amend chapter 79 of the Revised Codes of 1905, relating to mechanic's liens.

Also,

House Bill No. 249,

A bill for an act to enable purchasers of any article of commerce to set up defects in such article of commerce as a counter claim in an action for the purchase price thereof, notwithstanding provisions of the contract of sale to the contrary.

Also,

House Bill No. 296,

A bill for an act to amend sections 938, 939, 940, 941 and 943 of the Revised Codes of 1905 of the state of North Dakota, relating to the creation of special school districts in incorporated cities, towns and villages constituting a part of a school district, and to divide the property and indebtedness of such school district.

Also,

House Bill No. 112,

A bill for an act to amend section 829 of the Revised Codes of North Dakota for 1905 relating to education.

Which the house has passed and your favorable consideration thereof is respectfully requested.

Very respectfully,

P. D. NORTON,

Chief Clerk.

Senate Bill No. 307,

A bill for an act prescribing additional duties of the county surveyor.

Was read the third time.

Mr. Regan moved

That Senate Bill No. 307 be amended:

By changing section 7 so as to read as follows:

"SEC. 7. Provided that this act shall not take effect until January 1st, 1909."

Which motion prevailed, and

The amendment was adopted.

Senate Bill No. 307,

A bill for an act prescribing additional duties of the county surveyor.

Was read the third time.

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 32, nays none, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Spoonheim
Cashel	Little	Stade
Crane	McArthur	Steele
Dyste	McLean	Strom
Gilbert	Palmer	Swenson
Halliday	Plain	Talcott
Hanna	Purcell	Taylor
Johnson of McLean	Ramsett	Thatcher
Johnson of Walsh	Regan	Turner
Kelly	Sharpe	Wagner
Koffel	Sifton	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Kraabel	Movius	Simpson
Leutz	Pierce	Young
McDonald	Rice	

So the bill passed as amended and the title was agreed to.

Mr. Talcott moved

That House Bill No. 116 be given third reading and placed on final passage.

Which motion was lost.

Mr. Regan moved

That the senate resolve itself into the committee of the whole for the consideration of House Bill No. 278.

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 5, 1907.

Mr. President:

I have the honor to transmit herewith

House Bill No. 318,

A bill for an act entitled an act to grant to urban electric railways all of the rights, privileges and power granted to steam railways.

Also,

House bill No. 343,

A bill for an act to amend section 7253 of the Revised Codes of 1905, relating to witnesses and evidence.

Which the house has passed and your favorable consideration thereof is respectfully requested.

Very respectfully,

P. D. NORTON,
Chief Clerk.

COMMITTEE OF THE WHOLE.

Mr. Talcott in the chair.

When the committee rose it submitted the following report:

Mr. President:

The committee of the whole have had under consideration House Bill No. 278,

A bill for an act to fix the number of the senate and representatives which shall compose the legislative assembly and to define the senatorial and representative districts of

the state of North Dakota, and prescribe the number of senators and representatives therein.

Report progress and beg leave to sit again.

F. S. TALCOTT,
Chairman.

Mr. Talcott moved
That the report be adopted,
Which motion prevailed, and
The report was adopted.

Mr. Sharpe moved
That the senate return to the sixth order of business.
Which motion prevailed.

The committee on state affairs made the following report:

Mr. President:

Your committee to whom was referred
House Bill No. 183,

A bill for an act to amend chapter 24 of the laws of 1905, being sections 2213, 2218 and 2226, in relation to oil inspection.

Recommend the same be amended as follows:

Amend the title by inserting section 2215 after 2213.

Amend section 1 to read: "Section 2213 Revised Codes."

Amend section 2215 so as to read as follows: "2215. Apparatus.] The state inspector of oils shall immediately upon the appointment and qualification of the deputies named in section 2213, procure and furnish such deputies such apparatus as may be necessary to carry out the provisions of this article. He may also purchase from time to time the apparatus for making tests of illuminating oils and gasoline as hereinafter provided, and pay for books, blanks, necessary office supplies and for expenses in connection with monthly examinations of deputies' books and methods. The funds for the purchase shall be taken from the oil inspection fund."

Amend the sixth subdivision of section 6 by inserting after the word "test" in the third line of said subdivision the following: "Provided, the number of samples thus submitted to the agricultural college and the state university shall not in any month exceed the capacity of such institutions for testing the same."

J. B. SHARPE,
Chairman.

Mr. Sharpe moved
That the report be adopted,
Which motion prevailed, and
The report of the committee was adopted.

Mr. Rice moved

That the senate return to the sixteenth order of business, and that House Bill No. 116 be read the third time and placed on final passage.

Which motion prevailed, and

House Bill No. 116,

A bill for a concurrent resolution amending the constitution of the state of North Dakota, establishing and locating a state normal school in the city of Minot, county of Ward.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes 33, nays 3, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McDonald	Spoonheim
Cashel	McLean	Stade
Gilbert	Pierce	Steele
Hanna	Plain	Strom
Johnson of McLean	Purcell	Swenson
Johnson of Walsh	Ramsett	Talcott
Kelly	Regan	Taylor
Kraabel	Rice	Thatcher
LaMoure	Sharpe	Turner
Little	Sifton	Wagner
McArthur	Simpson	Young

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Crane	Dyste	Leutz

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Halliday	Movius	Palmer
Koffel		

So the bill passed and the title was agreed to.

Mr. Rice moved

That the vote by which House Bill No. 116 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 5, 1907.

Mr. President:

I have the honor to request the return to the house of House Bill No. 100,

A bill for an act to amend section 1313 of the Revised Codes of 1905 of the state of North Dakota, relating to county fairs.

Which was transmitted to the senate on March 4 by mistake.

Very respectfully,

P. D. NORTON,
Chief Clerk.

COURTESIES OF THE FLOOR.

The courtesies of the floor were extended to M. C. Lasen, Col. John A. Bird, W. H. Pray, F. E. Ployhar, W. C. Gray, M. M. Murphy, C. R. Meredith, C. N. Valentine, M. B. Cassell, E. C. Gordon.

Mr. Regan moved.

That the senate take a recess until 10 o'clock tomorrow morning.

Which motion prevailed and

The senate took a recess to 10 o'clock tomorrow.

J. W. FOLEY,
Secretary.

FIFTY-SEVENTH DAY—AFTER RECESS
AND
FIFTY-EIGHTH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 6, 1907.

The senate convened at 10 o'clock pursuant to recess taken.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 6, 1907.

Mr. President:

I have the honor to return herewith •

Senate Bill No. 59,

A bill for an act requiring an annual apportionment and accounting of surplus of life insurance companies as to policies heretofore issued.

Also,

Senate Bill No. 152,

A bill for an act to provide for the safe keeping of documents and bonds required to be deposited in the office of the county auditor.

Also,

Senate Bill No. 179,

A bill for an act to prohibit discrimination by life insurance companies and providing penalties for violation thereof.

Also,

Senate Bill No. 175,

A bill for an act defining the status of persons soliciting life insurance.

Also,

Senate Bill No. 120,

A bill for an act to repeal chapter 59 of the Session Laws of 1897 being section 5334 of the Revised Codes of 1905 in relation to the method of proof of written instruments and contracts to which there are one or more subscribing witnesses, and to re-enact the same.

Also,

Senate Bill No. 9,

A bill for an act to amend and re-enact section 2330 of the Revised Codes of 1905, relating to the division of counties.

Also,

Senate Bill No. 250,

A bill for an act to amend section 2771 of the Revised Codes of 1905, regulating sewers.

Also,

Senate Bill No. 67.

A bill for an act to amend section 5404 of the Revised Codes of 1905, relating to effect of highways or railways, on right of way therefor, over or upon the lands conveyed.

Also,

Senate Bill No. 40,

A bill for an act to promote the safety of employees and travelers upon railways by limiting the hours of service of employees thereon, and making the violation thereof a misdemeanor, providing a punishment therefor, requiring railroad commissioners to investigate the same and notify the attorney general thereof whose duty it shall be to prosecute the same.

Also,

Senate Bill No. 210.

A bill for an act in relation to the taxation of grain grown within this state and held therein in elevators, warehouses and granaries.

Also,

Senate Bill No. 274,

A bill for an act requiring the secretary or other executive officer of every county, district or state fair association or other exhibit at which the resources or products of the state are placed on exhibition, to file with the commissioner of agriculture and labor a list of the dates claimed by said association for the purpose of conducting the same.

Also,

Senate Bill No. 176,

A bill for an act to prohibit misrepresentations by life insurance companies.

Also,

Senate Bill No. 183,

A bill for an act regulating the retirement of capital stock in certain cases.

Which the house has passed unchanged.

Very respectfully,

P. D. NORTON,

Chief Clerk.

Mr. LaMoure moved

That the senate proceed to the third reading of house bills.

Which motion prevailed.

House Bill No. 183,

A bill for an act to amend chapter 24 of the laws of 1905, being sections 2213, 2215, 2218 and 2226, in relation to oil inspection.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 29, nays none, absent and not voting 11.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Spoonheim
Cashel	Leutz	Stade
Crane	Little	Strom
Dyste	McArthur	Swenson
Gilbert	McDonald	Talcott
Halliday	McLean	Taylor
Hanna	Plain	Thatcher
Johnson of McLean	Ramsett	Turner
Johnson of Walsh	Sharpe	Wagner
Kraabel	Sifton	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Kelly	Pierce	Simpson
Koffel	Purcell	Steele
Movius	Regan	Young
Palmer	Rice	

So the bill passed and the title was agreed to.

Mr. LaMoure moved

That the vote by which House Bill No. 183 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 206,

A bill for an act to provide for the payment of the necessary traveling expenses of district judges.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 31, nays none, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Simpson
Cashel	Little	Spoonheim
Crane	McArthur	Stade
Dyste	McDonald	Strom
Gilbert	McLean	Swenson
Halliday	Plain	Talcott
Hanna	Ramsett	Taylor
Johnson of McLean	Rice	Thatcher
Johnson of Walsh	Sharpe	Turner
Kraabel	Sifton	Wagner
LaMoure		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Kelly	Palmer	Regan
Koffel	Pierce	Steele
Movius	Purcell	Young

So the bill passed and the title was agreed to.

House Bill No. 63,

A bill for an act prescribing a penalty for letting any building or portion of any building, knowingly, for the purpose of unlawful dealing in intoxicating liquors.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 27, nays 4, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Spoonheim
Cashel	Little	Strom
Crane	McArthur	Swenson
Dyste	McDonald	Talcott
Gilbert	McLean	Taylor
Halliday	Plain	Thatcher
Hanna	Ramsett	Turner
Johnson of Walsh	Rice	Wagner
Kraabel	Sifton	Young

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Johnson of McLean	Sharpe	Stade
Leutz		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Kelly	Palmer	Regan
Koffel	Pierce	Simpson
Movius	Purcell	Steele

So the bill passed and the title was agreed to.

Mr. Strom moved

That the vote by which House Bill No. 63 passed be reconsidered, and the motion to reconsider be laid on the table. Which motion prevailed.

House bill No. 17,

A bill for an act to amend section 2082 of the revised codes of 1905, relating to forest tree culture.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 31, nays none, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Spoonheim
Cashel	Little	Stade
Crane	McArthur	Strom
Dyste	McDonald	Swenson
Gilbert	McLean	Talcott
Halliday	Plain	Taylor
Hanna	Ramsett	Thatcher
Johnson of McLean	Rice	Turner
Johnson of Walsh	Sharpe	Wagner
Kraabel	Sifton	Young
LaMoure		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Kelly	Palmer	Regan
Koffel	Pierce	Simpson
Movius	Purcell	Steele

So the bill passed and the title was agreed to.

House Bill No. 81,

A bill for an act requiring bi-ennial reports to be made by the superintendents of sub-experiment stations.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes 31, nays none, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Spoonheim
Cashel	Little	Stade
Crane	McArthur	Strom
Dyste	McDonald	Swenson
Gilbert	McLean	Talcott
Halliday	Plain	Taylor
Hanna	Ramsett	Thatcher
Johnson of McLean	Rice	Turner
Johnson of Walsh	Sharpe	Wagner
Kraabel	Sifton	Young
LaMoure		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Kelly	Palmer	Regan
Koffel	Pierce	Simpson
Movius	Purcell	Steele

So the bill passed and the title was agreed to.

House bill No. 36,

A bill for an act to amend section 2825 of the revised codes of North Dakota, of 1905, relating to extension of corporate limits of cities.

Was read the third time.

The question being on the final passage of the bill,
The roll was called and there were ayes 30, nays none,
absent and not voting 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sifton
Cashel	Little	Spoonheim
Crane	McArthur	Stade
Dyste	McDonald	Strom
Gilbert	McLean	Swenson
Halliday	Plain	Talcott
Hanna	Purcell	Taylor
Johnson of McLean	Ramsett	Thatcher
Johnson of Walsh	Rice	Turner
LaMoure	Sharpe	Wagner

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Kelly	Palmer	Simpson
Koffel	Pierce	Steele
Kraabel	Regan	Young
Movius		

So the bill passed and the title was agreed to.

House Bill No. 132,

A bill for an act to regulate the manufacture of dairy products and imitations and substitutes therefor, prescribing penalties for violations; to create the office of assistant dairy commissioner; prescribing his duties and fixing his salary; and to repeal sections 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105 and 2106 of the Revised Codes of 1905.

Was read the third time,

The question being on the final passage of the bill.

The roll was called and there were ayes 31, nays none,
absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McArthur	Spoonheim
Cashel	McDonald	Stade
Crane	McLean	Strom
Dyste	Movius	Swenson
Hanna	Plain	Talcott
Johnson of McLean	Purcell	Taylor
Johnson of Walsh	Ramsett	Thatcher
Kraabel	Rice	Turner
LaMoure	Sharpe	Wagner
Leutz	Sifton	Young
Little		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gilbert	Koffel	Regan
Halliday	Palmer	Simpson
Kelly	Pierce	Steele

So the bill passed and the title was agreed to.

House Bill No. 137,

A bill for an act relating to the use of railroad tracks for highway purposes.

Was read the third time,

The question being on the final passage of the bill.

The roll was called and there were ayes 31, nays none, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sifton
Cashel	McArthur	Spoonheim
Crane	McDonald	Stade
Dyste	McLean	Strom
Halliday	Movius	Swenson
Hanna	Plain	Talcott
Johnson of McLean	Purcell	Taylor
Johnson of Walsh	Ramsett	Thatcher
Kraabel	Rice	Turner
LaMoure	Sharpe	Wagner
Leutz		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gilbert	Palmer	Simpson
Kelly	Pierce	Steele
Koffel	Regan	Young

So the bill passed and the title was agreed to.

House Bill No. 90,

A bill for an act requiring elevator companies transacting business in this state, to return certificate of inspection and weigh-master's certificate of weight to local buyer.

Was read the third time,

The question being on the final passage of the bill,

The roll was called and there were ayes 29, nays none, absent and not voting 11.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Spoonheim
Cashel	Little	Stade
Crane	McDonald	Strom
Dyste	McLean	Swenson
Halliday	Movius	Talcott
Hanna	Plain	Taylor

Messrs.—	Messrs.—	Messrs.—
Johnson of McLean	Purcell	Thatcher
Johnson of Walsh	Ramsett	Turner
Kraabel	Sharpe	Wagner
LaMoure	Sifton	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gilbert	Palmer	Simpson
Kelly	Pierce	Steele
Koffel	Regan	Young
McArthur	Rice	

So the bill passed and the title was agreed to.

House Bill No. 120,

A bill for an act to amend chapter 65 of the Penal Code of the Revised Codes of 1905 of the state of North Dakota, relating to the enforcement of the prohibition law.

Was read the third time,

The question being on the final passage of the bill,

The roll was called and there were ayes 26, nays 2, absent and not voting 12.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Cashel	Movius	Stade
Crane	Plain	Strom
Dyste	Purcell	Swenson
Halliday	Ramsett	Talcott
Hanna	Regan	Taylor
Johnson of McLean	Rice	Thatcher
Johnson of Walsh	Sharpe	Turner
Kraabel	Sifton	Wagner
McLean	Spoonheim	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gilbert	Little	Pierce
Kelly	McArthur	Simpson
Koffel	McDonald	Steele
LaMoure	Palmer	Young

Messrs. Albright and Leutz voted in the negative.

So the bill passed and the title was agreed to.

Mr. Strom moved

That the vote by which House Bill No. 120 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 64,

A bill for an act providing for the revision and compilation of the school laws of the state of North Dakota and appropriate money therefor.

Was read the third time,

The question being on the final passage of the bill.

The roll was called and there were ayes 30, nays none, absent and not voting 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McDonald	Spoonheim
Cashel	McLean	Stade
Crane	Movius	Steele
Dyste	Plain	Strom
Halliday	Purcell	Swenson
Hanna	Ramsett	Talcott
Johnson of McLean	Regan	Taylor
Johnson of Walsh	Rice	Thatcher
Kraabel	Sharpe	Turner
Leutz	Sifton	Wagner

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gilbert	Little	Pierce
Kelly	McArthur	Simpson
Koffel	Palmer	Young
LaMoure		

So the bill passed and the title was agreed to.

House Bill No. 195,

A bill for an act providing for the publication and registration of special tax receipts or licenses from the government of the United States to sell distilled, malt and fermented liquors, issued to persons in North Dakota, the payment and collection of registration fees and publication fees, regulating the posting and exhibiting of such tax receipts or licenses, prescribing the duties of officials and owners and lessors of property in relation thereto, prescribing penalties for failure to perform the duties prescribed and other regulations pertaining to the sale of intoxicating liquors.

Was read the third time.

Mr. Strom moved to amend House Bill No. 195 as follows:

Section 9, line 2, strike out words "procure from" and insert words "apply to" in lieu thereof.

Also, in line 3, section 9, between the words "month" and "a" insert the word "for."

Which motion prevailed, and

The amendments were adopted.

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 29, nays 4, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Cashel	McLean	Steele
Crane	Movius	Strom
Dyste	Plain	Swenson
Hanna	Purcell	Talcott
Johnson of McLean	Ramsett	Taylor
Johnson of Walsh	Regan	Thatcher
Kraabel	Rice	Turner
LaMoure	Sifton	Wagner
McArthur	Spoonheim	Young
McDonald	Stade	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sharpe
Halliday		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gilbert	Little	Pierce
Kelly	Palmer	Simpson
Koffel		

So the bill passed as amended and the title was agreed to.

Mr. Strom moved

That the vote by which House Bill No. 195 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 6, 1907.

Mr. President:

I have the honor to return herewith

Senate Bill No. 273,

A bill for an act to amend section 4392 of the Revised Codes of the state of North Dakota for 1905, relating to the construction of "Ys" and transfer facilities at railroad crossings, and providing a penalty for the violation thereof.

Which the house has amended

By adding at the end of section 2: "Provided that the provisions of this act shall not apply to railroads where the crossing is by tressle bridge."

And passed as amended.

Also,

Senate Bill No. 205,

A bill for an act entitled an act to amend sections 1819, 1820, 1821, 1822, 1823, 1827, 1828, 1831, 1832, 1835, 1840 and 1849 of the Revised Codes of 1905, the same being embraced in chapter 23 of the Political Code relating to drainage.

Which the house has amended as follows:

On page 5, line 96, of the printed bill, strike out the letter "g" and insert in lieu thereof the letter "d."

On page 6, line 107, strike out the word "of" and insert in lieu thereof the word "by."

In section 1831, line 156, of the printed bill, after the word "to" insert the word "be."

In section 1849, line 254, of the printed bill, strike out the word "opened" and insert in lieu thereof the word "bonded."

And passed as amended.

Also,

Senate Bill No. 76,

A bill for an act to amend section 4082 of the Revised Codes of 1905, relating to separate and mutual rights and liabilities of husband and wife.

Which the house has amended as follows:

Strike out the word "section" as it appears before "2, 3, 4 and 5" in said bill.

In line 13 of printed bill after the word "family" add the following: "And for the education of their minor children."

And passed as amended.

Very respectfully,

P. D. NORTON,
Chief Clerk.

House Bill No. 275,

A bill for an act designating the sheriff of each county inspector and sealer of weights and measures, prescribing his powers, duties and compensation, defining the standard of weights and measures for the inspector and prescribing the penalties for violation of this act.

Was read the third time,

The question being on the final passage of the bill;

The roll was called and there were ayes 29, nays 3, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—

Albright
Cashel
Crane
Dyste

Messrs.—

LaMoure
Leutz
McDonald
McLean

Messrs.—

Sifton
Spoonheim
Stade
Strom

Messrs.—	Messrs.—	Messrs.—
Halliday	Movius	Swenson
Hanna	Plain	Talcott
Johnson of McLean	Purcell	Taylor
Johnson of Walsh	Ramsett	Thatcher
Kelly	Rice	Turner
Kraabel	Sharpe	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Little	Steele	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gilbert	Palmer	Simpson
Koffel	Pierce	Wagner
McArthur	Regan	

So the bill passed and the title was agreed to.

Mr. Kraabel moved

That the vote by which House Bill No. 275 passed be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

House Bill No. 225,

A bill for an act indemnifying owners for animals killed or destroyed according to law for being afflicted with the disease known as glanders.

Was read the third time,

The question being on the final passage of the bill;

The roll was called and there were ayes 30, nays 4, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McDonald	Stade
Cashel	McLean	Steele
Crane	Movius	Strom
Hanna	Plain	Swenson
Johnson of McLean	Purcell	Talcott
Johnson of Walsh	Ramsett	Taylor
Kelly	Regan	Thatcher
Kraabel	Rice	Turner
Leutz	Sharpe	Wagner
McArthur	Sifton	Young

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Halliday	Pierce	Spoonheim
LaMoure		

Absent and not voting:

Dyste	Koffel	Palmer
Gilbert	Little	Simpson

So the bill passed and the title was agreed to.

Mr. Rice moved

That the vote by which House Bill No. 225 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House bill No. 232,

A bill for an act to amend section 9312 of the Revised Codes of 1905, making it a misdemeanor to injure or obstruct electric wire.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 34, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McDonald	Spoonheim
Cashel	McLean	Stade
Crane	Movius	Steele
Halliday	Pierce	Strom
Hanna	Plain	Swenson
Johnson of McLean	Purcell	Talcott
Johnson of Walsh	Ramsett	Taylor
Kraabel	Regan	Thatcher
LaMoure	Rice	Turner
Leutz	Sharpe	Wagner
Little	Sifton	Young
McArthur		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Dyste	Kelly	Palmer
Gilbert	Koffel	Simpson

So the bill passed and the title was agreed to.

House Bill No. 214,

A bill for an act empowering boards of county commissioners to dispose of property which any county may have acquired through purchase, forfeiture or operation of law.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 32, nays none, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Spoonheim
Cashel	McArthur	Stade
Crane	McLean	Steele
Dyste	Movius	Strom
Halliday	Plain	Swenson
Hanna	Purcell	Talcott
Johnson of McLean	Ramsett	Taylor
Johnson of Walsh	Regan	Thatcher
Kraabel	Rice	Turner
LaMoure	Sharpe	Wagner
Leutz	Sifton	

Absent and not voting :

Messrs.—	Messrs.—	Messrs.—
Gilbert	McDonald	Simpson
Kelly	Palmer	Young
Koffel	Pierce	

So the bill passed and the title was agreed to.
House Bill No. 237,

A bill for an act to amend section 444 of the Revised Codes of North Dakota for 1905, relating to the employment of stenographer by the supreme court.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 34, nays none, absent and not voting 6.

Those who voted in the affirmative were :

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sifton
Cashel	McArthur	Spoonheim
Crane	McLean	Stade
Dyste	Movius	Steele
Halliday	Pierce	Strom
Hanna	Plain	Swenson
Johnson of McLean	Purcell	Talcott
Johnson of Walsh	Ramsett	Taylor
Kelly	Regan	Thatcher
Kraabel	Rice	Turner
LaMoure	Sharpe	Young
Leutz		

Absent and not voting :

Messrs.—	Messrs.—	Messrs.—
Gilbert	McDonald	Simpson
Koffel	Palmer	Wagner

So the bill passed and the title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the house :

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 6, 1907.

Mr. President:

I have the honor to return herewith
Senate Bill No. 174,

A bill for an act to prohibit the issuance of non-participating policies by certain life insurance companies.

Also,

Senate Bill No. 42,

A bill for an act to regulate the consolidation and reinsurance of domestic insurance companies transacting business of life, accident or health insurance.

Also,

Senate Bill No. 225,

A bill for an act making it a misdemeanor to fraudulently connect wires or instruments with electric wires or altering meters for the purpose of evading payment for electric current.

Also,

Senate Bill No. 215,

A bill for an act requiring the party in charge of a state institution to make an inventory of property therein.

Also,

Senate Bill No. 226,

A bill for an act for paroling inmates of the reform school.

Also,

Senate Bill No. 194,

A bill for an act providing for the giving of notice by merchants to their creditors before making sale of their entire stock of business.

Also,

Senate Bill No. 262,

A bill for an act relating to the licensing of transient merchants, and providing a penalty for the violation thereof.

Which the house has passed unchanged.

Very respectfully,

P. D. NORTON,

Chief Clerk.

House Bill No. 79,

A bill for an act to amend section 4610 of the Revised Codes of 1905, relating to building and loan associations.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 34, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sharpe
Cashel	Little	Sifton
Crane	McArthur	Spoonheim
Dyste	McLean	Stade
Gilbert	Movius	Steele
Halliday	Pierce	Strom
Hanna	Plain	Swenson
Johnson of McLean	Purcell	Talcott
Johnson of Walsh	Ramsett	Taylor
Kelly	Regan	Thatcher
Kraabel	Rice	Turner
LaMoure		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Koffel	Palmer	Wagner
McDonald	Simpson	Young

So the bill passed and the title was agreed to.

House bill No. 12.

A bill for an act providing for the opening, grading, improving and vacating of streets, alleys, etc., in incorporated villages.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 30, nays none, absent and not voting 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Spoonheim
Cashel	Kraabel	Stade
Crane	LaMoure	Steele
Dyste	Leutz	Strom
Gilbert	Little	Swenson
Halliday	Movius	Talcott
Hanna	Plain	Taylor
Johnson of McLean	Purcell	Turner
Johnson of Walsh	Ramsett	Wagner
Kelly	Regan	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
McArthur	Pierce	Sifton
McDonald	Rice	Simpson
McLean	Sharpe	Thatcher
Palmer		

So the bill passed and the title was agreed to.

House Bill No. 274,

A bill for an act for the organization of villages, towns or cities in territory embracing more than one county.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 31, nays none, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Spoonheim
Crane	Little	Stade
Dyste	McLean	Strom
Gilbert	Movius	Swenson
Halliday	Plain	Talcott
Hanna	Purcell	Taylor
Johnson of McLean	Ramsett	Thatcher
Johnson of Walsh	Regan	Turner
Kelly	Rice	Wagner
Kraabel	Sifton	Young
LaMoure		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel	McDonald	Sharpe
Koffel	Palmer	Simpson
McArthur	Pierce	Steele

So the bill passed and the title was agreed to.

House Bill No. 198,

A bill for an act to amend section 777 of the Revised Codes of 1905, relating to education.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 30, nays none, absent and not voting 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Spoonheim
Crane	Little	Stade
Dyste	McDonald	Strom
Gilbert	McLean	Swenson
Halliday	Movius	Talcott
Hanna	Plain	Taylor
Johnson of McLean	Purcell	Thatcher
Johnson of Walsh	Ramsett	Turner
Kelly	Regan	Wagner
LaMoure	Sifton	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel	Palmer	Sharpe
Koffel	Pierce	Simpson
Kraabel	Rice	Steele
McArthur		

So the bill passed and the title was agreed to.

House Bill No. 99,

A bill for an act to amend section 872 of the Political

Code of the Revised Codes of 1905 of the Codes of North Dakota, relating to examinations and certificates for teachers in public schools.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 30, nays none, absent and not voting 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Spoonheim
Cashel	Little	Stade
Crane	McDonald	Strom
Dyste	McLean	Swenson
Gilbert	Movius	Talcott
Halliday	Plain	Taylor
Hanna	Purcell	Thatcher
Johnson of McLean	Ramsett	Turner
Johnson of Walsh	Regan	Wagner
LaMoure	Sifton	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Kelly	Palmer	Sharpe
Koffel	Pierce	Simpson
Kraabel	Rice	Steele
McArthur		

So the bill passed and the title was agreed to.

House Bill No. 199,

A bill for an act to amend section 9366 of the Revised Code of 1905, same being section 7598 of the Revised Code of 1899, defining what shall be considered and held to be intoxicating liquors.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 29, nays 5, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Cashel	LaMoure	Stade
Crane	McArthur	Steele
Dyste	McDonald	Strom
Gilbert	McLean	Swenson
Halliday	Movius	Talcott
Hanna	Plain	Taylor
Johnson of McLean	Ramsett	Thatcher
Johnson of Walsh	Regan	Turner
Kelly	Sifton	Young
Kraabel	Spoonheim	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sharpe
Leutz	Purcell	

Absent and not voting:

Messrs.—

Koffel
Palmer

Messrs.—

Pierce
Rice

Messrs.—

Simpson
Wagner

So the bill passed and the title was agreed to.

REPORT OF STANDING COMMITTEES

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills to whom was referred

Senate Bill No. 72,

A bill for an act defining pools and trusts and providing the penalties and remedies therefor.

Also,

Senate Bill No. 78,

A bill for an act to prohibit the soliciting of orders for the future delivery without this state of intoxicating liquors to be transported into this state, to be used or sold in violation of the laws thereof, and providing a penalty for its violation.

Also,

Senate Bill No. 77,

A bill for an act to amend section 5039 of the Revised Codes of 1905, relating to conveyances.

Also,

Senate Bill No. 137,

A bill for an act relating to unauthorized wearing or use of badges, name, title of officers, insignia, ritual or ceremonies of certain orders and societies.

Have carefully examined the same and find the same correctly enrolled.

GEORGE M. YOUNG,
Chairman.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills to whom was referred

Senate Bill No. 9,

A bill for an act to amend and re-enact section 2330 of the Revised Codes of 1905, relating to the division of counties.

Also,

Senate Bill No. 59,

A bill for an act requiring an annual apportionment and accounting of surplus of life insurance companies as to policies heretofore issued.

Also,

Senate Bill No. 67.

A bill for an act to amend section 5404 of the Revised Codes of 1905, relating to effect of highways or railways, on right of way therefor, over or upon the lands conveyed.

Also,

Senate Bill No. 151,

A bill for an act entitled "An act to prohibit unfair commercial discrimination between different sections, communities, or localities, or unfair competition, and providing penalties therefor.

Have carefully examined the same and find the same correctly enrolled.

GEORGE M. YOUNG,
Chairman.

The secretary announced that the president is about to sign

Senate Bill No. 72,

A bill for an act defining pools and trusts and providing the penalties and remedies therefor.

Also,

Senate Bill No. 78,

A bill for an act to prohibit the soliciting of orders for the future delivery without this state of intoxicating liquors to be transported into this state, to be used or sold in violation of the laws thereof, and providing a penalty for its violation.

Also,

Senate Bill No. 77,

A bill for an act to amend section 5039 of the Revised Codes of 1905, relating to conveyances.

Also,

Senate Bill No. 137,

A bill for an act amending section 9245 relating to unauthorized wearing or use of badges, name, title of officers, insignia, ritual or ceremonies of certain orders and societies.

Also,

Senate Bill No. 9,

A bill for an act to amend and re-enact section 2330 of the Revised Code of 1905, relating to the formation of new counties.

Also,

Senate Bill No. 59,

A bill for an act requiring an annual apportionment and accounting of surplus of life insurance companies as to policies heretofore issued.

Also,

Senate Bill No. 67.

A bill for an act to amend section 5404 of the Revised Codes of 1905, relating to effect of highways or railways, on right of way therefor, over or upon the lands conveyed.

Also,

Senate Bill No. 151,

A bill for an act entitled "An act to prohibit unfair commercial discrimination between different sections, communities, or localities, or unfair competition, and providing penalties therefor.

And the president signed the same in the presence of the senate.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 6, 1907.

Mr. President:

I have the honor to transmit herewith

House bill No. 342,

A bill for an act to amend section 367 of the Revised Codes of 1905, relating to the salary and expense of the board of commissioners of railroads, and making an appropriation therefor.

Which the house has passed and your favorable consideration thereof is respectfully requested.

Very respectfully,

P. D. NORTON,
Chief Clerk.

Mr. Little moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned

J. W. FOLEY,
Secretary.

FIFTY-EIGHTH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 6, 1907.

The senate convened at 2 o'clock,
The president presiding.
Prayer by the chaplain.
Roll call.
All members present.

REFERENCE OF THE JOURNAL.

The committee on revision and correction of the journal made the following report:

Mr. President:

Your committee on revision and correction of the journal of the Fifty-seventh day have carefully examined the same and recommend that the same be corrected as follows:

On page 13, line 32, strike out figures "2580" and insert in lieu thereof "3880."

On page 21, line 25, strike out figures "9358" and insert in lieu thereof "9359."

On page 22 strike out lines 38, 39, 40 and 41 and insert in lieu thereof: "A bill for an act to amend section 9202 of chapter 50 of the Revised Codes of 1905 for the state of North Dakota, relating to the manner of payment of reward for the arrest and conviction of horse and cattle thieves."

On page 28, line 2, strike out word "Brownie" and insert word "Brownlie."

On page 33, line 30, strike out figures "232" and insert figures "332."

On page 36, line 29, after the word "affairs" insert "Senate Bill No. 336." Line 30, strike out the words "as read from the desk" and insert in lieu thereof "without amendment."

And when so amended recommend that the same be approved.

J. D. TAYLOR,
Chairman.

Mr. Taylor moved

That the report be adopted,

Which motion prevailed and

The report of the committee was adopted.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills to whom was referred

Senate Bill No. 63,

A bill for an act to prevent adulteration, misbranding and selling of adulterated and insufficiently labeled "Concentrated commercial feeding stuff," prescribing a penalty for the violation thereof, providing for the inspection, testing and analysis of said feeding stuffs; charging the North Dakota government agricultural experiment station with the duty thereof, and charging the state's attorney with the enforcement thereof.

Also,

Senate Bill No. 152,

A bill for an act to provide for the safe keeping of documents and bonds required to be deposited in the office of the county auditor.

Also,

Senate Bill No. 175,

A bill for an act defining the status of persons soliciting life insurance.

Also,

Senate Bill No. 120,

A bill for an act to repeal chapter 59 of the Session Laws of 1897 being section 5334 of the Revised Codes of 1905 in relation to the method of proof of written instruments and contracts to which there are one or more subscribing wit-

Also,

Senate Bill No. 57,

A bill for an act to prevent the adulteration and misbranding of foods and beverages, the selling of adulterated and unwholesome foods and beverages, and providing for the proper labeling of all foods and beverages.

Have carefully examined same and find same correctly enrolled.

GEORGE M. YOUNG,
Chairman.

The secretary announced the president was about to sign Senate Bill No. 57,

A bill for an act to prevent the adulteration and misbranding of foods and beverages, the selling of adulterated and unwholesome foods and beverages, and providing for the proper labeling of all foods and beverages.

Also,

Senate Bill No. 120,

A bill for an act to repeal chapter 59 of the Session Laws of 1897 being section 5334 of the Revised Codes of 1905 in relation to the method of proof of written instruments and contracts to which there are one or more subscribing witnesses, and to re-enact the same.

Also,

Senate Bill No. 175,

A bill for an act defining the status of persons soliciting life insurance.

Senate Bill No. 152,

A bill for an act to provide for the safe keeping of documents and bonds required to be deposited in the office of the county auditor.

Also,

Senate Bill No. 63,

A bill for an act to prevent adulteration, misbranding and selling of adulterated and insufficiently labeled "Concentrated commercial feeding stuff," prescribing a penalty for the violation thereof, providing for the inspection, testing and analysis of said feeding stuffs; charging the North Dakota government agricultural experiment station with the duty thereof, and charging the state's attorney with the enforcement thereof.

And the president signed the same in the presence of the senate.

REPORT OF STANDING COMMITTEES.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred House Bill No. 259,

A bill for an act to provide for the collection of delinquent personal taxes.

Have had the same under consideration and recommend that the same be indefinitely postponed.

C. B. LITTLE,
Chairman.

Mr. Little moved
That the report be adopted.
Which motion prevailed, and
The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 207,

A bill for an act to amend section 1484 of the Political Code, Revised Codes of North Dakota of 1905, relating to property exempt from taxation.

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,
Chairman.

Mr. Little moved
That the report be adopted.
Which motion prevailed, and
The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 98,

A bill for an act to amend section 4440 of the Revised Codes of North Dakota, 1905.

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,
Chairman.

Mr. Little moved
That the report be adopted,
Which motion prevailed, and
The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

House bill No. 22,

A bill for an act to regulate the marriage of persons having been divorced and the issuing of marriage licenses to such persons.

Have had the same under consideration and recommend that the same be indefinitely postponed.

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report be adopted,
Which motion prevailed, and
The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 340,
A joint resolution.

Have had the same under consideration and recommend that the same be amended as follows:

That on page 2, in line 3 of section 1 of the printed bill, the words "the governor" be stricken out and the words "one member of the senate to be appointed by" be inserted in lieu thereof.

That on page 2, in lines 3 and 4 of section 1 of the printed bill, the words "the speaker of the house of representatives of the tenth legislative assembly" be stricken out and the words "one member of the house of representatives, to be appointed by the speaker, and the attorney general" be inserted in lieu thereof.

And when so amended recommend the same do pass.

C. B. LITTLE,
Chairman.

Mr. LaMoure objected to present adoption of the report of the committee on judiciary on Senate Bill No. 340, and the report was deferred.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 92,

A bill for an act to amend sections 3063 and 3133 of the Revised Codes of the state of North Dakota of 1905, relating to the powers of electors and supervisors in organized townships.

Have had the same under consideration and recommend that the same be amended as follows:

That on page 2, in line 21, of the printed bill, insert the following before the word "purchase:" "Purchasing building sites and."

That on page 2, in line 12, of the printed bill, insert the following after the first word "of:" "Purchasing building sites and."

That in line 1 of subdivision 3 of section 1 of the original bill insert the word "or" in place of the word "of" after the word "institution."

And when so amended recommend the same do pass.

C. B. LITTLE,

Chairman.

Mr. Little moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on ways and means made the following report:

Mr. President:

Your committee on ways and means to whom was referred.

House Bill No. 325,

A concurrent resolution for amendment to the constitution of the state of North Dakota relating to revenue and taxation.

Have had the same under consideration and recommend that the same be amended as follows:

In line 14 of the printed bill, after the word "religious" insert the word "fraternal."

In line 15, after the word "purposes" insert the following: "Public hospitals under the control of religious or charitable societies used wholly or in part for public charity."

And when so amended recommend the same do pass.

A. T. KRAABEL,

Chairman.

Mr. Kraabel moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on elections made the following report:

Mr. President:

Your committee on elections to whom was referred substitute for

Senate Bill No. 68,

A bill for an act to amend section 764 of the Revised Codes of 1905, relating to education.

Have had the same under consideration and recommend that the same be indefinitely postponed.

L. B. HANNA,
Chairman.

Mr. Hanna moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on elections made the following report:

Mr. President:

Your committee on elections to whom was referred

Senate Bill No. 257,

A bill for an act to amend section 687 of the Revised Code of 1905.

Have had the same under consideration and recommend that the same be indefinitely postponed.

L. B. HANNA,
Chairman.

Mr. Hanna moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on education made the following report:

Mr. President:

Your committee on education to who mwas referred

Senate Bill No. 217,

A bill for an act to provide for the establishment and maintenance of county training schools for teachers.

Have had the same under consideration and recommend that the same be amended as follows:

On page 3 of the printed bill, line 1, section 4, after the word "superintendent" the words "and presidents of the state normal schools" be added.

On line 3, section 4 of the printed bill, after the word "he" the words "together with the presidents of the state normal schools" shall be inserted.

On line 5 of the printed bill, page 3, section 4, the word "he" shall be stricken out and the word "and" be substituted in lieu thereof.

On line 7, page 3, section 4 of the printed bill, the word "he" be stricken out and the word "and" be substituted in lieu thereof.

In line 8, page 3, section 4, the word "he" after the word "as" be stricken out and the word "they" be substituted in lieu thereof.

Page 3, line 3, section 5 of the printed bill, after the word "approved"

the words "by the superintendent" be stricken out and the words "as provided in section 4 of this act" be substituted in lieu thereof.

On page 4, section 5, line 8, of the printed bill, after the word "superintendent" the following words be inserted: "and presidents of the state normal schools."

On page 4, line 9, of the printed bill, after the word "that" the word "he" be stricken out and the word "they" be substituted in lieu thereof.

And on same line after the word "then" the word "twelve" be stricken out and the word "six" be substituted in lieu thereof.

On page 4, line 12, of the printed bill, after the word "superintendent" the words "and presidents of state normal schools" be inserted.

On line 15, same section, after the word "superintendent" the words "and presidents of the state normal schools" be inserted.

On line 16, same section, after the word "appear" the words "to them" be inserted.

On line 18, same section, the word "ten" after the word "than" be stricken out and the word "nine" substituted in lieu thereof.

And when so amended recommend the same do pass.

F. S. TALCOTT,
Chairman.

Mr. Talcott moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on elections made the following report:

Mr. President:

Your committee on elections to whom was referred

Senate Bill No. 258,

A bill for an act to amend section 684 of the Revised Code of 1905.

Have had the same under consideration and recommend that the same be indefinitely postponed.

L. B. HANNA,
Chairman.

Mr. Hanna moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on elections made the following report:

Mr. President:

Your committee on elections to whom was referred

House Bill No. 110,

A bill for an act to prevent corrupt practices in election, to limit the expenses of candidates, to prescribe the duties of candidates and political committees, and provide penalties and remedies for the violation of this act.

Have had the same under consideration and recommend that the same be indefinitely postponed.

L. B. HANNA,
Chairman.

Mr. Hanna moved
That the report be adopted.
Which motion prevailed, and
The report of the committee was adopted.

The committee on corporations other than municipal made the following report:

Mr. President:

Your committee on corporations other than municipal to whom was referred

House Bill No. 243,

A bill for an act to amend section 2869 of the Revised Code of 1905, providing for the contracting of loans and for the incurring of indebtedness by villages and providing for the creation of a sinking fund for the liquidation of such loans and indebtedness.

Have had the same under consideration and recommend that the same do pass.,

MAYNARD CRANE,
Chairman.

Mr. Crane moved
That the report be adopted.
Which motion prevailed, and
The report of the committee was adopted.

The committee on railroads made the following report:

Mr. President:

Your committee on railroads to whom was referred

House bill No. 33,

A bill for an act to amend and re-enact chapter 146 of the laws of 1903, being section 4395 of the revised codes of North Dakota for 1905, relating to the maximum coal rate.

Have had the same under consideration and recommend that the same do pass.

E. F. GILBERT,
Chairman.

Mr. Gilbert moved
That the report be adopted.
Which motion prevailed, and
The report of the committee was adopted.

The committee on temperance made the following report:
Mr. President:

Your committee on temperance to whom was referred
House Bill No. 233,

A bill for an act entitled, An act making the use of any store, house, shop or other building or any basement or room therein or any lot, block or other parcel of land situate within this state, for the purpose of carrying on the business of selling intoxicating liquor therein or thereon or keeping for sale, intoxicating liquors, or maintaining thereon a place where intoxicating liquors are sold or kept with intent to be sold, an unlawful use of said premises, and providing for the assessment and levying of a tax against any such premises so used; and providing for the collection of such tax and the procedure for the removal thereof, when unlawfully assessed.

Have had the same under consideration and return the same to the senate without recommendation.

H. H. STROM,
Chairman.

Mr. Strom moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on elections made the following report:
Mr. President:

Your committee on elections to whom was referred
House Bill No. 314,

A bill for an act amending section 605 of the Revised Codes of 1905, relating to the qualifications of electors.

Have had the same under consideration and refer the same back to the senate without recommendation.

L. B. HANNA,
Chairman.

Mr. Hanna moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills to whom was referred

Senate Bill No. 183,

A bill for an act to amend chapter 24 of the laws of 1905, being sections 2213, 2218 and 2226, in relation to oil inspection.

Also,

Senate Bill No. 192,

A bill for an act regulating disbursements by life insurance companies.

Also,

Senate Bill No. 206,

A bill for an act defining a watercourse.

Also,

Senate Bill No. 210.

A bill for an act in relation to the taxation of grain grown within this state and held therein in elevators, warehouses and granaries.

Also,

Senate Bill No. 250,

A bill for an act to amend section 2771 of the Revised Codes of 1905, regulating sewers.

Have carefully examined same and find same correctly enrolled.

GEORGE M. YOUNG,
Chairman.

The secretary announced the president was about to sign Senate Bill No. 183,

A bill for an act to amend chapter 24 of the laws of 1905, being sections 2213, 2218 and 2226, in relation to oil inspection.

Also,

Senate Bill No. 192,

A bill for an act regulating disbursements by life insurance companies.

Also,

Senate Bill No. 206,

A bill for an act defining a watercourse.

Also,

Senate Bill No. 210.

A bill for an act in relation to the taxation of grain grown within this state and held therein in elevators, warehouses and granaries.

Also,

Senate Bill No. 250,

A bill for an act to amend section 2771 of the Revised Codes of 1905, regulating sewers.

And the president signed the same in the presence of the senate.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred

House Bill No. 312,

A bill for an act to regulate telegraph service within the state.

Have had the same under consideration and recommend that the same do pass.

J. B. SHARPE,
Chairman.

Mr. Sharpe moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred

House Bill No. 93,

A bill for an act to provide for the division of funds and property owned jointly by a village and a township, when they become separate and independent municipalities, by said village becoming organized under chapter 31 of the Political Code of North Dakota.

Have had the same under consideration and recommend that the same do pass.

J. B. SHARPE,
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on elections made the following report:

Mr. President:

Your committee on elections to whom was referred

Senate Bill No. 11,

A bill for an act amending and repealing sections 616, 617 and 618 of the 1905 Revised Codes of North Dakota, relating to elections and form of official ballots and arrangement of names of candidates thereon, the same being chapter 76 of the Session Laws of North Dakota for the year 1897.

Have had the same under consideration and recommend that the same be indefinitely postponed.

L. B. HANNA,
Chairman.

Mr. Hanna moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred House Bill No. 242,

A bill for an act to amend section 1584 of the Revised Codes of the state of North Dakota, relating to the rights of purchaser of land at sale for the nonpayment of taxes.

Have had the same under consideration and recommend that the same do pass.

J. B. SHARPE,
Chairman.

Mr. Sharpe moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred House Bill No. 297,

A bill for an act to provide for a uniform system of accounting by the state institutions of North Dakota; prescribing the books, forms, the duties of the accounting officer, the state auditor, and the institution treasurer, with regard to such uniform system of accounting; also prescribing the forms of checks and receipts to be used and the

manner of accounting to the state auditor and the state treasurer.

Have had the same under consideration and recommend that the same do pass.

J. B. SHARPE,
Chairman.

Mr. Sharpe moved
That the report be adopted,
Which motion prevailed, and
The report of the committee was adopted.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred
House Bill No. 107,

A bill for an act to provide for the erection and maintenance of workhouses in counties having a population of ten thousand or more inhabitants.

Have had the same under consideration and recommend that the same do pass.

J. B. SHARPE,
Chairman.

Mr. Sharpe moved
That the report be adopted.
Which motion prevailed, and
The report of the committee was adopted.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred
House Bill No. 208,

A bill for an act entitled, an act to amend section 1933, of the Revised Codes of 1905, relating to when stock may run at large.

Have had the same under consideration and recommend that the same do pass.

J. B. SHARPE,
Chairman.

Mr. Sharpe moved
That the report be adopted.
Which motion prevailed, and
The report of the committee was adopted.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred
House Bill No. 220,

A bill for an act amending sections 7608 and 7609 of the Revised Codes of 1905, and making the state engineer ex officio coal mine inspector of the state.

Have had the same under consideration and recommend that the same do pass.

J. B. SHARPE,
Chairman.

Mr. Sharpe moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on insurance made the following report:

Mr. President:

The majority of your committee on insurance to whom was referred

House Bill No. 96,

A bill for an act to amend section 4466 of the Revised Code of North Dakota of 1905.

Have had the same under consideration and recommend that the same do pass.

L. A. SIMPSON,
J. W. SIFTON,
A. T. KRAABEL,
ALEX. MACDONALD,
MAYNARD CRANE.

The committee on insurance made the following report:

Mr. President:

The minority of your committee on insurance to whom was referred

House Bill No. 96,

A bill for an act to amend section 4466 of the Revised Code of North Dakota of 1905.

Have had the same under consideration and recommend that the same be indefinitely postponed.

GEO. D. PALMER,
ED. PIERCE,
C. B. LITTLE,
C. I. F. WAGNER,
L. A. SIMPSON.

Mr. Little objected to present consideration of the majority and minority reports of the committee on insurance on House Bill No. 96, and the reports went over for one day.

MOTIONS AND RESOLUTIONS.

Mr. Little moved

That the report of the judiciary committee on House Bill No. 53 be adopted.

Which motion prevailed, and

The report was adopted.

Mr. LaMoure moved

That the report of the committee on judiciary on Senate Bill No. 340 be referred to committee of the whole.

Which motion prevailed and

The report was so referred.

Mr. Purcell moved

That the senate do now concur in the house amendments to Senate Bill No. 33.

The roll was called and there were ayes 40, nays none, absent and not voting none.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sifton
Cashel	McArthur	Simpson
Crane	McDonald	Spoonheim
Dyste	McLean	Stade
Gilbert	Movius	Steele
Halliday	Palmer	Strom
Hanna	Pierce	Swenson
Johnson of McLean	Plain	Talcott
Johnson of Walsh	Purcell	Taylor
Kelly	Ramsett	Thatcher
Koffel	Regan	Turner
Kraabel	Rice	Wagner
LaMoure	Sharpe	Young
Leutz		

So the house amendments to Senate Bill No. 33 were concurred in.

Mr. LaMoure moved

That House Bill No. 234 be indefinitely postponed.

Which motion prevailed, and

The bill was indefinitely postponed.

Mr. Cashel moved

That the senate do now concur in the house amendments to Senate Bill No. 205.

The roll was called and there were ayes 36, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McArthur	Sifton
Cashel	McDonald	Steele
Crane	McLean	Simpson
Dyste	Movius	Spoonheim
Gilbert	Palmer	Strom
Halliday	Pierce	Swenson
Johnson of McLean	Plain	Talcott
Johnson of Walsh	Purcell	Taylor
Kelly	Ramsett	Thatcher
Kraabel	Regan	Turner
Leutz	Rice	Wagner
Little.	Sharpe	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hanna	LaMoure	Stade
Koffel		

So the house amendments to Senate Bill No. 205 were concurred in.

Mr. Simpson offered the following resolution and moved its adoption:

CONCURRENT RESOLUTION.

Be It Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring:

WHEREAS, The North Dakota Historical Society have been assiduous in their endeavors to gather and to keep intact historical books, data, relics and other material relative to the history of the state and territory; and

WHEREAS, It is expedient that the efforts of the society be not annulled by separating said books, data, relics and other material now owned by the North Dakota Historical Society, and that all historical books, data, relics and other material hereafter to be bought or otherwise procured by said society shall be stored and remain in the possession and under the control of said society at the state museum of the North Dakota Historical Society in the state capitol building at Bismarck; therefore, be it

Resolved, That all historical books, data, relics and other historical material now owned or hereafter to be acquired and owned by the North Dakota Historical Society shall be safely kept at the historical museum in the state capitol building at Bismarck under the direction and control of the board of directors of the state historical society; and that none of said articles shall be removed therefrom except the written consent of said board of directors be first given thereto, and then said articles as above referred to shall not be taken from said museum in the state capitol for a longer period than ninety days.

Which motion prevailed, and

The resolution was adopted.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills to whom was referred

Senate Bill No. 194,

A bill for an act providing for the giving of notice by merchants to their creditors before making sale of their entire stock of business.

Also,

Senate Bill No. 215,

A bill for an act requiring the party in charge of a state institution to make an inventory of property therein.

Also,

Senate Bill No. 225,

A bill for an act making it a misdemeanor to fraudulently connect wires or instruments with electric wires or altering meters for the purpose of evading payment for electric current.

Senate Bill No. 274,

A bill for an act requiring the secretary or other executive officer of every county, district or state fair association or other exhibit at which the resources or products of the state are placed on exhibition, to file with the commissioner of agriculture and labor a list of the dates claimed by said association for the purpose of conducting the same.

Have carefully examined same and find same correctly enrolled.

GEORGE M. YOUNG,
Chairman.

The secretary announced the president was about to sign Senate Bill No. 194,

A bill for an act providing for the giving of notice by merchants to their creditors before making sale of their entire stock of business.

Also,

Senate Bill No. 215,

A bill for an act requiring the party in charge of a state institution to make an inventory of property therein.

Also,

Senate Bill No. 225,

A bill for an act making it a misdemeanor to fraudulently connect wires or instruments with electric wires or altering meters for the purpose of evading payment for electric current.

Senate Bill No. 274,

A bill for an act requiring the secretary or other executive officer of every county, district or state fair association or other exhibit at which the resources or products of the state are placed on exhibition, to file with the commissioner of agriculture and labor a list of the dates claimed by said association for the purpose of conducting the same.

Also,

House Bill No. 116,

A bill for a concurrent resolution amending the constitution of the state of North Dakota, establishing and locating a state normal school in the city of Minot, county of Ward.

And the president signed the same in the presence of the senate.

Mr. Young offered the following resolution and moved its adoption:

CONCURRENT RESOLUTION.

WHEREAS, There is pending in the senate of the United States a bill to provide for the fixing of a uniform standard and classification of wheat, flax, corn, oats, barley, rye and other grains; and

WHEREAS, A large portion of the grain grown in the state of North Dakota is consigned to Duluth, Minn., and Superior, Wis., where the inspectors of each state inspect grain at both of the points mentioned, being in different states; and

WHEREAS, The laws of each of said states, the oaths of office and bonds of the officers only cover and extend to the acts of such officers while in the state by virtue of whose laws they are appointed, and while acting beyond the same are bound by no restrictions of law and their bonds are not operative; and

WHEREAS, The Wisconsin inspection service is now seriously interfered with by injunctive proceedings pending in the courts, and the legislature of Minnesota has failed to correct the abuses which exist under the Minnesota grain inspection service, and has refused to modify its laws; and

WHEREAS, It is believed that if the congress of the United States shall enact the bill now pending before congress above referred to its operation will be effective in each and all of the states and will give an authoritative and unquestioned standing at home and abroad as to the character of the grain produced in the different states; now, therefore, be it

Resolved by the Senate of North Dakota, the House of Representatives Concurring, That in the opinion of the tenth legislative assembly the grain growers of North Dakota are in favor of and will be greatly benefited by the passage of the bill now pending in the senate of the United States to provide for the fixing of a uniform standard and classification of wheat, flax, grain, oats, barley, rye and other grains and that if a system of national grain inspection is established thereunder it will result in great financial advantage and benefit to the grain growers of North Dakota.

Resolved, further, That copies of this resolution be forwarded to the secretary of agriculture and to each of our senators and representatives in congress.

Which motion prevailed, and
The resolution was adopted.

The committee on elections made the following report:

Mr. President:

Your committee on elections to whom was referred
House Bill No. 306,

A bill for an act fixing the salaries and providing for the payment of necessary expenses for the judges of the district courts of the state of North Dakota.

Have had the same under consideration and recommend that the same be indefinitely postponed.

L. B. HANNA,
Chairman.

Mr. Hanna moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

Mr. McArthur moved

That the senate do now concur in the house amendments to Senate Bill No. 273.

The roll was called and there were ayes 38, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—

Albright
Cashel
Crane
Dyste
Gilbert
Halliday
Hanna
Johnson of Walsh
Kelly
Koffel
Kraabel
LaMoure
Leutz

Messrs.—

Little
McArthur
McDonald
McLean
Movius
Palmer
Pierce
Plain
Purcell
Ramsett
Regan
Rice
Sharpe

Messrs.—

Sifton
Spoonheim
Stade
Steele
Strom
Swenson
Talcott
Taylor
Thatcher
Turner
Wagner
Young

Messrs. Johnson of McLean and Simpson being absent and not voting.

So the house amendments to Senate Bill No. 273 were concurred in.

Mr. McLean moved

That the senate do not concur in the house amendments to Senate Bill No. 111.

Which motion prevailed, and

The house amendments were not concurred in.

REPORT OF CONFERENCE COMMITTEE.

To the Senate and House of Representatives:

GENTLEMEN: Your joint conference committee on House Bill No. 18 have had the same under consideration and beg leave to submit the following:

The bill was introduced and passed the house as printed on January 30th and was amended by the senate, passed that body and was transmitted to the house on February 21st.

The bill as originally introduced embodied two distinct propositions, one a measure to prohibit the use of passes and like privileges and the other a measure providing for a flat two cent per mile rate for the transportation of passengers. The material amendments of the senate went only to the striking out of that portion of the bill relating to passes and similar privileges, a senate bill covering that subject matter having been reported for passage in the senate prior to the consideration of the house bill, and the bill as passed by the senate, in so far as it related to the question of passenger rates, the subject now under consideration, passed the senate substantially unchanged.

On February 28th the house "refused to concur in the senate amendments and asked for a conference committee." The following message was transmitted to the senate:

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 1, 1907.

Mr. President:

I have the honor to transmit herewith the following resolution:

Resolved, That the house refuses to concur in the amendments to House Bill No. 18; that we ask for a conference committee on this bill consisting of three members of the house, to be appointed by the speaker, and three members of the senate, to be appointed by the president of the senate; that such conference committee shall consider the senate amendments and other features of the bill and make such recommendation for any modification of the bill as the committee may deem acceptable to the legislative assembly
Which the house has adopted.

And your early consideration thereof is respectfully requested.

In accordance with the above resolution the speaker has appointed as such committee on the part of the house, Messrs. White, Pugh and Griffith.

Respectfully,
P. D. NORTON,
Chief Clerk.

And the president of the senate appointed as senate conference Messrs. Pierce, Regan and Koffel.

The joint conference committee met on the 4th day of March and organized by the election of Mr. Pierce as chairman and took up the consideration of the measure.

The house conferees advised that in their opinion that body now desired to adopt in lieu of the original bill such a measure as would provide for a maximum rate of two and one-half cents per mile with a provision for the sale of mileage books in denomination of one thousand miles, interchangeable or good for the use of the purchaser and the adult members of his family.

A majority of the joint conference committee accepted this view of the situation; the minority of your conference committee consisting of Messrs. Koffel and Pierce, are still of the opinion that such a measure is uncalled for and is neither just nor wise legislation; that it means the sacrifice of a very important principle in the consideration of this class of legislation in return for only an infinitesimal advantage; that it is an unjust discrimination in favor of the minority who can and do travel largely and against the great majority who travel only a few miles or at the most a few hundred miles per year within the state. The minority of your committee is further of the opinion that the enactment of such a measure at this time must retard the railroad development of the state, and must result in the depreciation of services on branch lines and the entire abolishment of excursion rates, laborer and harvest hand rates, home-seeker rates, and similar special rates now made.

The minority of your committee therefore yield only to the rule governing the deliberation of the conference committee and in order that a compromise measure may be adopted by both houses of the legislature and

Your committee therefore recommends that the bill be amended as follows, to-wit:

By striking out all after the enacting clause and inserting in lieu thereof the following:

"SECTION 1. Every railroad, railroad corporation and common carrier doing business in this state, their officers, agents, representatives, employes, trustees, receivers and lessees shall be limited to a compensation of not to exceed two and one-half cents per mile for distances exceeding six miles for the transportation of any person with ordinary baggage not exceeding one hundred and fifty pounds in weight; and for children five years of age and less than twelve years of age, one-half of the fare charged for adults; and for children under five years old who are traveling with an adult paying full fare no charge shall be made. Provided, that every railroad, railroad corporation and common carrier doing business in this state shall issue upon request of any person, mileage books in denomination of one thousand miles, limited to not less than one year from date of issue and redeemable within one year after the expiration of such limitation, with baggage and other facilities similar to those accompanying regular trip tickets, at a price of twenty dollars each; that such mileage books shall be good for travel by the purchaser and such adult members of his family as he may designate and whose names are then and there written thereon. But the fare shall always be made that multiple of five nearest reached by multiplying the rate by the distance. Provided, further, that the provisions of this act shall not apply to the transportation of passengers within the boundaries of any city by street railway companies. Every officer, agent, conductor, representative or any employee of any railroad, railroad corporation or common carrier who shall aid or abet any such railroad, railroad corporation or common carrier in the violation of this act by selling, charging or collecting for any ticket or transportation over any railroad any greater sum, charge or rate than that above specified shall be deemed personally guilty of a violation of this act and, upon conviction, shall be punished as hereinafter provided.

The sum of ten cents may be added to the legal fare when the same is paid on the cars, provided that a reasonable opportunity has been afforded to passengers to purchase tickets at the legal rate of fare before boarding the train.

"SEC. 2. No person and no officer, agent, representative or employee of any railroad, railroad corporation or common carrier shall be excused from testifying or producing books and documents in his possession in relation to any violation of this act on the ground that such testimony, books or documents would tend to convict the person so testifying of a crime; but no person so testifying shall be liable to prosecution or punishment for any offense concerning which he has been required to testify or to produce books or documents.

"SEC. 3. Every such railroad, railroad corporation or common carrier violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than five hundred dollars nor more than five thousand dollars; and any agent or officer so offending shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars or by imprisonment in the county jail for not less than thirty days or more than ninety days, or by both such fine and imprisonment in the discretion of the court.

"SEC. 4. All acts and parts of acts in so far as they conflict with this act are hereby repealed."

And when so amended recommend that such proceed-

ings be had by both houses as will pass and legally enact the bill.

Respectfully submitted,

ED. PIERCE, Chairman.
 J. AUSTIN REGAN,
 THEODORE KOFFEL,
 G. A. WHITE,
 THOS. H. PUGH,
 ROBERT GRIFFITH.

Mr. Pierce requested the senator from Wells to move the adoption of the report.

Mr. Regan moved
 That the report be adopted,
 Roll call demanded.

The roll was called and there were ayes 18, nays 21, absent and not voting 1.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Stade
Crane	Kraabel	Steele
Dyste	Little	Strom
Gilbert	Regan	Swenson
Johnson of Walsh	Rice	Thatcher
Kelly	Spoonheim	Young

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Cashel	McDonald	Sharpe
Halliday	McLean	Sifton
Hanna	Movius	Simpson
Johnson of McLean	Palmer	Talcott
LaMoure	Plain	Taylor
Leutz	Purcell	Turner
McArthur	Ramsett	Wagner

Mr. Pierce passed.

So the report of the conference committee was not adopted.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 6, 1907.

Mr. President:

I have the honor to return herewith

Senate Bill No. 202,

A bill for an act to repeal sections 2297 to 2321, both inclusive, of the Revised Codes of North Dakota for the year A. D. 1905, relating to organization of counties.

Which the house has passed unchanged.

Also,

I have the honor to return herewith

Senate Bill No. 199,

A bill for an act entitled, an act to provide for organizing counties from the unorganized territory in this state.

Which the house has amended as follows:

In section 3, line 4, after the word "therein" insert "at such place as the greatest number of the bona fide residents of such county shall designate by petition to the governor."

Also by adding an emergency clause as follows:

"Whereas, there is no general law in force applicable to the organization of the unorganized territory of this state into counties, and it is necessary that such territory be organized prior to July 1, 1907, therefore an emergency exists and this act shall take effect and be in force from and after April 1, 1907."

And passed as amended.

Very respectfully,

P. D. NORTON,
Chief Clerk.

Mr. Simpson moved

That the senate do now concur in the house amendments to Senate Bill No. 199.

The roll was called and there were ayes 39, nays none, absent and not voting 1.

Those who voted in the affirmative were:

Messrs.—
Albright
Cashel
Crane
Dyste
Gilbert
Halliday

Messrs.—
Leutz
Little
McDonald
McLean
Movius
Palmer

Messrs.—
Sifton
Simpson
Spoonheim
Stade
Steele
Strom

Messrs.—	Messrs.—	Messrs.—
Hanna	Plain	Swenson
Johnson of McLean	Pierce	Talcott
Johnson of Walsh	Purcell	Taylor
Kelly	Ramsett	Thatcher
Koffel	Regan	Turner
Kraabel	Rice	Wagner
LaMoure	Sharpe	Young

Mr. McArthur being absent and not voting.

So the house amendments to Senate Bill No. 199 were concurred in.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills to whom was referred

Senate Bill No. 40,

A bill for an act to promote the safety of employees and travelers upon railways by limiting the hours of service of employees thereon, and making the violation thereof a misdemeanor, providing a punishment therefor, requiring railroad commissioners to investigate the same and notify the attorney general thereof whose duty it shall be to prosecute the same.

Also,

Senate Bill No. 174,

A bill for an act to prohibit the issuance of non-participating policies by certain life insurance companies.

Also,

Senate Bill No. 176,

A bill for an act to prohibit misrepresentations by life insurance companies.

Also,

Senate Bill No. 179,

A bill for an act to prohibit discrimination by life insurance companies and providing penalties for violation thereof.

Have carefully examined same and find same correctly enrolled.

GEORGE M. YOUNG,
Chairman.

The secretary announced the president was about to sign Senate Bill No. 40,

A bill for an act to promote the safety of employees and travelers upon railways by limiting the hours of service of employees thereon, and making the violation thereof a misdemeanor, providing a punishment therefor, requiring railroad commissioners to investigate the same and notify the attorney general thereof whose duty it shall be to prosecute the same.

Also,

Senate Bill No. 174,

A bill for an act to prohibit the issuance of non-participating policies by certain life insurance companies.

Also,

Senate Bill No. 176,

A bill for an act to prohibit misrepresentations by life insurance companies.

Also,

Senate Bill No. 179,

A bill for an act to prohibit discrimination by life insurance companies and providing penalties for violation thereof.

And the president signed the same in the presence of the senate.

Mr. Pierce moved

That the senate resolve itself into the committee of the whole for the consideration of Senate Bill No. 340.

Which motion prevailed.

COMMITTEE OF THE WHOLE.

Mr. Cashel in the chair.

When the committee rose it submitted the following report:

Mr. President:

The committee of the whole have had under consideration Senate Bill No. 340,

A joint resolution.

And recommend the same be amended as follows:

In line 3, page 2, strike out the word "enacted" and insert in lieu thereof the word "resolved."

And when so amended recommend the same do pass.

J. L. CASHEL,
Chairman.

Mr. Cashel moved
That the report be adopted,
Which motion prevailed, and
The report of the committee was adopted.

The senate reconvened.
The president pro tem. presiding.

Mr. Pierce moved
That Senate Bill No. 340 be read the third time and
placed on final passage.

Which motion prevailed.

Senate Bill No. 340,

A joint resolution.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 36, nays none,
absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sharpe
Cashel	McArthur	Sifton
Crane	McDonald	Simpson
Dyste	McLean	Stade
Gilbert	Movius	Steele
Halliday	Palmer	Strom
Johnson of McLean	Pierce	Swenson
Johnson of Walsh	Plain	Taylor
Kelly	Purcell	Thatcher
Koffel	Ramsett	Turner
Kraabel	Regan	Wagner
LaMoure	Rice	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hanna	Spoonheim	Talcott
Little		

So the bill passed and the title was agreed to.

Mr. Pierce moved

That the vote by which Senate Bill No. 340 passed be re-
considered, and the motion to reconsider be laid on the table.
Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 6, 1907.

Mr. President:

I have the honor to inform you that the house has adopted the conference report on

House Bill No. 18.

A bill for an act entitled an act providing for a maximum rate of fare to be charged and collected by railroads, railroad corporations and common carriers for the transportation of passengers and baggage, and providing a penalty for the violation thereof.

And that the bill has been further amended by the house

By striking out all of the present title after the words "a bill" and the following substituted in lieu thereof: "An act providing for a maximum rate of fare to be charged and collected by railroads, railroad corporations and common carriers for the transportation of passengers and baggage, and providing a penalty for the violation thereof."

Which amended bill the house has passed.

Very respectfully,

P. D. NORTON,
Chief Clerk.

Mr. Young offered the following resolution and moved its adoption:

Be It Resolved by the Senate, the House of Representatives Concurring:

SECTION 1. That a special committee be appointed to be known as "The Special Committee Upon Taxation," to consist of one member of the senate, to be appointed by the president of the senate, and two members of the house of representatives, to be appointed by the speaker, which committee shall exist until the convening of the eleventh legislative assembly unless sooner dissolved by law.

SEC. 2. It shall be the duty of such committee to make a full and complete investigation of the system of revenue and taxation in operation in this state and to recommend to the next legislature a plan for the revision of such laws with special reference to the just assessment for taxation of sleeping car companies, telephone companies, telegraph companies, express companies, packing companies, tank line companies, refrigerator companies and such other companies as evade just taxation.

SEC. 3. That such committee and the several members thereof are hereby empowered to administer oaths, to issue subpoenas and to compel the attendance of witnesses and the production of books, papers and records, and to punish for contempt in case of refusal of any person to comply with its orders or requirements.

SEC. 4. That such committee shall adopt such rules and regulations as may be necessary and proper for the prompt and orderly conduct of its

business, and may hold its sessions at such times and places and under such regulations as it may from time to time decide, but its sessions shall not exceed sixty days in each year.

SEC. 5. That the attorney general shall be the legal advisor and counsellor of such committee and it shall have the power to employ a stenographer or reporter and such other assistance as in its judgment may be required.

SEC. 6. The members of said committee shall be allowed and paid the sum of ten dollars each per diem to cover and in lieu of all personal expenses and services while actually engaged in the sessions of said commission and while going to and returning from the same.

SEC. 7. The expense of said commission and of the members thereof shall be audited and allowed the same as other expenses of the state administration and paid out of the general fund.

SEC. 8. No person shall be privileged from testifying in relation to anything herein contained, but no such person shall thereafter be prosecuted for any offense concerning which he may have been required to testify, and the testimony so given shall not be used in the prosecution of any such person in any criminal action whatever, excepting in actions for perjury in giving such testimony.

Mr. Young moved

That the resolution be referred to the committee on judiciary with the direction that the committee report tomorrow.

Which motion prevailed, and
The resolution was so referred.

Mr. McLean moved

That a conference committee be appointed on Senate Bill No. 111, consisting of three from the senate and three from the house.

Which motion prevailed.

And the president named as such committee on the part of the senate Messrs. McLean, Plain and Simpson.

Mr. LaMoure moved

That all house bills be read the first and second times and referred.

Which motion prevailed.

FIRST AND SECOND READING OF HOUSE BILLS.

House Bill No. 344,

A bill for an act to provide for paving, curbing or macadamizing the highways in civil townships adjoining incorporated cities of not less than 6,000 inhabitants, and for the construction of sewers and water mains therein, connecting with city sewers and water mains or with their own trunk sewers, and for the construction of sidewalks.

Was read the first and second times, and

Referred to the committee on cities and municipal corporations.

House bill No. 345,
A bill for an act providing for summary administration when estate is of small value.

Was read the first and second times, and
Referred to the committee on judiciary.

House Bill No. 335,

A bill for an act to amend section 1845, chapter 23, of the Political Code of the state of North Dakota, Revised Codes of North Dakota of 1905, relating to drains.

Was read the first and second times, and
Referred to the committee on irrigation and drainage.

House Bill No. 288,

A bill for an act to amend section 434 of the Political Code.

Was read the first and second times, and
Referred to the committee on judiciary.

House Bill No. 169,

A bill for a concurrent resolution for amendment to the constitution of the state of North Dakota providing for the purchase of and sale of school and public lands.

Was read the first and second times, and
Referred to the committee on judiciary.

House Bill No. 318,

A bill for an act entitled an act to grant to urban electric railways all of the rights, privileges and power granted to steam railways.

Was read the first and second times, and
Referred to the committee on judiciary.

House Bill No. 112,

A bill for an act to amend section 829 of the Revised Codes of North Dakota for 1905 relating to education.

Was read the first and second times, and
Referred to the committee on education.

House Bill No. 296,

A bill for an act to amend sections 938, 939, 940, 941 and 943 of the Revised Codes of 1905 of the state of North Dakota, relating to the creation of special school districts in incorporated cities, towns and villages constituting a part of a school district, and to divide the property and indebtedness of such school district.

Was read the first and second times, and
Referred to the committee on education.

House Bill No. 249,

A bill for an act to enable purchasers of any article of commerce to set up defects in such article of commerce as a counter claim in an action for the purchase price thereof, notwithstanding provisions of the contract of sale to the contrary.

Was read the first and second times, and
Referred to the committee on judiciary.

House Bill No. 324,

A bill for an act to amend chapter 79 of the Revised Codes of 1905, relating to mechanic's liens.

Was read the first and second times, and
Referred to the committee on judiciary.

House Bill No. 337,

A bill for an act to amend section 364 of the Revised Codes of North Dakota for 1905 relating to the board of railroad commissioners.

Was read the first and second time, and
Referred to the committee on railroads.

House Bill No. 332,

A bill for an act to amend section 2578 of the Revised Codes of 1905 of the state of North Dakota, prescribing the salary of state's attorney and assistant.

Was read the first and second times, and
Referred to the committee on judiciary.

House bill No. 343,

A bill for an act to amend section 7253 of the Revised Codes of 1905, relating to witnesses and evidence.

Was read the first and second times, and
Referred to the committee on judiciary.

House bill No. 342,

A bill for an act to amend section 367 of the Revised Codes of 1905, relating to the salary and expense of the board of commissioners of railroads, and making an appropriation therefor.

Was read the first and second times, and
Referred to the committee on appropriations.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 6, 1907.

Mr. President:

I have the honor to transmit herewith

Senate Bill No. 47,

A bill for an act to amend section 241, chapter IV of the Revised Codes of 1905, relating to the duties of the State Historical Society of North Dakota, and to the publication of the same.

Also,

Senate Bill No. 278,

A bill for an act entitled an act to provide for a commission system of government in cities which shall adopt the provisions of this act.

Which the house has passed unchanged.

Very respectfully,

P. D. NORTON,
Chief Clerk.

Mr. Hanna moved

That the vote by which the report of the conference committee on House Bill No. 18 was not adopted be reconsidered.

Which motion prevailed.

Mr. Regan moved

That report of the conference committee on House Bill No. 18 be adopted.

The roll was called and there were ayes 24, nays 14, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kraabel	Rice
Crane	Little	Spoonheim
Dyste	McDonald	Stade
Gilbert	Movius	Steele
Hanna	Palmer	Strom
Johnson of Walsh	Plain	Swenson
Kelly	Ramsett	Thatcher
Koffel	Regan	Young

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Cashel	McArthur	Simpson
Halliday	McLean	Taylor
Johnson of McLean	Purcell	Turner
LaMoure	Sharpe	Wagner
Leutz	Sifton	

Messrs. Pierce and Talcott being absent and not voting.
So the report of the conference committee was adopted.

THIRD READING OF HOUSE BILLS.

House Bill No. 203,

A bill for an act to amend section 4516 of the Revised Codes of North Dakota for 1905, relating to corporations.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 32, nays none, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sharpe
Cashel	McArthur	Sifton
Crane	McLean	Stade
Halliday	Movius	Steele
Hanna	Palmer	Strom
Johnson of McLean	Pierce	Swenson
Johnson of Walsh	Plain	Thatcher
Kelly	Purcell	Turner
Koffel	Ramsett	Wagner
LaMoure	Regan	Young
Leutz	Rice	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Dyste	McDonald	Talcott
Gilbert	Simpson	Taylor
Kraabel	Spoonheim	

So the bill passed and the title was agreed to.

House bill No. 14,

A bill for an act to amend section 2864 of the revised codes of North Dakota for 1905, relating to the general powers of the board of trustees of incorporated villages.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 33, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Sharpe
Cashel	Leutz	Sifton
Crane	McArthur	Spoonhelm
Dyste	McLean	Stade
Halliday	Movius	Swenson
Hanna	Palmer	Talcott
Johnson of McLean	Plain	Taylor
Johnson of Walsh	Purcell	Thatcher
Kelly	Ramsett	Turner
Koffel	Regan	Wagner
Kraabel	Rice	Young
Absent and not voting:		
Messrs.—	Messrs.—	Messrs.—
Gilbert	Pierce	Steele
Little	Simpson	Strom
McDonald		

So the bill passed and the title was agreed to.

COMMUNICATION FROM THE GOVERNOR.

A sealed communication was received from the governor.

EXECUTIVE SESSION.

Mr. LaMoure moved

That the senate do now go into executive session.

Which motion prevailed.

OPEN SESSION.

In open session the announcement was made of the confirmation of the following executive appointments:

Mrs. Minnie C. Budlong as member of state library commission.

John B. Wagner of Lidgerwood as trustee of the school of science at Wahpeton.

Geo. H. Hollister of Fargo as trustee of the agricultural college.

Gunder Olson of Grafton as trustee of the state blind asylum.

Frank Peltier of Rolette county as director of the school of forestry.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 6, 1907.

Mr. President:

I have the honor to transmit herewith

Senate Bill No. 73,

A bill for an act to amend section 4449 of the Revised Codes of 1905, relating to mutual insurance companies engaged in hail insurance.

Which the house has passed unchanged.

Very respectfully,

P. D. NORTON,
Chief Clerk.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 6, 1907.

Mr. President:

I have the honor to inform you that the house has concurred in the senate request for a conference committee to consider Senate Bill No. 111 and the speaker has appointed the following conferees: Messrs. Chapman, Peake and Ueland.

Very respectfully,

P. D. NORTON,
Chief Clerk.

Mr. Regan moved

That the senate resolve itself into the committee of the whole for the further consideration of House Bill No. 278.

Which motion prevailed.

COMMITTEE OF THE WHOLE.

Mr. Rice in the chair.

When the committee rose it submitted the following report:

Mr. President:

The committee of the whole have had under consideration

House Bill No. 278,

A bill for an act to fix the number of the senate and representatives which shall compose the legislative assembly and to define the senatorial and representative districts of the state of North Dakota, and prescribe the number of senators and representatives therein.

And recommend the same be amended as follows:

By adding on line 10 of the printed bill the following: "And all towns; villages and cities therein."

By striking out the word "two" on line 102 of the printed bill and inserting the word "three" in lieu thereof.

By striking out the word "three" on line 103 of the printed bill and inserting the word "four" in lieu thereof.

By striking out the word "two" in line 117 of the printed bill and inserting the word "three" in lieu thereof.

By striking out all of lines 118, 119 and 120 and inserting the following: "The twenty-eighth district shall consist of all of that part of the county of Bottineau lying east of the Mouse river and shall be entitled to one senator and two representatives."

By striking out in line 127 of the printed bill the word "three" and inserting the word "four" in lieu thereof.

By striking out in line 132 of the printed bill the word "two" and inserting the word "three" in lieu thereof.

By striking out all of lines 133, 134 and 135 and inserting the following in lieu thereof: "The thirty-fourth district shall consist of townships 155, 156, 157 and 158 north of range 75 west, and also townships 155, 156, 157, 158 and 159 north of ranges 76, 77, 78, 79 and 80, in the county of McHenry, and be entitled to one senator and three representatives.

"The thirty-fifth district shall consist of townships and fractional townships as follows: 143 north of ranges 80 and 81 west; and 144 north of ranges 80, 81, 82, 83 and 84 west; and townships 145 north of ranges 74, 75, 76, 77, 78, 79, 80, 81, 82, 83 and 84; townships 146 north of ranges 74, 75, 76, 77, 78, 79, 80, 81, 82, 83 and 84 in the county of McLean, and shall be entitled to one senator and one representative."

By striking out in line 174 of the printed bill the word "four" and inserting the word "three" in lieu thereof.

By striking out in line 180 of the printed bill the word "one" and inserting the word "two" in lieu thereof.

The 46th district shall consist of the following townships and fractional townships: Township 147, north of ranges 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90 and 91 and townships 148 north of ranges 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90 and 91, and townships 149 north of ranges 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90 and 91, and townships 150 north of ranges 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90 and 91 in the county of McLean, and shall be entitled to one senator and three representatives.

The forty-seventh district shall consist of townships 151, 152, 153 and 154 north of ranges 75, 76, 77, 78, 79 and 80 in the county of McHenry, and shall be entitled to one senator and one representative.

The forty-eighth district shall consist of all that part of Bottineau county lying west of the Mouse river, and shall be entitled to one senator and two representatives.

Strike out all of thirty-first district and insert the following: "The thirty-first district shall consist of the county of Stark and be entitled to one senator and three representatives."

Strike out thirty-ninth district and insert the following: "The thirty-

ninth district shall consist of the counties of Billings, Mercer and Oliver and be entitled to one senator and two representatives."

And when so amended recomend same do pass.

F. S. TALCOTT.
Chairman.

Mr. Talcott 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. Regan moved

That House Bill No. 278 be read the third time and placed on final passage.

Which motion prevailed.

House Bill No. 278,

A bill for an act to fix the number of the senate and representatives which shall compose the legislative assembly and to define the senatorial and representative districts of the state of North Dakota, and prescribe the number of senators and representatives therein.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes 31, nays 4, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McArthur	Sharpe
Cashel	McDonald	Sifton
Dyste	Movius	Simpson
Halliday	Palmer	Stade
Hanna	Pierce	Steele
Johnson of McLean	Plain	Talcott
Johnson of Walsh	Purcell	Taylor
Kelly	Ramsett	Thatcher
LaMoure	Regan	Wagner
Leutz	Rice	Young
Little		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Koffel	Strom	Turner
Spoonheim		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	Kraabel	Swenson
Gilbert	McLean	

So the bill passed and the title was agreed to.

Mr. Strom explained his vote and said:

It increases the legislative assembly materially and yet cuts down the representation of Traill county.

Therefore I vote No.

Mr. Little moved

That the vote by which House Bill No. 278 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills to whom was referred

Senate Bill No. 42,

A bill for an act to regulate the consolidation and reinsurance of domestic insurance companies transacting business of life, accident or health insurance.

Also,

Senate Bill No. 160,

A bill for an act to amend section 182 of the Revised Codes of 1905, relating to assignee of purchasers of school lands.

Also,

Senate Bill No. 226,

A bill for an act for paroling inmates of the reform school.

Also,

Senate Bill No. 262,

A bill for an act relating to the licensing of transient merchants, and providing a penalty for the violation thereof.

Senate Bill No. 199,

A bill for an act entitled, an act to provide for organizing counties from the unorganized territory in this state.

Have carefully examined the same and find the same correctly enrolled.

GEORGE M. YOUNG,
Chairman.

The secretary announced the president was about to sign Senate Bill No. 42,

A bill for an act to regulate the consolidation and reinsurance of domestic insurance companies transacting business of life, accident or health insurance.

Also,

Senate Bill No. 160,

A bill for an act to amend section 182 of the Revised Codes of 1905, relating to assignee of purchasers of school lands.

Also,

Senate Bill No. 226,

A bill for an act for paroling inmates of the reform school.

Also,

Senate Bill No. 262,

A bill for an act relating to the licensing of transient merchants, and providing a penalty for the violation thereof.

Also,

Senate Bill No. 199,

A bill for an act entitled, an act to provide for organizing counties from the unorganized territory in this state.

And the president signed the same in the presence of the senate.

COURTESIES OF THE FLOOR.

The courtesies of the floor were extended to Rev. G. J. Childs, Aloys Wartner, Father Egan, W. J. Price, Wm. Nichols, Mayor J. A. Johnson, James Holes, E. W. Bowen, F. H. Mitchell.

Mr. Little moved

That the senate take a recess till 10:30 o'clock tomorrow morning.

Which motion prevailed, and

The senate took a recess until 10:30 tomorrow morning.

J. W. FOLEY,
Secretary.

FIFTY-EIGHTH DAY—AFTER RECESS
AND
FIFTY-NINTH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 7 1907.

The senate convened at 10:30 a. m. pursuant to recess.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 7, 1907.

Mr. President:

I have the honor to return herewith
Senate Bill No. 296,

A bill for a concurrent resolution to amend section 182 of
the Constitution of the state of North Dakota, relating to
a public debt and public works.

Also,

Senate Bill No. 263,

A bill for an act prohibiting servants and employees on
sleeping cars and dining cars from accepting gratuities
or tips, and prohibiting persons giving gratuities or tips.

Also,

Senate Bill No. 310,

A bill for an act to regulate the public service of stallions and jacks in the state of North Dakota.

Which the house has indefinitely postponed.

Also,

Senate Bill No. 125,

A bill for an act to amend section 638 of the Revised Codes 1905 relating to the conduct of elections.

Which the house has failed to pass.

Very respectfully,

P. D. NORTON,

Chief Clerk.

HOUSE OF REPRESENTATIVES,

BISMARCK, NORTH DAKOTA,

March 7, 1907.

Mr. President:

I have the honor to transmit herewith

Senate Bill No. 224,

A bill for an act providing for the placing of the inmates of the reform school of the state of North Dakota under the guardianship and control of the board of trustees of said reform school.

Also,

Senate Bill No. 24,

A bill for an act to amend section 1016 of the Revised Codes of 1905, relating to report by city treasurer of receipts and disbursements of moneys of independent school districts.

Also,

Senate Bill No. 158,

A bill for an act to amend section 1172 of the Revised Codes of 1905, relating to the industrial school and school for manual training.

Also,

Senate Bill No. 144,

A bill for an act to amend section 949 of the Revised Codes of 1905, relating to education.

Also,

Senate Bill No. 269.

A bill for an act to amend and re-enact section 2894 of the Revised Codes of North Dakota for 1905, relating to extension of corporate limits of villages.

Also,

Senate Bill No. 104,

A bill for an act making it unlawful for any corporation to use any of its money or property or any thing of value in political campaigns or for any political purpose, also making it unlawful to solicit or knowingly receive any such money, property or any thing of value and prescribing penalties therefor.

Also,

Senate Bill No. 295,

A bill for an act to amend section 8983 of the Revised Codes of 1905.

Also,

Senate Bill No. 110,

A bill for an act to provide for the better enforcement of the laws against the manufacture and sale of intoxicating liquors; and to repeal section 9395 of the Revised Codes of 1905, being chapter 39 of the Session Laws of 1903.

Also,

Senate Bill No. 162,

A bill for an act to amend section 894 of the Revised Codes of 1905, relating to education.

Also,

Senate Bill No. 282,

A bill for an act to establish regular sessions for state board of railway commissioners and fixing the time, manner, and place, where such sessions shall be held, and otherwise defining their powers, and duties; also defining the duties of the attorney general in relation thereto.

Also,

Senate Bill No. 308,

A bill for an act to amend sections 8289, 8292, 8295, 8304, 8311, 8316, and 8318 of the Revised Codes of North Dakota for 1905.

Also,

Senate Bill No. 339,

A bill for an act making an appropriation to the Dickinson experiment station located at the city of Dickinson in Stark county.

Which the house has passed unchanged.

Very respectfully,

P. D. NORTON,

Chief Clerk.

HOUSE OF REPRESENTATIVES,

BISMARCK, NORTH DAKOTA,

March 7, 1907.

Mr. President:

I have the honor to transmit herewith

House Bill No. 338,

A bill for an act authorizing the secretary of state on the approval of the governor to receive and receipt to the United States surveyor general of the district of North Dakota for all the field notes, maps, records and other papers appertaining to land titles within the state of North Dakota, and for such other property and records as the government may direct to be turned over to the state when all of the public surveys of the state of North Dakota shall have been completed.

Which the house has passed and your favorable consideration thereof is respectfully requested.

Very respectfully,

P. D. NORTON,

Chief Clerk.

Mr. Pierce moved

That the senate request the return from the house of Senate Bill No. 183 which the senate passed at yesterday's session.

Which motion prevailed.

House Bill No. 84,

A bill for an act to prevent the adulteration, misbranding, and selling of adulterated and insufficiently labeled drugs and medicines, restricting or prohibiting the sale of certain drugs, prescribing a penalty for the violation hereof, providing for the inspection, testing and analyzing of said drugs and medicines, charging the North Dakota experi-

ment station with the duty thereof, and charging the state's attorney with the enforcement hereof.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes 28, nays none, absent and not voting 12.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sifton
Dyste	McArthur	Stade
Gilbert	Movius	Steele
Halliday	Palmer	Strom
Johnson of McLean	Pierce	Swenson
Johnson of Walsh	Plain	Taylor
Kelly	Purcell	Thatcher
Koffel	Regan	Turner
LaMoure	Sharpe	Wagner
Leutz		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel	McDonald	Simpson
Crane	McLean	Spoonheim
Hanna	Ramsett	Talcott
Kraabel	Rice	Young

So the bill passed and the title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 7, 1907.

Mr. President:

I have the honor to transmit herewith
House Bill No. 18.

A bill for an act providing for a maximum rate of fare to be charged and collected by railroad corporations and common carriers for the transportation of passengers and baggage, and providing a penalty for the violation thereof.

Which the house has amended as recommended by the joint conference committee and passed as amended.

Your favorable consideration thereof is respectfully requested.

Very respectfully,
P. D. NORTON,
Chief Clerk.

House Bill No. 248,

A bill for an act to amend section 5678 of the Civil Code of the Revised Codes of the state of North Dakota, edition of 1905, (being section 4230 of the Civil Code of the Revised Codes of the state of North Dakota, edition of 1895) and re-enact the same as amended.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 31, nays none, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Stade
Cashel	McLean	Steele
Dyste	Movius	Strom
Gilbert	Palmer	Swenson
Halliday	Plain	Talcott
Johnson of McLean	Purcell	Taylor
Johnson of Walsh	Rice	Thatcher
Kelly	Sharpe	Turner
Kraabel	Sifton	Wagner
LaMoure	Spoonheim	Young
Leutz		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	McArthur	Ramsett
Hanna	McDonald	Regan
Koffel	Pierce	Simpson

So the bill passed and the title was agreed to.

House Bill No. 168,

A bill for an act to provide for the lighting of depot platforms.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 32, nays none, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McDonald	Spoonheim
Cashel	McLean	Stade
Dyste	Movius	Steele
Halliday	Palmer	Strom
Johnson of McLean	Plain	Swenson
Johnson of Walsh	Purcell	Talcott
Kelly	Regan	Taylor
Kraabel	Rice	Thatcher
LaMoure	Sharpe	Turner
Leutz	Sifton	Wagner
Little	Simpson	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	Koffel	Ramsett
Gilbert	McArthur	Steele
Hanna	Pierce	

So the bill passed and the title was agreed to.

House Bill No. 189,

A bill for an act to amend section 1367 of the Revised Codes of 1905 of North Dakota, relating to highways on county and township lines.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 33, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McArthur	Simpson
Cashel	McDonald	Spoonheim
Dyste	McLean	Stade
Haliday	Movius	Strom
Johnson of McLean	Palmer	Swenson
Johnson of Walsh	Plain	Talcott
Kelly	Purcell	Taylor
Kraabel	Ramsett	Thatcher
LaMoure	Regan	Turner
Leutz	Sharpe	Wagner
Little	Sifton	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	Koffel	Rice
Gilbert	Pierce	Steele
Hanna		

So the bill passed and the title was agreed to.

Mr. Regan moved

That further consideration of House Bill No. 37 be indefinitely postponed.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

House Bill No. 284,

A bill for an act defining express companies, freight line companies and equipment companies, telegraph and telephone companies and providing for the assessment of their property and the taxation of the same.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 32, nays none, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McLean	Stade
Cashel	Palmer	Steele
Dyste	Plain	Strom
Gilbert	Purcell	Swenson
Johnson of McLean	Ramsett	Talcott
Johnson of Walsh	Regan	Taylor
Kelly	Rice	Thatcher
Kraabel	Sharpe	Turner
LaMoure	Sifton	Wagner
Leutz	Simpson	Young
McDonald	Spoonheim	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	Koffel	Movius
Halliday	Little	Pierce
Hanna	McArthur	

So the bill passed and the title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 7, 1907.

Mr. President:

I have the honor to transmit herewith
House Bill No. 240,

A bill for an act creating and establishing an irrigation and dry farming experiment station at or near Williston, in Williams county, providing for its management and making an appropriation therefor.

Which the house has passed and your favorable consideration thereof is respectfully requested.

Very respectfully,
P. D. NORTON,
Chief Clerk.

House Bill No. 40,

A bill for an act to amend section 6173 of the Revised Codes of 1905 of the state of North Dakota, relating to the release of mortgages.

Was read the third time.

Mr. Wagner moved to amend the title of House Bill No. 40 by adding after the word "Dakota" the following:

"Relating to the release of mortgages."

Which motion prevailed, and
The amendment was adopted.

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 37, nays 1, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—

Albright
Cashel
Dyste
Gilbert
Halliday
Hanna
Johnson of McLean
Johnson of Walsh
Kelly
Koffel
Kraabel
LaMoure
Leutz

Messrs.—

Little
McArthur
McDonald
McLean
Palmer
Pierce
Plain
Purcell
Ramsett
Regan
Rice
Sharpe

Messrs.—

Sifton
Spoonheim
Stade
Steele
Strom
Swenson
Talcott
Taylor
Thatcher
Turner
Wagner
Young

Mr. Movius voting in the negative.

Messrs. Crane and Simpson being absent and not voting.
So the bill passed and the title as amended was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 7, 1907.

Mr. President:

I have the honor to return herewith

Senate Bill No. 302,

A Concurrent Resolution for an amendment to the constitution, relating to the sale of school lands.

Also,

Senate Bill No. 235,

A bill for an act to establish the live stock sanitary board of North Dakota and to provide for the suppression and control of dangerous, contagious and infectious diseases of domestic animals.

Which the house has passed unchanged.

Very respectfully,

P. D. NORTON,
Chief Clerk.

House Bill No. 201,

A bill for an act to amend section 8022 of the Revised Codes of 1905, relating to letters of administration, and who entitled to same.

Was read the third time,

The question being on the final passage of the bill.

The roll was called and there were ayes 36, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—

Albright
Cashel
Dyste
Gilbert
Halliday
Hanna
Johnson of McLean
Johnson of Walsh
Kelly
Koffel
LaMoure
Leutz

Messrs.—

Little
McArthur
McDonald
McLean
Movius
Palmer
Plain
Purcell
Ramsett
Regan
Rice
Sharpe

Messrs.—

Sifton
Simpson
Spoonheim
Stade
Steele
Strom
Swenson
Taylor
Thatcher
Turner
Wagner
Young

Absent and not voting:

Messrs.—

Crane
Kraabel

Messrs.—

Pierce

Messrs.—

Talcott

So the bill passed and the title was agreed to.

House Bill No. 108,

A bill for an act amending section 10088 or the Revised Codes of 1905, relating to criminal procedure.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were ayes 38, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—

Albright
Cashel
Dyste
Gilbert
Halliday
Hanna
Johnson of McLean
Johnson of Walsh
Kelly
Koffel
LaMoure
Leutz
Little

Messrs.—

McArthur
McDonald
McLean
Movius
Palmer
Pierce
Plain
Purcell
Ramsett
Regan
Rice
Sharpe
Sifton

Messrs.—

Simpson
Spoonheim
Stade
Steele
Strom
Swenson
Talcott
Taylor
Thatcher
Turner
Wagner
Young

Messrs. Crane and Kraabel being absent and not voting.

So the bill passed and the title was agreed to.

House Bill No. 190,

A bill for an act providing for the seizure and confiscation of intoxicating liquors imported into the state of North Dakota in violation of law.

Was read the third time.

Mr. Taylor moved

That House Bill No. 190 be amended as follows:

Amend line 4 of section 2 by striking out the words "township, village or town" and insert in lieu thereof the word "county."

Amend line 7, section 4, by striking out the words "county for which he is state's attorney" and insert in lieu thereof the word "state."

Mr. Movius moved

That further consideration of House Bill No. 190 be indefinitely postponed.

Mr. Simpson moved as a substitute

That the bill be referred to the attorney general with request that he give his written opinion today as to the constitutionality of the bill, especially as to the portion that refers to the seizure of personal property without affidavit.

Which substitute motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 7, 1907.

Mr. President:

I have the honor to return herewith

Senate Bill No. 83,

A bill for an act to repeal section 49 of the Revised Codes of 1905, being section 50 of the Revised Codes of 1895, being section 11, of chapter 119, of the Laws of 1890, and section 2282 of the Revised Codes of 1905, being section 1807 of the Revised Codes of 1895, as amended by chapter 125 of the Laws of 1899, relating to public printing.

Which the house has amended as follows:

A bill for an act regulating public printing and binding, and prescribing the duties of public boards and officials in relation thereto.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

SECTION 1. Section 2282 of the Revised Codes of 1905 is hereby amended to read as follows:

Sec. 2282. All state, county and other public printing, binding and blank book manufacturing, blanks and other printed stationery shall be done only by established and qualified printing and publishing houses that shall

have been established and in continuous business in this state not less than one year, except as in this section otherwise provided, and where practicable shall be awarded as in this section otherwise provided, and where practicable shall be awarded to established institutions in the county for which such printing is required; provided, that the rates charged for such printing, binding, blanks and other supplies shall not exceed more than fifteen per cent the sum or sums the same class and quality of work can be secured for from publishing houses outside the state. In case any board or official empowered to secure public printing and binding as provided herein shall ascertain that there exists any combination, agreement or understanding by and between two or more publishers or publishing houses in this state, directly or indirectly fixing the prices to be charged for the printing mentioned in this section, or where prices in excess of the maximum rates prescribed herein are charged, then and in that event the provisions of this section shall not apply to officers and boards empowered to secure public printing in relation to which any such combination, agreement or understanding as mentioned herein exists from publishing houses outside the state. Every voucher for public printing and binding mentioned in this section shall have thereon or attached thereto a duly verified affidavit setting forth that the prices charged are reasonable and just and in accordance with law; that no agreement, combination or understanding exists with any other person, firm or corporation engaged in the printing and publishing business, fixing the charges therein for such printing and binding, and that no agreement or understanding exists by which a division of any portion of the amounts charged has been or is to be made, either directly or indirectly, with any board, or member thereof or any person or official authorized or empowered to secure public printing mentioned in this section. Any person, firm or corporation violating the provisions of this section shall be guilty of a misdemeanor.

SEC. 2. Whereas an emergency exists in that there is now no adequate law covering the provisions of this act, therefore this act shall take effect from and after its passage and approval.

And passed as amended.

Very respectfully,

P. D. NORTON,
Chief Clerk.

The committee on cities and municipal corporations made the following report:

Mr. President:

Your committee on cities and municipal corporations to whom was referred

House Bill No. 344,

A bill for an act to provide for paving, curbing or macadamizing the highways in civil townships adjoining incorporated cities of not less than 6,000 inhabitants, and for the construction of sewers and water mains therein, connecting with city sewers and water mains or with their own trunk sewers, and for the construction of sidewalks.

Have had the same under consideration and recommend that the same do pass.

H. H. STEELE,
Chairman.

Mr. Steele moved
That the report be adopted,
Which motion prevailed and
The report of the committee was adopted.

House Bill No. 211,

A bill for an act to provide for the payment of premiums and awards by the North Dakota State Poultry Association for the purpose of promoting and increasing the poultry industry in the state of North Dakota.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 36, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McDonald	Spoonheim
Cashel	McLean	Stade
Crane	Movius	Steele
Dyste	Palmer	Strom
Hanna	Pierce	Swenson
Johnson of McLean	Plain	Talcott
Johnson of Walsh	Purcell	Taylor
Koffel	Ramsett	Thatcher
Kraabel	Regan	Turner
LaMoure	Rice	Wagner
Leutz	Sharpe	Young
McArthur	Sifton	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gilbert	Little	Simpson
Kelly		

So the bill passed and the title was agreed to.

Mr. Rice moved

That further consideration of House Bill No. 271 be indefinitely postponed.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Mr. LaMoure moved

That the senate concur in house amendments to Senate Bill No. 83.

The roll was called and there were ayes 39, nays none, absent and not voting 1.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sharpe
Cashel	Little	Sifton
Crane	McArthur	Spoonheim
Dyste	McDonald	Stade
Gilbert	McLean	Steele
Halliday	Movius	Strom
Hanna	Palmer	Swenson
Johnson of McLean	Pierce	Talcott
Johnson of Walsh	Plain	Taylor
Kelly	Purcell	Thatcher
Koffel	Ramsett	Turner
Kraabel	Regan	Wagner
LaMoure	Rice	Young

Mr. Simpson being absent and not voting.

So the house amendments to Senate Bill No. 83 were concurred in.

House Bill No. 344,

A bill for an act to provide for paving, curbing or macadamizing the highways in civil townships adjoining incorporated cities of not less than 6,000 inhabitants, and for the construction of sewers and water mains therein, connecting with city sewers and water mains or with their own trunk sewers, and for the construction of sidewalks.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 35, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sifton
Cashel	McDonald	Simpson
Crane	McLean	Spoonheim
Dyste	Movius	Stade
Halliday	Palmer	Steele
Hanna	Pierce	Talcott
Johnson of McLean	Plain	Taylor
Johnson of Walsh	Purcell	Thatcher
Koffel	Ramsett	Turner
Kraabel	Regan	Wagner
LaMoure	Rice	Young
Leutz	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gilbert	McArthur	Swenson
Kelly	Strom	

So the bill passed and the title was agreed to.

Mr. Hanna moved

That the vote by which House Bill No. 344 passed be re-

considered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 230,

A bill for an act to amend section 1973 of the Revised Codes of 1905, relating to estrays.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 33, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sharpe
Cashel	Little	Sifton
Crane	McDonald	Simpson
Dyste	McLean	Spoonheim
Halliday	Movius	Strom
Hanna	Palmer	Swenson
Johnson of McLean	Pierce	Talcott
Johnson of Walsh	Plain	Taylor
Kelly	Purcell	Turner
Koffel	Regan	Wagner
LaMoure	Rice	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gilbert	Ramsett	Steele
Kraabel	Stade	Thatcher
McArthur		

So the bill passed and the title was agreed to.

Mr. Simpson moved

That the rules be suspended and that House Bill No. 240 be given its first and second reading and reference.

Which motion prevailed.

FIRST AND SECOND READING OF HOUSE BILLS.

House Bill No. 240,

A bill for an act entitled an act creating and establishing an irrigation and dry farming experiment station at or near Williston, in Williams county, providing for its management, and making an appropriation therefor.

Was read the first and second times, and

Referred to the committee on appropriations.

House Bill No. 68,

A bill for an act to amend section 6130 of the Revised Codes of North Dakota for the year 1905, relating to liens on future interest.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 32, nays 3, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Spoonheim
Cashel	Little	Stade
Crane	McDonald	Strom
Dyste	McLean	Swenson
Halliday	Plain	Talcott
Hanna	Purcell	Taylor
Johnson of McLean	Regan	Thatcher
Johnson of Walsh	Rice	Turner
Kelly	Sharpe	Wagner
Koffel	Sifton	Young
Kraabel	Simpson	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Leutz	Movius	Palmer
Absent and not voting:		
Messrs.—	Messrs.—	Messrs.—
Gilbert	Pierce	Steele
McArthur	Ramsett	

So the bill passed and the title was agreed to.

Mr. LaMoure moved

That the vote by which House Bill No. 68 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 59,

A bill for an act to provide for the satisfaction of liens and mortgages upon the property before the date of maturity, and for the discharge of the same by the laws now in force in the state of North Dakota.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were ayes 32, nays 1, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McArthur	Spoonheim
Cashel	McDonald	Stade
Crane	McLean	Steele
Dyste	Movius	Strom
Halliday	Palmer	Swenson
Johnson of McLean	Pierce	Talcott
Johnson of Walsh	Plain	Taylor
Kelly	Purcell	Turner
Kraabel	Regan	Wagner
Leutz	Rice	Young
Little	Sharpe	

Absent and not voting:

Messrs.—

Gilbert
Hanna
LaMoure

Messrs.—

Ramsett
Sifton

Messrs.—

Simpson
Thatcher

Mr. Koffel voted in the negative.

So the bill passed and the title was agreed to.

Mr. Sharpe moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

J. W. FOLEY,
Secretary.

FIFTY-NINTH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 7, 1907.

The senate convened at 2 o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All members present.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills to whom was referred

Senate Bill No. 33,

A bill for an act entitled, "An act to regulate the practice in appellate courts, as to the review of errors committed by trial courts in ruling upon demurrers to pleadings."

Also,

Senate Bill No. 47,

A bill for an act to amend section 241, chapter IV of the Revised Codes of 1905, relating to the duties of the State Historical Society of North Dakota, and to the publication of the same.

Also,

Senate Bill No. 202,

A bill for an act to re-enact sections 2297 to 2321, both inclusive, of the Revised Codes of North Dakota for the year A. D. 1905, relating to organization of counties.

Also,

Senate Bill No. 295,

A bill for an act to amend section 8983 of the Revised Codes of 1905.

Also,

Senate Bill No. 158,

A bill for an act to amend section 1172 of the Revised Codes of 1905, relating to the industrial school and school for manual training.

Have carefully examined the same and find the same correctly enrolled.

GEORGE M. YOUNG,
Chairman.

The secretary announced that the president was about to sign

Senate Bill No. 33,

A bill for an act entitled, "An act to regulate the practice in appellate courts, as to the review of errors committed by trial courts in ruling upon demurrers to pleadings."

Also,

Senate Bill No. 47,

A bill for an act to amend section 241, chapter IV of the Revised Codes of 1905, relating to the duties of the State Historical Society of North Dakota, and to the publication of the same.

Also,

Senate Bill No. 202,

A bill for an act to repeal sections 2297 to 2321, both inclusive, of the Revised Codes of North Dakota for the year A. D. 1905, relating to organization of counties.

Also,

Senate Bill No. 295,

A bill for an act to amend section 8983 of the Revised Codes of 1905.

Also,

Senate Bill No. 158,

A bill for an act to amend section 1172 of the Revised Codes of 1905, relating to the industrial school and school for manual training.

Also,

House Bill No. 120,

A bill for an act to amend chapter 65 of the Penal Code of the Revised Codes of 1905 of the state of North Dakota, relating to the enforcement of the prohibition law.

Also,

House Bill No. 63,

A bill for an act prescribing a penalty for letting any building or portion of any building, knowingly, for the purpose of unlawful dealing in intoxicating liquors.

Also,

House Bill No. 36,

A bill for an act to amend section 2825 of the revised codes of North Dakota, of 1905, relating to extension of corporate limits of cities.

Also,

House Bill No. 12,

A bill for an act providing for the opening, grading, improving and vacating of streets, alleys, etc., in incorporated villages.

Also,

House Bill No. 79,

A bill for an act to amend section 4610 of the Revised Codes of 1905, relating to building and loan associations.

Also,

House Bill No. 81,

A bill for an act requiring biennial reports to be made by the superintendent of the Edgely sub-experiment station.

Also,

House Bill No. 99,

A bill for an act to amend section 872 of the Political Code of the Revised Codes of 1905 of the Codes of North Dakota, relating to examinations and certificates for teachers in public schools.

And the president signed the same in the presence of the senate.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the governor:

GOVERNOR'S OFFICE, NORTH DAKOTA,
BISMARCK, March 7, 1907.

To the Senate:

GENTLEMEN: I have the honor to inform you that I have this day approved and filed with the secretary of state

Senate Bill No. 10,

A bill for an act requiring railroad companies to report all wrecks and casualties wherein any person is injured or killed, to the railroad commissioners.

Also,

Senate Bill No. 15,

A bill for an act providing for the creating of a public health laboratory, for the control of such laboratory, and duties of the director, for the appointment of a director of such laboratory who shall be ex-officio state bacteriologist.

Also,

Senate Bill No. 48,

A bill for an act to repeal sections 395, 396, 397, 398 and 399 of the Revised Codes of 1905, relating to state weather bureau.

Senate Bill No. 94,

A bill for an act for the reservation of lands for the preservation of the Fort Clark and Mandan village sites on certain school lands in Mercer county, North Dakota.

Also,

Senate Bill No. 109,

A bill for an act amending sections 6, 8 and 9 of chapter 108 of the laws of 1903, being sections 1165, 1167 and 1168 of the Revised Codes of 1905, and repealing chapter 76 of the Laws of 1905, in so far as the same applies to the institution for feeble minded.

Also,

Senate Bill No. 134,

A bill for an act establishing and naming a state flower for the state of North Dakota.

Also,

Senate Bill No. 136,

A bill for an act to amend section 2625 of the Revised Codes of 1905, relative to fees for interpreters.

I have the honor to be

Respectfully,

JOHN BURKE,
Governor.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 7, 1907.

Mr. President:

I have the honor to return herewith

Senate Bill No. 247,

A bill for an act to amend section 7598 of the Code of 1905, relating to the law of eminent domain.

Also,

Senate Bill No. 66,

A bill for an act to establish a parole system, and providing for indeterminate sentences of persons convicted of certain crimes, and providing for the care, treatment, parole and release of such persons, and prescribing the duties of officials in connection therewith.

Also,

Senate Bill No. 276,

A bill for an act relating to liability of common carriers to their employees.

Also,

Senate Bill No. 287,

A bill for an act to amend section 183 of the Revised Codes of 1905 of chapter 4 of the Political Code of the state of North Dakota, providing for the surrender of state or school land contracts and division of the land covered thereby, and the issuance of new contracts for such subdivisions.

Also,

Senate Bill No. 286,

A bill for an act to authorize holders of state or school

land contracts for lands over which railroads have been or may be located and established subsequent to the issuance of such contracts, to surrender such contracts, and obtain new contracts for the land less the rights of way required for such railroad, and providing for the payment to the state of the balance of the purchase price of the land required for such rights of way and issuance of deed therefor.

Also,

Senate Bill No. 131,

A bill for an act to amend section 1597 of the Revised Code of 1905 of the state of North Dakota, relative to duty of county auditor.

Also,

Senate Bill No. 293,

A bill for an act to amend section 394 of chapter 5 of the Political Code of the Revised Codes of 1905 for North Dakota, relative to verified claims against the state.

Which the house has passed unchanged.

Very respectfully,

P. D. NORTON,
Chief Clerk.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 7, 1907.

Mr. President:

I have the honor to return herewith

Senate Bill No. 55,

A bill for an act to provide for the making of certain abstracts of title prima facie evidence of title and to provide for the recording of the same.

Which the house has amended as follows:

Strike out all of the title and substitute therefor the following: "A bill for an act to provide for the making of certain abstracts of title prima facie evidence of title and to provide for the recording of the same."

In line 5 of section 1, printed bill, strike out the following: "And are the official records of the county," and insert in lieu thereof the following: "Prima facie evidence of title and any regularly certified abstract may be recorded as are other instruments."

In line 3 of section 1 strike out the following: records of the" and insert in lieu thereof the words "abstract of a."

And passed as amended

Also,

Senate Bill No. 114,

A bill for an act entitled, An act to amend section 10,381 of the Revised Code of 1905, relating to the manner of disposing of the product of the state binder twine plant and prescribing duties of accounting officer."

Senate Bill No. 187,

Which the house has amended as follows:

Add to the title the words "and prescribing duties of accounting officer."
Amend by adding the following:

"SEC. 2. That section 10382 of the Revised Codes of North Dakota for 1905 be amended to read as follows:

"Sec. 10382. Duty of Accounting Officer.] It shall be the duty of the warden of the state penitentiary to keep a true and accurate account of all notes, evidences of indebtedness and money received by him for the sale of the product of said plant, and at the end of each month to turn all money so received over to the state treasurer and take his receipt therefor, and he shall at the same time furnish the state auditor with a statement showing the amount of same and the source from which it came; and all sums so placed in the hands of the state treasurer, arising from sales of the product of said plant, shall be placed to the credit of the 'operating fund' hereinbefore mentioned and referred to. On the failure of the warden to carry out any of the provisions hereof he shall be subject to a fine of not less than one hundred dollars or more than five hundred dollars."

And passed as amended

Also,

Senate Bill No. 187,

A bill for an act to provide for the protection of purchasers at judicial or foreclosure sales of real estate in the payment of taxes, assessments, prior liens or insurance premiums becoming delinquent during the year of redemption.

Which the house has amended as follows:

In line 3 of section 2 strike out the word "correctness" and insert in lieu thereof the word "incorrectness."

In line 3 of section 2 strike out the word "validity" and insert in lieu thereof the word "invalidity."

And passed as amended.

Also,

Senate Bill No. 27,

A bill for an act to amend section 155 of chapter 4 of the Political Code of the state of North Dakota, and all acts amendatory thereof, providing for the investment of moneys belonging to the permanent funds of the schools, agricultural college, school for the deaf and dumb, normal schools and all other permanent funds derived from the sale of public lands or any other source belonging to the school divisions of the state.

Which the house has amended as follows:

In section 1, second subdivision, after the word "state" insert the following: "And to persons who are actual residents thereof."

In same subdivision striking out the word "five" and inserting in lieu thereof "three."

Add at the end of the word "together," on line 41, page 3 of the printed bill, the following: "Provided, if the loan is sought to be paid off in full previous to the time specified for payment in the contract, then the party so paying said loan shall pay in addition to the interest then due on such loan the interest on the same for six months in advance of the date of such payment on the whole amount remaining due in such payment."

And passed as amended.

Also,

Senate Bill No. 28,

A bill for an act to regulate the practice of pharmacy.

Which the house has amended as follows:

In section 29, line 9, page 17 of the printed bill, after the word "business" insert the following: "Provided, however, that any storekeeper may sell the drugs known as formaldehyde and paris green in unbroken packages."

And passed as amended.

Very respectfully,

P. D. NORTON,
Chief Clerk.

REFERENCE OF THE JOURNAL.

The committee on revision and correction of the journal made the following report:

Mr. President:

Your committee on revision and correction of the journal of the fifty-seventh day after recess and fifty-eighth day have carefully examined the same and recommend that the same be corrected as follows:

On page 3, line 19, change title of Senate Bill No. 183. Line 31, change title of House Bill No. 183.

On page 5, line 1, strike out the word "senate" and insert the word "house;" and change title.

On page 10, line 36, strike out the word "and" and insert in lieu thereof the word "from."

On page 31, change title of Senate Bill No. 68.

Page 39, line 37, insert the following: "Have had the same under consideration and recommend that the same be indefinitely postponed."

On page 40, line 19, after the word "voting" insert the word "none."

On page 44, change the title to House Bill 306. On line 41 strike out the line "house amendments were not concurred in" and insert "which motion prevails and the house amendments were not concurred in."

On page 63 cut out all line 2 and line 3 to the word "it."

And when so amended recommend that the same be approved.

J. D. TAYLOR,
Chairman.

Mr. Taylor moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

REPORTS OF STANDING COMMITTEES.

The committee on state affairs made the following report:

Mr. President:

The committee on state affairs to whom was referred

House Bill No. 94,

A bill for an act to provide for the safekeeping of the public funds.

Have had the same under consideration and recommend that the same be amended as follows:

In section 2 of the engrossed bill after "\$500,000" insert "\$250,000 of which may personal."

Also, in section 3 of the engrossed bill strike out "approved by the governor and."

Also, in section 5 of the engrossed bill strike out the word "and" between "stock" and "surplus" and insert comma;" also, after the word "surplus" insert "and undivided profits."

Also, in section 6 of the engrossed bill insert "personal or surety" before the word "bond." Also, in same section, after the word "state" strike out "executed by surety company authorized to transact business within the state."

Also, in section 7 of the engrossed bill strike out the word "governor" and insert the words "state auditor."

Also, in section 8 of the engrossed bill after the word "proportion" insert the words "as nearly as practicable."

Also, in section 13 of the engrossed bill, before the word "portion" insert the word "material."

And when so amended recommend the same do pass.

J. B. SHARPE,
Chairman.

Mr. Movius objected to the adoption of the report of the committee on state affairs on House Bill No. 94, and the report was deferred.

The committee on education made the following report:

Mr. President:

Your committee on education to whom was referred

House Bill No. 112,

A bill for an act to amend section 829 of the Revised Codes of North Dakota for 1905 relating to education.

Have had the same under consideration and recommend that the same do pass.

F. S. TALCOTT,
Chairman.

Mr. Talcott moved
That the report be adopted,
Which motion prevailed, and
The report of the committee was adopted..

The committee on education made the following report:

Mr. President:

Your committee on education to whom was referred
House Bill No. 296,

A bill for an act to amend sections 938, 939, 940, 941 and 943 of the Revised Codes of 1905 of the state of North Dakota, relating to the creation of special school districts in incorporated cities, towns and villages constituting a part of a school district, and to divide the property and indebtedness of such school district.

Have had the same under consideration and recommend that the same do pass.

F. S. TALCOTT,
Chairman.

Mr. Talcott moved
That the report be adopted.
Which motion prevailed and
The report of the committee was adopted.

The committee on counties made the following report:

Mr. President:

Your committee on counties to whom was referred
House Bill No. 327,

A bill for an act to amend and re-enact section 2330 of the Revised Code of 1905, relating to the formation of new counties.

Have had the same under consideration and recommend that the same do pass.

AUG. E. JOHNSON,
Chairman.

Mr. Regan objected to present consideration of the report of the committee on counties on House Bill No. 327 and the report went over for one day.

The committee on irrigation and drainage made the following report:

Mr. President:

Your committee on irrigation and drainage to whom was referred

House Bill No. 335,

A bill for an act to amend section 1845, chapter 23, of the Political Code of the state of North Dakota, Revised Codes of North Dakota of 1905, relating to drains.

Have had the same under consideration and recommend that the same do pass.

J. L. CASHEL,
Chairman.

Mr. Cashel moved
That the report be adopted,
Which motion prevailed, and
The report of the committee was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred House Bill No. 167,

A bill for an act appropriating to Zeno Bruegger, clerk of the district court of Williams county, North Dakota, \$200 clerk's fees for services rendered in the unorganized territory attached to Williams county for judicial purposes during the years 1903 and 1904.

Have had the same under consideration and recommend that the same do pass.

J. LAMOURE,
Chairman.

Mr. LaMoure moved
That the report be adopted,
Which motion prevailed, and
The report of the committee was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred House Bill No. 240,

A bill for an act entitled an act creating and establishing an irrigation and dry farming experiment station at or near Williston, in Williams county, providing for its management, and making an appropriation therefor.

Have had the same under consideration and recommend that the same do pass.

J. LAMOURE,
Chairman.

Mr. LaMoure moved
That the report be adopted,
Which motion prevailed and
The report of the committee was adopted.

The committee on cities and municipal corporations made the following report:

Mr. President:

Your committee on cities and municipal corporations to whom was referred

Senate Bill No. 223,

A bill for an act to amend section 2979 of the Revised Codes of 1905, authorizing certain cities to issue bonds for the construction of waterworks.

Have had the same under consideration and recommend that the same be indefinitely postponed.

H. H. STEELE.
Chairman.

Mr. Steele moved
That the report be adopted,
Which motion prevailed, and
The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

House Bill No. 165,

A bill for an act providing for the levy and collection of road taxes in incorporated villages.

Have had the same under consideration and recommend that the same be amended as follows:

That all of sections 7, 8 and 9 of the printed bill be stricken out.

And when so amended recommend the same do pass.

C. B. LITTLE,
Chairman.

Mr. Little moved
That the report be adopted,
Which motion prevailed, and
The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

House bill No. 313,

A bill for an act to provide for the assessment of lignite

coal and minerals underlying lands in cases of severed ownership.

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,
Chairman.

Mr. Little moved
That the report be adopted.
Which motion prevailed and
The report of the committee was adopted.

The committee on judiciary made the following report:
Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 332,

A bill for an act to amend section 2578 of the Revised Codes of 1905 of the state of North Dakota, prescribing the salary of state's attorney and assistant.

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,
Chairman.

Mr. Little moved
That the report be adopted.
Which motion prevailed, and
The report of the committee was adopted.

The committee on judiciary made the following report:
Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 288,

A bill for an act to amend section 434 of the Political Code of the Revised Codes of 1905.

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,
Chairman.

Mr. Little moved
That the report be adopted.
Which motion prevailed, and
The report of the committee was adopted.

The committee on judiciary made the following report:
Mr. President:

Your committee on judiciary to whom was referred

House Bill No. 169,

A bill for a concurrent resolution for amendment to the constitution of the state of North Dakota providing for the purchase of and sale of school and public lands.

Have had the same under consideration and recommend that the same be amended as follows:

That on page 2, in line 20, of the printed bill, add the following after the word "sold:" "and also published in a newspaper published at the county seat, and also in a newspaper published at the seat of government."

That the following be added after the last word "herein" of original bill: "Provided, further, that any school or institution lands that may be required for townsite purposes may be paid for at any time and patent issued therefor."

And when so amended recommend the same do pass.

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

COMMUNICATION FROM THE GOVERNOR.

A sealed communication was received from the governor.

EXECUTIVE SESSION.

Mr. LaMoure moved

That the senate go into executive session.

Which motion prevailed, and

The senate went into executive session.

OPEN SESSION.

In open session the announcement was made of the confirmation of the following executive appointments:

For trustees of the Industrial School at Ellendale:

Richard McCarten, of Cogswell, North Dakota.

Wesley C. McDowall, of Marion, North Dakota.

W. C. Taylor, of LaMoure, North Dakota.

For trustees of the State Penitentiary:

Michael Murphy, of Jamestown, North Dakota.

Thomas Conyers, of Cando, North Dakota.

August Hoefs, of Richland county.

For trustees of the Hospital for the Insane:

John B. Fried, of Jamestown, North Dakota.

H. J. Mitchell, of New Rockford, North Dakota.

For trustees of the Reform School at Mandan :

M. F. Minehan, of McLean county, North Dakota.

The confirmation of A. H. McKay, as a director of the School of Forestry at Bottineau was announced for a term of four years, instead of two years as previously stated in the journal.

Mr. LaMoure offered the following resolution and moved its adoption :

That A. H. Barnes of the mailing department be employed by the secretary of state for three days after the close of the session to complete the mailing of journals at his present compensation, and the president and secretary of the senate are authorized to sign a voucher for his services.

Which motion prevailed, and

The resolution was adopted.

Mr. Cashel moved

That the senate do now concur in the house amendments to Senate Bill No. 28.

The roll was called and there were ayes 34, nays none, absent and not voting 6.

Those who voted in the affirmative were :

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sharpe
Cashel	McArthur	Sifton
Crane	McLean	Spoonheim
Dyste	Movius	Stade
Gilbert	Palmer	Strom
Halliday	Pierce	Swenson
Johnson of McLean	Plain	Talcott
Johnson of Walsh	Purcell	Taylor
Kelly	Ramsett	Thatcher
Koffel	Regan	Turner
Kraabel	Rice	Young
Leutz		

Absent and not voting :

Messrs.—	Messrs.—	Messrs.—
Hanna	McDonald	Steele
LaMoure	Simpson	Wagner

So the house amendments were concurred in.

Mr. Strom moved

That the senate do now concur in the house amendments to Senate Bill No. 27.

The roll was called and there were ayes 37, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Rice
Cashel	Little	Sharpe
Crane	McArthur	Sifton
Dyste	McDonald	Spoonheim
Gilbert	McLean	Stade
Halliday	Movius	Strom
Hanna	Palmer	Swenson
Johnson of McLean	Pierce	Talcott
Johnson of Walsh	Plain	Taylor
Kelly	Purcell	Thatcher
Koffel	Ramsett	Turner
Kraabel	Regan	Young
LaMoure		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Simpson	Steele	Wagner

So the house amendments were concurred in.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 7, 1907.

Mr. President:

I have the honor to request the return to the house of Senate Bill No. 1,

A bill for an act providing for the selection of candidates for election by popular vote and relating to their nomination and the perpetuation of political parties.

Which the house returned to the senate amended on February 27, 1907.

Very respectfully,
P. D. NORTON,
Chief Clerk.

Mr. Hanna moved

That the request of the house relative to the return of Senate Bill No. 1 be granted.

Which motion prevailed.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred House bill No. 343,

A bill for an act to amend section 7253 of the Revised Codes of 1905, relating to witnesses and evidence.

Have had the same under consideration and recommend that the same be amended as follows:

That all of the last four lines of the original bill, known as the emergency clause, be stricken out.

And when so amended recommend the same do pass.

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

House Bill No. 318,

A bill for an act entitled an act to grant to urban electric railways all of the rights, privileges and power granted to steam railways.

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

House Bill No. 324,

A bill for an act to amend chapter 79 of the Revised Codes of 1905, relating to mechanic's liens.

Have had the same under consideration and recommend that the same be indefinitely postponed.

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 249,

A bill for an act to enable purchasers of any article of commerce to set up defects in such article of commerce as a counter claim in an action for the purchase price thereof, notwithstanding provisions of the contract of sale to the contrary.

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 317,

A bill for an act to amend section 1582 of the Revised Codes of 1905, relating to redemption from sale of real estate for taxes, time of payment of subsequent taxes, and rate of interest thereon.

Have had the same under consideration and recommend that the same be indefinitely postponed.

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on railroads made the following report:

Mr. President:

Your committee on railroads to whom was referred
House Bill No. 337,

A bill for an act to amend section 364 of the Revised Codes of North Dakota for 1905 relating to the board of railroad commissioners.

Have had the same under consideration and recommend that the same be indefinitely postponed.

E. F. GILBERT,
Chairman.

Mr. Gilbert moved
That the report be adopted,
Which motion prevailed, and
The report of the committee was adopted.

REPORT OF SELECT COMMITTEES.

To the House and Senate of the Tenth Legislative Assembly.

Your conference committee heretofore appointed on Senate Bill No. 1 respectfully report as follows:

That Senate Bill No. 1 was passed by the senate and came to the house and on the 25th day of February 1907, came up on its third reading and final passage and various amendments to said senate bill were made by the house and the same were duly passed and as so amended were transmitted to the senate. That a motion was made in the senate that the amendments to said senate bill be not concurred in and a conference committee of three be appointed by the senate and a like committee be appointed by the house to confer and reconcile the differences between the two houses on said bill. That pursuant to said motion Senators Hanna, Kraabel and LaMoure were appointed as such conference committee on the part of the senate and that J. A. Sorley, Tobias D. Casey and A. O. Graham were appointed by the speaker of the house. That various sessions were held by the said conference committees at which the different points in dispute were fully discussed. It is recommended that the house recede from its action in amending said bill and that the following amendments to said Senate Bill No. 1 are hereby recommended for adoption by the house and senate, being part of the amendments heretofore adopted by the house, to-wit:

Amend section 1 of the printed bill by inserting at the end thereof the following: "It shall be liberally construed so that the real will of the electors may not be defeated by any informality or failure to comply with all provisions of law in respect to either the giving of any notice or the conducting of the primary or certify the results thereof."

Amend section 2 of the printed bill by striking out all of line 1, beginning with the word "on," all of lines 2, 3, 4, 5, 6, 7 and 8, and all of line 9 to and including the word "officers," and inserting in lieu thereof the following:

"On the last Wednesday in June of every year in which occurs a general election there shall be held, in lieu of party caucuses and conventions, a primary election in the various voting precincts of this state, for the nomination of candidates for the following offices to be voted for at the ensuing general election, viz: Members of congress, state officers, county officers, district assessors and the following officers on the years of their regular election, viz: Judges of the supreme and district courts, members of the legislative assembly and county commissioners, and United States senator in the year previous to his election by the legislative assembly."

Amend section 3 by striking out the figure "2" in line 13 of the printed bill and inserting in lieu thereof the figure "1."

Amend section 4 by striking out the word "twenty" in line 2 of the printed bill and inserting in lieu thereof the word "thirty;" and amend said section 4 by striking out the word "twentieth" in line 3 of the printed bill and inserting in lieu thereof the word "thirtieth."

Amend section 4 by adding after the word "congress," in line 22 of the printed bill the following: "Provided, that in case no candidate of my party receives forty per cent of all the votes cast for the office of United States senator of my party, then and in that case I pledge myself to vote for the candidate of my party who receives the highest number of votes of my party at the general election succeeding such primary election."

Amend section 4 by striking out the figure "2" in line 29 of the printed bill and inserting in lieu thereof the figure "1."

Amend section 4 by striking out the word "thirty" in line 31 of the printed bill and inserting in lieu thereof the word "twenty;" and by striking out in the same line the word "fifteen" and inserting in lieu thereof the word "ten."

Amend section 4 by adding after the word "commissioners," in line 34 of the printed bill, the following: "District assessors."

Amend section 4 by adding after the word "provided," in line 39 of the printed bill, the following: "When a legislative district is composed of more than one county the petition herein provided for shall be filed with the county auditor of the county where the candidate resides, and such county auditor shall certify to the county auditors of the other counties composing such legislative districts the names of the candidates filing such petitions."

Amend section 5 by adding after the word "petition," in line 32 of the printed bill, the following: "Provided, that such affidavit and petition shall not be filed without the written consent of such person to be nominated endorsed thereon; and provided, further, that when the time has expired at which a petition may be filed, and a vacancy exists in the primary election ballot of any political party by reason of no petition having been filed for such nomination, then and in that case the same may be filled by affidavit and petition as provided in this section, on the payment of one-half of the usual fee, and such affidavit and petition must be filed with the proper officers at least twenty days before the primary election; and provided, further, that no petition shall be circulated or signed more than ninety days previous to the time when any petition is required to be filed as herein provided for and any signatures to a petition secured prior to ninety days shall not be counted."

Amend section 7 by adding after the word "placed," in line 2 in the printed bill, the following: "Over the name or."

Amend section 9 by adding in line 6 after the word "color" the following words: "Except sample ballots, which shall be printed on tinted paper."

Amend section 9 by adding after line 22 of the printed bill the following, and strike out lines 23 and 24:

"Immediately above the names of the candidates to be voted for shall be printed the following:

"To vote for a person whose name is printed on the ballot mark a

cross (X) in the square at the right of the name of the person for whom you desire to vote.

"To vote for a person whose name is not printed on the ballot, write or paste his name in the blank space provided for that purpose."

"Each ballot shall contain two columns, and each column is to have as nearly as possible the same number of names of candidates thereon, except that no groups or spaces beneath any group shall be divided, and the candidates for the various offices shall appear upon the ballot in the following order commencing at the column to the left, viz:

"Congressional—	
United States senator	Vote for one
Representatives in congress	district Vote for one
"State Officers—	
Governor	Vote for one
Lieutenant governor	Vote for one
Justice of the supreme court	Vote for....
Secretary of state	Vote for one
State auditor	Vote for one
State treasurer	Vote for one
Superintendent of public instruction	Vote for one
Attorney general	Vote for one
Commissioner of insurance	Vote for one
Commissioner of agriculture and labor	Vote for one
Commissioner of railroads	Vote for three
"District Judges—	
For district judge.....	district Vote for one
"Legislative—	
State senator	district Vote for one
Members of the house of representatives	Vote for....
"County—	
Sheriff	Vote for one
Auditor	Vote for one
Treasurer	Vote for one
Clerk of the district court	Vote for one
Register of deeds	Vote for one
State's attorney	Vote for one
County judge	Vote for one
Superintendent of schools	Vote for one
Public administrator	Vote for one
County surveyor	Vote for one
County coroner	Vote for one
County commissioner	district Vote for one
District assessor	district Vote for one
County constable	Vote for....
County justice of the peace	Vote for....

"A square shall be placed following the name to the right of every candidate and the voter shall place a cross (X) in such square following the name of each person he desires to vote for."

Amend section 13 by adding at the end of said section 13 the following:

"The candidate receiving the highest number of votes at such primary election shall be the nominee of his party for the office of United States senator at the succeeding session of the legislative assembly which is to elect a United States senator; provided, however, that in case no candidate receives forty per cent of all the votes of his party cast for the office of United States senator, then the two candidates of each party who receives the highest number of votes cast at such primary election shall be placed upon a separate ballot to be voted for at the general election following. Such ballot to be prepared in the same manner as the general election ballot commonly known as the Australian ballot, is prepared. The candidates of each party is to be placed upon such ballot under their proper

party heading. The names of each candidate shall be placed upon such ballot in the same manner as the candidate for state officers and shall be voted for in the same manner. The votes for candidates for United States senator shall be canvassed and returned in the same manner as the votes cast for state officers. The candidate of each party receiving the highest number of votes at such general election shall be the nominee of his party for the office of United States senator, and it is hereby made the duty of the secretary of state to certify to the next session of the legislative assembly the name of the candidate of each party who receives the highest number of votes for the office of United States senator."

Amend section 14, in line 2, of the printed bill, by adding the letter "s" to the word "section;" and insert thereafter "614 and."

Amend section 1 by striking out the word "fifteenth" in the second line of the printed bill, and insert in lieu thereof the word "first."

Amend section 17, in line 4, of the printed bill, by inserting after the word "to-wit" "605."

Amend section 17, in line 7, of the printed bill, by inserting after "672" the figures "673;" and in same line by inserting after "683" the figures "684."

Amend section 19, in line 1, of the printed bill, by striking out the figure "9" and insert in lieu thereof the figure "8."

Amend section 23, in line 32, of the printed bill, by striking out the letter "a" and insert in lieu thereof "the officials;" and in same section and line add letter "s" to the word "newspaper," and insert thereafter "of the county."

Strike out in section 23 in the printed bill all after the word "newspaper" in lines 32 and 33.

Amend section 24 of the printed bill in line 3 by striking out the word "third" and inserting the word "first."

Amend section 25, in line 4, of the printed bill, by striking out the word "of" and inserting in lieu thereof the word "after."

Amend section 27 by striking out all after the word "shall," in line 10 of the printed bill. Strike out all of line 11 and all of line 12 up to and including the word "also."

Amend section 28 by striking out in line 6 after the word "following" the words "excepting that of United States senator."

Amend section 30 of the printed bill by striking out all of such section after the number "30" and insert in lieu thereof "whenever it shall be made to appear by affidavit to the supreme court or to the district court of the proper county: that an error or omission has occurred or is about to occur in the placing of any name on an official primary election ballot; that any error has been or is about to be committed in printing such ballot, or that any wrongful act has been or is about to be done by any judge or clerk of a primary election, county auditor, canvassing board, member thereof, or other person charged with any duty concerning the primary election; or that any neglect of duty has occurred or is about to occur, such judge shall order the officer or person charged with such error, wrong or neglect to forthwith correct the error, desist from the wrongful act, or perform the duty, or show cause at a time and place to be fixed by the court why he should not do so. Failure to obey the order of such judge shall be contempt of court."

Amend section 31 of the printed bill by striking out all of said section after the figures "31" in line 1 of the printed bill, and insert in lieu thereof "Any candidate at a primary election desiring to contest the nomination of another candidate or candidates for the same office, may proceed by affidavit within ten days after the completion of the canvass. In case the contestant shall set forth in his affidavit, upon information and belief, that the ballots in any precinct have not been correctly counted, and that he has been prejudiced thereby, the judge shall make an order requiring the custodian of such ballots to appear before him at such time and place, and abide the further order of the court. At the time and place stated, the ballot boxes

shall be opened and the ballots recounted in the presence of the court. If it should be found that a mistake has been made in counting such ballots, then the contestant shall be permitted upon application, to amend his affidavit of contest by including such additional facts therein.

"All testimony and depositions taken in contests brought under the provisions of this article shall be taken in the same manner as in civil actions and depositions may be taken in more than one place at the same time on leave of the court, and all matters relating to such contests shall be heard and tried as nearly as may be as civil actions are tried except as otherwise provided herein. The court shall make its findings of fact and conclusions of law. Appeals from final judgment and decisions of such contests may be taken without making a motion for a new trial in the district court in the manner provided for in the code of civil procedure, except that the undertaking on appeal shall be in a sum to be fixed by the judge, not less than five hundred dollars, and shall be approved by the judge and by the clerk of the district court of the proper county or subdivision under the directions of the judge.

"Appeals to the supreme court under the provisions of this article must be taken within ten days after notice of entry of final judgment and the party appealing must immediately procure the transmission of the record on such appeal to the clerk of the supreme court and such appeal may be brought on for hearing before the supreme court at any time such court shall be in session upon five days notice from either party; and the same shall be heard and determined in a summary manner except as otherwise provided in this article. The provisions of the code of civil procedure are applicable to and constitute the rules of practice in the proceedings mentioned in this article and the provisions of the civil code of procedure relative to appeals in civil actions, except in so far as they are inconsistent herewith apply to the proceedings mentioned in this article."

Amend section 32 of the printed bill by striking out all of said section after the number "32" in line 1 and in lieu thereof insert: "The provisions of the statutes now in force in relation to the holding of elections, the solicitation of votes, the manner of conducting elections, of counting the ballots and making return thereof, and all other kindred subjects shall apply to all primaries in so far as they are consistent with this act; the intent of this act being to place the primary election under the regulation and protection of the laws now in force as to election."

Amend section 33 of the printed bill by striking out all of said section after the number "33" in the printed bill and insert in lieu thereof "in case of a tie vote the same shall be determined by the canvassing board or boards concerned, at a time and place fixed by them in such manner as they may designate in the presence of the candidate upon at least five days notice to such candidate.

Amend section 34 of the printed bill by striking out all of said section after the number 34 in first line thereof and insert in lieu thereof the following: "Nothing herein contained shall be construed as repealing or being in conflict with section 501 of the Revised Codes 1905."

Amend section 35 of the printed bill by striking out all after the number "35" in first line thereof and insert in lieu thereof "all fees paid to the secretary of state by candidates for the legislative assembly shall be paid by the secretary of state forthwith to the various county auditors in the state where such candidates reside and in case any legislative district is composed of more than one county such fee shall be paid to such counties in equal proportions, which fees are to be turned into the general fund of said county auditor."

Strike out all of section 36.

Amend section 37 of the printed bill by striking out all of said section after the number "37" in the first line thereof, and insert in lieu thereof the following: "In case any of the provisions of this act should be declared

unconstitutional that shall not affect the validity of any of the other provisions of this act."

Also, amend printed bill by renumbering the sections so they shall follow in consecutive order.

Your conference committee respectfully recommends the adoption of the foregoing amendment and when so adopted that the same do pass.

(Signed)

L. B. HANNA,
A. T. KRAABEL,
J. LAMOURE,
J. A. SORLEY,
T. D. CASEY,
O. A. GRAHAM.

Mr. Hanna moved

That the report be adopted,

Which motion prevailed and

The report of the committee was adopted.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 7, 1907.

Mr. President:

I have the honor to return herewith

Senate Bill No. 1,

A bill for an act providing for the selection of candidates for election by popular vote and relating to their nomination and the perpetuation of political parties.

Which the house has amended as reported by conference committee and passed as amended.

Very respectfully,

P. D. NORTON,
Chief Clerk.

REPORT OF SELECT COMMITTEE.

To the Senate and House of Representatives:

Your conference committee to whom was referred Senate Bill No. 111, beg leave to make the following report:

We recommend that the house recede from their amendments to Senate Bill No. 111.

C. W. PLAIN,
H. McLEAN,
L. A. SIMPSON,
For the Senate.

AMASA P. PEAKE,
F. B. CHAPMAN,
L. A. UELAND,
For the House.

Mr. Plain moved

That the report be adopted,
Which motion prevailed and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

House bill No. 345,

A bill for an act providing for summary administration when estate is of small value.

Have had the same under consideration and recommend that the same be amended as follows:

That in line 4 of section 1 of the original bill the word "wife" be stricken out and the words "surviving husband or widow" be inserted in lieu thereof.

That in line 15 of section 1 of the original bill the first word "widow" be stricken out and the words "surviving husband or wife" be inserted in lieu thereof.

That in line 15 of section 1 of the original bill the second word "widow" be stricken out and the words "surviving husband or wife" be inserted in lieu thereof.

That in line 16 of section 1 of the original bill the word "widow" be stricken out and the words "surviving husband or wife" be inserted in lieu thereof.

That in line 22 of section 1 of the original bill the word "rest" be changed so as to read "vest."

That in line 23 of section 1 of the original bill the word "widow" be stricken out and the words "surviving husband or wife" be inserted in lieu thereof.

That in line 32 of section 1 of the original bill the word "must" be stricken out and the word "may" be inserted in lieu thereof.

And when so amended recommend the same do pass.

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

COMMUNICATION FROM THE ATTORNEY GENERAL.

The following communication was received from the attorney general.

STATE OF NORTH DAKOTA,
OFFICE OF ATTORNEY GENERAL,
BISMARCK, March 7, 1907.

To the Honorable Senate of the State of North Dakota:

GENTLEMEN: Pursuant to your request for my opinion as to the constitutionality of House Bill No. 190, as amended, I beg to submit the following:

Section 1 of the above named bill as amended, provides: "Whenever any peace officer of the state of North Dakota has reasonable grounds to believe that intoxicating liquor has been imported into the state of North Dakota for the purpose of sale as a beverage in violation of law, and that such liquor so imported is then stored at or in any place in any city, town, village, township or county in the jurisdiction of such peace officer, it is hereby made his duty to seize such liquor with or without a warrant, and if seized without a warrant, to invoice and keep the same in his custody until finally disposed of as hereinafter provided."

Article 4 of the Amendments to the Constitution of the United States provides: "The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." The question is therefore, whether section 1 of

the bill referred to is in conflict with article 4 of the Amendments to the Constitution, by reason of authorizing intoxicating liquors to be seized without a warrant. Statutes authorizing intoxicating liquors to be seized without a warrant have been passed by the states of Maine, Vermont, Massachusetts and other states, and such states named. In construing statutes of that kind, the courts hold that a peace officer by reason of the same is not given any new or additional authority to search premises; that it authorizes him to seize intoxicating liquors without a warrant when found by him and he has reasonable grounds to believe that they were for the purpose of sale as a beverage in violation of law. See *State vs. Bradley*, 51 Atlantic, 816 (Me.); *State vs. Four jugs of intoxicating liquor*, 2 Atlantic, 586 (Vt.); *State vs. Nadeau*, 97 Me. page 275.

In the light of the above decisions, if our court should determine that the bill in question as amended did not authorize the peace officer to make any search without first procuring a warrant therefor, then the measure will be upheld as constitutional, while, on the other hand, should the court construe the bill to require the peace officer to make a search in order to seize the liquors, then it would be unconstitutional and contrary to the amendment of the Constitution of the United States above referred to. The proposition presents itself to my mind as being one very close, and it being a new statute, and our court having never had the opportunity to pass upon it, I cannot say just what our court would hold.

Yours truly,

T. F. McCUE,
Attorney General.

MOTIONS AND RESOLUTIONS.

Mr. Hanna moved

That the senate now concur in the house amendments to Senate Bill No. 1.

The roll was called and there were ayes 37, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—
Albright
Cashel
Crane
Dyste

Messrs.—
Leutz
Little
McArthur
McLean

Messrs.—
Simpson
Spoonheim
Stade
Steele

Messrs.—	Messrs.—	Messrs.—
Gilbert	Movius	Strom
Halliday	Palmer	Swenson
Hanna	Plain	Talcott
Johnson of McLean	Purcell	Taylor
Johnson of Walsh	Ramsett	Thatcher
Kelly	Regan	Turner
Koffel	Sharpe	Wagner
Kraabel	Sifton	Young
LaMoure		

Absent and not voting :

Messrs.—	Messrs.—	Messrs.—
McDonald	Pierce	Rice

So the house amendments to Senate Bill No. 1 were concurred in.

Mr. Regan moved

That the senate do now concur in the further amendments of the house to the report of the conference committee on House Bill No. 18 amending the title of the bill.

The roll was called and there were ayes, 29, nays 6, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kraabel	Spoonheim
Cashel	Leutz	Stade
Crane	McArthur	Steele
Dvste	McLean	Strom
Gilbert	Movius	Swenson
Halliday	Plain	Thatcher
Hanna	Ramsett	Turner
Johnson of Walsh	Regan	Wagner
Kelly	Rice	Young
Koffel	Sifton	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Johnson of McLean	Palmer	Purcell
LaMoure	Pierce	Taylor

Absent and not voting :

Messrs.—	Messrs.—	Messrs.—
Little	Sharpe	Talcott
McDonald	Simpson	

So the further house amendments to House Bill No. 18 were concurred in.

Mr. Regan moved

That the further amendments having been concurred in and the report of the conference committee having been adopted, House Bill No. 18 as amended, be now placed upon third reading and final passage.

Which motion prevailed, and

House Bill No. 18.

A bill for an act providing for a maximum rate of fare to be charged and collected by railroad corporations and common carriers for the transportation of passengers and baggage, and providing a penalty for the violation thereof.

Was read the third time.

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 33, nays 5, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sifton
Cashel	McArthur	Spoonheim
Crane	McDonald	Stade
Dyste	McLean	Steele
Gilbert	Movius	Strom
Halliday	Palmer	Swenson
Hanna	Plain	Talcott
Johnson of Walsh	Ramsett	Taylor
Kelly	Regan	Thatcher
Koffel	Rice	Wagner
Kraabel	Sharpe	Young

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Johnson of McLean	Pierce	Turner
LaMoure	Purcell	

Messrs. Little and Simpson being absent and not voting.

So the bill passed as amended and the title was agreed to.

Mr. Regan moved

That the vote by which House Bill No. 18 passed be reconsidered and the motion to reconsider be laid on the table.
Which motion prevailed.

Mr. Strom moved

That House Bill No. 190, as amended be read the third time and placed on final passage.

Which motion prevailed, and

House Bill No. 190,

A bill for an act providing for the seizure and confiscation of intoxicating liquors imported into the state of North Dakota in violation of law.

Was read the third time.

Mr. Strom moved that House Bill No. 190 be further amended as follows:

Amend line 4 of section 2 by striking out the words "township, village or town" and insert in lieu thereof the word "county."

Amend line 7, section 4, by striking out the words "county for which he is state's attorney" and insert in lieu thereof the word "state."

Which motion prevailed, and
The amendments were adopted.

Mr. Movius moved

That House Bill No. 190 be indefinitely postponed.

Which motion was lost.

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 25, nays 15, absent and not voting none.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Crane	LaMoure	Spoonheim
Dyste	McArthur	Stade
Gilbert	McLean	Steele
Halliday	Pierce	Strom
Hanna	Plain	Swenson
Johnson of Walsh	Ramsett	Talcott
Kelly	Regan	Thatcher
Koffel	Rice	Young
Kraabel		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McDonald	Sifton
Cashel	Movius	Simpson
Johnson of McLean	Palmer	Taylor
Leutz	Purcell	Turner
Little	Sharpe	Wagner

So the bill passed as amended, and the title was agreed to.

Mr. Strom moved

That the vote by which House Bill No. 190 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

REPORT OF STANDING COMMITTEES.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills to whom was referred

Senate Bill No. 24,

A bill for an act to amend section 1016 of the Revised Codes of 1905, relating to report by city treasurer of receipts and disbursements of moneys of independent school districts.

Also,

Senate Bill No. 73,

A bill for an act to amend section 4449 of the Revised Codes of 1905, relating to mutual insurance companies engaged in hail insurance.

Also,

Senate Bill No. 83,

A bill for an act to repeal section 49 of the Revised Codes of 1905, being section 50 of the Revised Codes of 1895, being section 11, of chapter 119, of the Laws of 1890, and section 2282 of the Revised Codes of 1905, being section 1807 of the Revised Codes of 1895, as amended by chapter 125 of the Laws of 1899, relating to public printing.

Also,

Senate Bill No. 144,

A bill for an act to amend section 949 of the Revised Codes of 1905, relating to education.

Also,

Senate Bill No. 224,

A bill for an act providing for the placing of the inmates of the reform school of the state of North Dakota under the guardianship and control of the board of trustees of said reform school.

Also,

Senate Bill No. 269.

A bill for an act to amend and re-enact section 2894 of the Revised Codes of North Dakota for 1905, relating to extension of corporate limits of villages.

Also,

Senate Bill No. 273,

A bill for an act to amend section 4392 of the Revised Codes of the state of North Dakota for 1905, relating to the construction of "Ys" and transfer facilities at railroad crossings, and providing a penalty for the violation thereof.

Also,

Senate Bill No. 282,

A bill for an act to establish regular sessions for state board of railway commissioners and fixing the time, manner, and place, where such sessions shall be held, and otherwise defining their powers, and duties; also defining the duties of the attorney general in relation thereto.

Also,

Senate Bill No. 339,

A bill for an act making an appropriation to the Dickinson experiment station located at the city of Dickinson in Stark county.

Also,

Senate Bill No. 205,

A bill for an act entitled an act to amend sections 1819, 1820, 1821, 1822, 1823, 1827, 1828, 1831, 1832, 1835, 1840 and 1849 of the Revised Codes of 1905, the same being embraced in chapter 23 of the Political Code relating to drainage.

Have carefully examined the same and find the same correctly enrolled.

GEORGE M. YOUNG,
Chairman.

The secretary announced the president was about to sign

Senate Bill No. 24,

A bill for an act to amend section 1016 of the Revised Codes of 1905, relating to report by city treasurer of receipts and disbursements of moneys of independent school districts.

Also,

Senate Bill No. 73,

A bill for an act to amend section 4449 of the Revised Codes of 1905, relating to mutual insurance companies engaged in hail insurance.

Also,

Senate Bill No. 83,

A bill for an act to repeal section 49 of the Revised Codes of 1905, being section 50 of the Revised Codes of 1895, being section 11, of chapter 119, of the Laws of 1890, and section 2282 of the Revised Codes of 1905, being section 1807 of the Revised Codes of 1895, as amended by chapter 125 of the Laws of 1899, relating to public printing.

Also,

Senate Bill No. 144,

A bill for an act to amend section 949 of the Revised Codes of 1905, relating to education.

Also,

Senate Bill No. 224,

A bill for an act providing for the placing of the inmates of the reform school of the state of North Dakota under the guardianship and control of the board of trustees of said reform school.

Also,

Senate Bill No. 269.

A bill for an act to amend and re-enact section 2894 of the Revised Codes of North Dakota for 1905, relating to extension of corporate limits of villages.

Also,

Senate Bill No. 273,

A bill for an act to amend section 4392 of the Revised Codes of the state of North Dakota for 1905, relating to the construction of "Ys" and transfer facilities at railroad crossings, and providing a penalty for the violation thereof.

Also,

Senate Bill No. 282,

A bill for an act to establish regular sessions for state board of railway commissioners and fixing the time, manner, and place, where such sessions shall be held, and otherwise defining their powers, and duties; also defining the duties of the attorney general in relation thereto.

Also,

Senate Bill No. 339,

A bill for an act making an appropriation to the Dickin-

son experiment station located at the city of Dickinson in Stark county.

Also,

Senate Bill No. 205,

A bill for an act entitled an act to amend sections 1819, 1820, 1821, 1822, 1823, 1827, 1828, 1831, 1832, 1835, 1840 and 1849 of the Revised Codes of 1905, the same being embraced in chapter 23 of the Political Code relating to drainage.

And the president signed the same in the presence of the senate.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills to whom was referred

Senate Bill No. 217,

A bill for an act to provide for the establishment and maintenance of county training schools for teachers.

Have carefully examined the same and find the same correctly engrossed.

GEORGE M. YOUNG,
Chairman.

Mr. Crane offered the following resolution and moved its adoption:

Resolved by the Senate of the Tenth Legislative Assembly, the House of Representatives Concurring:

That no bills shall be considered on third reading after 1 p. m. March 8, 1907.

Which motion was lost, and
The resolution was not adopted.

Mr. Crane moved

That the vote by which the resolution was not adopted be reconsidered.

Which motion prevailed.

Mr. Crane moved

That the resolution be amended by changing the words "1 p. m." to "5 p. m."

Which motion prevailed, and
The resolution was so amended.

Mr. Taylor offered the following resolution and moved its adoption.

WHEREAS, The fourth biennial report of the North Dakota Geological Survey, under the direction of Prof. A. G. Leonard of the state university, now in course of publication, will contain the results of exhaustive investigations made on the North Dakota clays, their physical properties, and the results of tests and analyses to determine their value, including over 150 samples from all parts of the state; and

WHEREAS, This report will be of great value in that it will make known to our people and outside investors and others the great value and possibilities of the clays of North Dakota; therefore, be it

Resolved by the Senate, the House of Representatives Concurring, That the printing commission be authorized to have 2,000 extra copies of said report printed for general circulation.

**Which motion prevailed, and
The resolution was adopted.**

Mr. Young offered the following resolution and moved its adoption:

CONCURRENT RESOLUTION.

WHEREAS, During the recent session of the congress of the United States a bill was considered in the house of representatives providing for a deep waterway from Chicago to the gulf, and a similar bill will in all probability be introduced at the next session of the congress of the United States; and

WHEREAS, The greatest railroad operators publicly confess the inadequacy of the railroads to meet business requirements on account of lack of cars, locomotives and tracks and it is generally believed that inland river improvement will relieve the present traffic congestion; and

WHEREAS, The United States has the greatest natural waterways of any nation in the world and the opening and development of these waterways to the commerce of the world will not only be of great advantage to the states through which they run but also to the whole nation; and

WHEREAS, The taking up of the project of opening a deep waterway from Chicago to the gulf will naturally extend to all the great river waterways of the United States, including the great natural channel in this state, the Missouri river, which needs only proper care to make it a mighty channel for carrying trade; now, therefore, be it

Resolved by the Senate, the House of Representatives Concurring, That the members of the tenth legislative assembly representing the people of North Dakota do hereby urge the passage of any measure introduced in the next session of congress which shall have for its object the opening and development of the great natural internal waterways of the United States, believing it is the greatest thing which the national government can do to meet the commercial needs of the country, develop its internal possibilities and to regulate freight rates. Be it

Resolved, further, That copies of this resolution be forwarded to the several representatives of this state in congress and to the secretary of the navy.

**Which motion prevailed, and
The resolution was adopted.**

Mr. LaMoure moved

That house bills be read the third time and placed on final passage.

Which motion prevailed.

House Bill No. 175,

A bill for an act to amend section 9921 of the Revised Codes of the state of North Dakota.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 29, nays none, absent and not voting 11.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Spoonheim
Cashel	McDonald	Stade
Dyste	McLean	Strom
Halliday	Pierce	Swenson
Hanna	Plain	Talcott
Johnson of McLean	Purcell	Taylor
Johnson of Walsh	Ramsett	Turner
Kelly	Regan	Wagner
Koffel	Sharpe	Young
LaMoure	Simpson	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	McArthur	Sifton
Gilbert	Movius	Steele
Kraabel	Palmer	Thatcher
Little	Rice	

So the bill passed and the title was agreed to.

Mr. Pierce moved

That the senate expunge from its records all reference to House Bill No. 183.

Which motion prevailed.

House Bill No. 152,

A bill for an act entitled an act to amend section 469 of the Revised Codes of North Dakota of 1905, relating to the boundaries and terms of court in the First judicial district.

Was read the third time.

The question being on the final passage of the bill:

The roll was called and there were ayes 28, nays none, absent and not voting 12.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sharpe
Cashel	Little	Spoonheim
Dyste	McLean	Stade
Gilbert	Pierce	Strom
Halliday	Plain	Swenson
Hanna	Purcell	Talcott
Johnson of McLean	Ramsett	Taylor
Johnson of Walsh	Regan	Turner
Kelly	Rice	Wagner
Koffel		

Absent and not voting:

Messrs.—

Crane
Kraabel
LaMoire
McArthur

Messrs.—

McDonald
Movius
Palmer
Sifton

Messrs.—

Simpson
Steele
Thatcher
Young

So the bill passed and the title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 7, 1907.

Mr. President:

I have the honor to return herewith

Senate Bill No. 189,

A bill for an act providing that the amount of insurance written upon real property shall be taken conclusively to be the true value thereof.

Also,

Senate Bill No. 52,

A bill for an act regulating life insurance companies and prohibiting the diversion of funds for political purposes.

Also,

Senate Bill No. 16,

A bill for an act providing for the erection of fire escapes in hotels, inns, and public lodging houses, and regulating the conduct of such hotels, inns, and public lodging houses, and providing for the appointment of an inspector of hotels, and his compensation therefor.

Also,

Senate Bill No. 333,

A bill for an act to amend sections 1050, 1051, 1082, 1092, and 1231 of the Revised Codes of 1905, relating to education.

Also,

Senate Bill No. 56,

A bill for an act to amend section 242, chapter IV of the Revised Codes of 1905, relating to appropriations to the state historical society of North Dakota.

Also,

Senate Bill No. 338,

A bill for an act requiring the governor to furnish each legislative assembly a financial and statistical report on state institutions. Requiring institutional trustees to furnish data demanded by the governor for this purpose and providing for payment of the necessary clerical and printing costs of such statements.

Which the house has passed unchanged.

Very respectfully,

P. D. NORTON,
Chief Clerk.

House Bill No. 182,

A bill for an act entitled, "An act to amend sections 466 and 467 of chapter 7 of the Political Code of the state of North Dakota providing for the distribution of supreme court reports."

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 32, nays none, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McLean	Spoonheim
Cashel	Movius	Stade
Gilbert	Palmer	Strom
Halliday	Pierce	Swenson
Hanna	Plain	Talcott
Johnson of McLean	Purcell	Taylor
Johnson of Walsh	Ramsett	Thatcher
Koffel	Regan	Turner
Kraabel	Rice	Wagner
LaMoure	Sharpe	Young
McDonald	Sifton	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	Leutz	Simpson
Dyste	Little	Steele
Kelly	McArthur	

So the bill passed and the title was agreed to.

House Bill No. 176,

A bill for an act to amend section 9929 of the Revised Codes of the state of North Dakota.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 34, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McLean	Spoonheim
Cashel	Movius	Stade
Crane	Palmer	Steele
Gilbert	Pierce	Strom
Halliday	Plain	Swenson
Johnson of McLean	Purcell	Talcott
Johnson of Walsh	Ramsett	Taylor
Kelly	Regan	Thatcher
Koffel	Rice	Turner
LaMoure	Sifton	Wagner
Little	Simpson	Young
McDonald		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Dyste	Kraabel	McArthur
Hanna	Leutz	Sharpe

So the bill passed and the title was agreed to.

House Bill No. 162,

A bill for an act providing for placing dependent children under sixteen years of age in family homes when parents or custodians fail to support.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 31, nays none, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McLean	Spoonheim
Cashel	Movius	Stade
Crane	Palmer	Strom
Gilbert	Pierce	Swenson
Hanna	Plain	Talcott
Johnson of McLean	Purcell	Taylor
Johnson of Walsh	Ramsett	Thatcher
Kelly	Regan	Turner
Koffel	Rice	Wagner
LaMoure	Sifton	Young
McDonald		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Dyste	Leutz	Sharpe
Halliday	Little	Simpson
Kraabel	McArthur	Steele

So the bill passed and the title was agreed to.

Mr. Purcell moved that the vote by which the title of House Bill No. 176 was agreed to be reconsidered.

Which motion prevailed.

Mr. Purcell moved that the title of House Bill No. 176 be amended as follows:

Add after the word "Dakota" the following: "relating to prejudice of judge."

Which motion prevailed, and

The amendment was adopted.

House Bill No. 205,

A bill for an act to repeal sections 1195 and 1196 of the North Dakota Revised Code of 1905, and sections 1, 2, 3, and 4 of chapter 76 of the Session Laws of 1905, being sections 1910, 1911 and 1912 of the Revised Code of North Dakota of 1905, and further to provide for the admission to the state hospital for the insane of residents of other states or territories and the payment for such care and treatment, and to provide for the payment by the proper county or the state at large for the care and treatment of all inmates of such state hospital for the insane, and to determine the legal residence of all such patients, and to provide for reimbursing of the county from the estate of the patient for such care and treatment.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 33, nays 2, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Rice
Cashel	Little	Sifton
Crane	McDonald	Stade
Dyste	McLean	Strom
Gilbert	Movius	Swenson
Halliday	Palmer	Talcott
Hanna	Pierce	Taylor
Johnson of McLean	Plain	Thatcher
Johnson of Walsh	Purcell	Turner
Kelly	Ramsett	Wagner
LaMoure	Regan	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
McArthur	Simpson	Steele
Sharpe	Spoonheim	

Messrs. Koffel and Kraabel voted in the negative.

So the bill passed and the title was agreed to.

Mr. LaMoure moved to reconsider the motion to expunge from the senate records all reference to House Bill No. 183.

Which motion prevailed and

The motion was reconsidered.

Mr. Regan moved

That the presiding officer of this body be requested not to sign House Bill No. 183 until instructed to do so by the senate.

Mr. Hanna moved as a substitute

That the secretary of the senate be authorized to make a request that the house return to the senate House Bill No. 183.

Which substitute motion prevailed.

House Bill No. 119,

A bill for an act to amend and re-enact section 1582 of the Revised Codes of North Dakota of 1905, relating to the redemption of real estate from tax sale.

Was read the third time.

Mr. Koffel moved

That further consideration of House Bill No. 119 be indefinitely postponed.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

House Bill No. 34,

A bill for an act to amend section 4302 of the revised codes of North Dakota, of 1905, relating to stopping of trains at county seats.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 35, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Simpson
Cashel	Little	Spoonhelm
Crane	McDonald	Stade
Dyste	McLean	Steele
Gilbert	Movius	Strom
Halliday	Palmer	Swenson
Hanna	Pierce	Talcott
Johnson of McLean	Plain	Taylor
Johnson of Walsh	Purcell	Thatcher
Kelly	Ramsett	Turner
Koffel	Rice	Wagner
Kraabel	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
LaMoure	Regan	Young
McArthur	Sifton	

So the bill passed and the title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 7, 1907.

Mr. President:

I have the honor to return herewith
Senate Bill No. 23,

A bill for an act making it unlawful for any railroad company, express company, sleeping car company, telegraph company, telephone company, or any public service corporation, or any officer, agent or representative thereof, to issue, give or offer any free ticket, free pass, telegraph or telephone frank, express frank, or other privilege to any person or persons at rates less than charged the public, and making it unlawful for any person to ask for or accept from any railroad company, express company, sleeping car company, telegraph company, telephone company, or any corporation, or from any officer, agent or representative thereof, or use in any manner or for any purpose any free ticket, free pass, telegraph or telephone frank, express frank, or other privilege, at rates less than charged the public, and prescribing penalties therefor.

Which the house has amended as follows:

By striking out all of section 3 and inserting in lieu thereof the following:
"Sec. 3. This act shall not be construed to prohibit any common carrier from issuing and giving free personal transportation or other privileges to its officers and employes and their families; to ministers of the gospel; nor to persons accompanying live stock or perishable freight either in going to the destination of such freight or returning therefrom.

"Neither shall it be held to prohibit the granting of excursion rates at designated periods, or between designated dates and between designated points or to designated classes of persons at less than the regular rates; provided, that all persons or all persons of the designated class shall have equal privileges in respect to such excursion rates.

"Nor shall any provisions of this act prohibit any common carrier from carrying persons actively engaged in the pursuit of emigration free of charge or by any special arrangements which said common carrier may see fit to make.

"An employee is hereby defined to be a person who in good faith is upon the payroll of any such corporation."

Also by inserting as section 5: "All acts or parts of acts excepting section number 368 of the Revised Codes of 1905, in so far as they are in conflict with the provisions of this act, are hereby repealed."

And by numbering emergency clause to read as "section 6."

And passed as amended.

Very respectfully,

P. D. NORTON,
Chief Clerk.

House Bill No. 7,

A bill for an act requiring railway companies owning or operating a line of railway in this state to construct, maintain, and keep in repair suitable fences and cattle guards, making said company liable for stock killed or injured by reason of its failure to fence and construct cattle guards and regulating speed of trains at depot grounds.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 36, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sharpe
Cashel	Little	Sifton
Crane	McDonald	Simpson
Dyste	McLean	Stade
Gilbert	Movius	Steele
Halliday	Paimer	Strom
Hanna	Pierce	Swenson
Johnson of McLean	Plain	Talcott
Johnson of Walsh	Purcell	Taylor
Koffel	Ramsett	Thatcher
Kraabel	Regan	Turner
LaMoure	Rice	Wagner

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Kelly	Spoonheim	Young
McArthur		

So the bill passed and the title was agreed to.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills to whom was referred

Senate Bill No. 131,

A bill for an act to amend section 1597 of the Revised Code of 1905 of the state of North Dakota, relative to duty

Also,

Senate Bill No. 287,

A bill for an act to amend section 183 of the Revised Codes of 1905 of chapter 4 of the Political Code of the state of North Dakota, providing for the surrender of state or school land contracts and division of the land covered thereby, and the issuance of new contracts for such subdivisions.

Have carefully examined the same and find the same correctly enrolled.

GEORGE M. YOUNG,
Chairman.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills to whom was referred

Senate Bill No. 110,

A bill for an act to provide for the better enforcement of the laws against the manufacture and sale of intoxicating liquors; and to repeal section 9395 of the Revised Codes of 1905, being chapter 39 of the Session Laws of 1903.

Also,

Senate Bill No. 162,

A bill for an act to amend section 894 of the Revised Codes of 1905, relating to education.

Also,

Senate Bill No. 302,

A Concurrent Resolution for an amendment to the constitution, relating to the sale of school lands.

Also,

Senate Bill No. 104,

A bill for an act making it unlawful for any corporation to use any of its money or property or any thing of value in political campaigns or for any political purpose, also making it unlawful to solicit or knowingly receive any such money, property or any thing of value and prescribing penalties therefor.

Also,

Senate Bill No. 308,

A bill for an act to amend sections 8289, 8292, 8295, 8304, 8311, 8316, and 8318 of the Revised Codes of North Dakota for 1905.

Have carefully examined the same and find the same correctly enrolled.

GEORGE M. YOUNG,
Chairman.

The secretary announced the president was about to sign Senate Bill No. 131,

A bill for an act to amend section 1597 of the Revised Code of 1905 of the state of North Dakota, relative to duty of county auditor.

Also,

Senate Bill No. 287,

A bill for an act to amend section 183 of the Revised Codes of 1905 of chapter 4 of the Political Code of the state of North Dakota, providing for the surrender of state or school land contracts and division of the land covered thereby, and the issuance of new contracts for such subdivisions.

Also,

Senate Bill No. 308,

A bill for an act to amend sections 8289, 8292, 8295, 8304, 8311, 8316, and 8318 of the Revised Codes of North Dakota for 1905.

Also,

Senate Bill No. 302,

A Concurrent Resolution for an amendment to the constitution, relating to the sale of school lands.

Also,

Senate Bill No. 110,

A bill for an act to provide for the better enforcement of the laws against the manufacture and sale of intoxicating liquors; and to repeal section 9395 of the Revised Codes of 1905, being chapter 39 of the Session Laws of 1903.

Also,

Senate Bill No. 162,

A bill for an act to amend section 894 of the Revised Codes of 1905, relating to education.

Also,

Senate Bill No. 104,

A bill for an act making it unlawful for any corporation to use any of its money or property or any thing of value in political campaigns or for any political purpose, also making it unlawful to solicit or knowingly receive any such money, property or any thing of value and prescribing penalties therefor.

And the president signed the same in the presence of the senate.

House bill No. 26,
Concurrent resolution for an amendment to the constitution, providing for the initiative and referendum.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 19, nays 16, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McDonald	Simpson
Cashel	Movius	Stade
Halliday	Plain	Swenson
Hanna	Purcell	Taylor
Johnson of McLean	Ramsett	Thatcher
Leutz	Sharpe	Turner
Little		

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Crane	Kraabel	Rice
Dyste	LaMoure	Spoonheim
Gilbert	McLean	Strom
Johnson of Walsh	Palmer	Talcott
Kelly	Regan	Wagner
Koffel		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
McArthur	Sifton	Young
Pierce	Steele	

So the bill was lost.

Mr. Spoonheim moved

That the vote by which House Bill No. 26 was lost be reconsidered.

Which motion prevailed.

Mr. Spoonheim moved

That the amendments of the senate committee of judiciary be stricken out.

Which motion was lost.

The amendment was not adopted.

House bill No. 26,

Concurrent resolution for an amendment to the constitution, providing for the initiative and referendum.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 24, nays 16, absent and not voting none.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McArthur	Sharpe
Cashel	McDonald	Sifton
Halliday	Movius	Simpson
Hanna	Pierce	Stade
Johnson of McLean	Plain	Swenson
Kelly	Purcell	Taylor
Leutz	Ramsett	Thatcher
Little	Regan	Turner

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Crane	LaMoure	Strom
Dyste	McLean	Steele
Gilbert	Palmer	Talcott
Johnson of Walsh	Rice	Wagner
Koffel	Spoonheim	Young
Kraabel		

Mr. Young explained his vote and said:

When this bill came from the house it gave the people power by this initiative and referendum method to enact laws on all subjects excepting amendments to the constitution. At Valley City there is an initiative and referendum club and a number of the members of that club and perhaps some others sent in a petition to me in which they request me to vote for this bill as passed by the house, and I would have been very glad, and informed them that I would be glad to vote for the bill in the form it passed the house. As it has been amended it permits the people to amend the constitution, and therefore opens up the whole resubmission of the liquor question, and for that reason and also on account of the petition referred to I am not able to support it. As amended the bill will doubtless be killed in the house, and so the people will get nothing in the way of legislation upon this subject this session. I vote "No."

So the bill passed and the title was agreed to.

Mr. Regan moved

That the vote by which House Bill No. 26 passed be reconsidered and the motion to reconsider be laid on the table.

Roll call demanded.

The roll was called and there were ayes 23, nays 17, absent and not voting none.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McArthur	Sharpe
Cashel	McDonald	Sifton
Halliday	Movius	Simpson
Hanna	Pierce	Stade
Johnson of McLean	Plain	Swenson
Kelly	Purcell	Taylor
Leutz	Ramsett	Thatcher
Little	Regan	Turner

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Crane	LaMoure	Steele
Dyste	McLean	Strom
Gilbert	Palmer	Talcott
Johnson of Walsh	Rice	Wagner
Koffel	Spoonheim	Young
Kraabel		

So the vote by which House Bill No. 26 passed was reconsidered, and the motion to reconsider was laid on the table.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 7, 1907.

Mr. President:

I have the honor to return herewith
Senate Bill No. 125,

A bill for an act to amend section 638 of the Revised
Codes relating to the conduct of elections.

Which the house has amended as follows:

By inserting in line 15 of the printed bill after the word "hour" the words:
"not earlier than 6 a. m." And by inserting in line 16 of the printed bill
after the word "hour" the words: "not later than 8 p. m."

And passed as amended.

Very respectfully,
P. D. NORTON,
Chief Clerk.

Mr. Pierce moved

That the senate do now concur in the house amendments
to Senate Bill No. 125.

The roll was called and there were ayes 33, nays none,
absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kraabel	Sifton
Cashel	LaMoure	Spoonheim
Crane	Leutz	Stade
Dyste	McArthur	Strom
Gilbert	McDonald	Swenson
Halliday	Palmer	Talcott
Hanna	Pierce	Thatcher
Johnson of McLean	Plain	Taylor
Johnson of Walsh	Purcell	Turner
Kelly	Rice	Wagner
Koffel	Sharpe	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Little	Ramsett	Simpson
McLean	Regan	Steele
Movius		

So the house amendments to Senate Bill No. 125 were concurred in.

House Bill No. 241,

A bill for an act amending and re-enacting sections 2361 and 2364 of the Revised Codes of 1905, relating to county seats.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 30, nays 1, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Sifton
Crane	Leutz	Spoonheim
Dyste	Little	Stade
Gilbert	Movius	Strom
Hanna	Palmer	Swenson
Johnson of McLean	Plain	Talcott
Johnson of Walsh	Purcell	Taylor
Kelly	Ramsett	Turner
Koffel	Regan	Wagner
Kraabel	Rice	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel	McLean	Simpson
McArthur	Pierce	Steele
McDonald	Sharpe	Thatcher

Mr. Halliday voted in the negative.

So the bill passed and the title was agreed to.

Mr. Johnson of McLean moved

That the vote by which House Bill No. 241 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The secretary announced the president was about to sign House Bill No. 137,

A bill for an act relating to the use of railroad tracks for highway purposes.

Also,

House Bill No. 199,

A bill for an act to amend section 9366 of the Revised Code of 1905, same being section 7598 of the Revised Code of 1899, defining what shall be considered and held to be intoxicating liquors.

Also,

House Bill No. 237,

A bill for an act to amend section 444 of the Revised Codes of North Dakota for 1905, relating to the employment of stenographer by the supreme court.

Also,

House Bill No. 90,

A bill for an act requiring elevator companies transacting business in this state, to return certificate of inspection and weigh-master's certificate of weight to local buyer.

Also,

House Bill No. 232,

A bill for an act to amend section 9312 of the Revised Codes of 1905, making it a misdemeanor to injure or obstruct electric wire.

Also,

House Bill No. 198,

A bill for an act to amend section 777 of the Revised Codes of 1905, relating to education.

Also,

House Bill No. 214,

A bill for an act empowering boards of county commissioners to dispose of property which any county may have acquired through purchase, forfeiture or operation of law.

Also,

House Bill No. 203,

A bill for an act to amend section 4516 of the Revised Codes of North Dakota for 1905, relating to corporations.

Also,

House Bill No. 274,

A bill for an act for the organization of villages, towns or cities in territory embracing more than one county.

Also,

House Bill No. 225,

A bill for an act indemnifying owners for animals killed or destroyed according to law for being afflicted with the disease known as glanders.

Also,

House Bill No. 206,

A bill for an act fixing the salaries and providing for the payment of necessary expenses for the judges of the district courts of the state of North Dakota.

Also.

House Bill No. 189,

A bill for an act to amend section 1367 of the Revised Codes of 1905 of North Dakota, relating to highways on county and township lines.

Also,

House Bill No. 64,

A bill for an act providing for the revision and compilation of the school laws of the state of North Dakota and appropriate money therefor.

Also,

House Bill No. 17.

A bill for an act to amend section 2082 of the revised codes of 1905, relating to forest tree culture.

And the president signed the same in the presence of the senate.

House Bill No. 300,

A bill for an act to amend section 3213 of the Revised Codes of the state of North Dakota of 1905 relating to townships purchasing road machinery.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 28, nays 1, absent and not voting 11.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sharpe
Cashel	Little	Spoonheim
Dyste	McArthur	Stade
Gilbert	Movius	Strom
Halliday	Palmer	Swenson
Hanna	Pierce	Talcott
Johnson of McLean	Purcell	Taylor
Johnson of Walsh	Regan	Turner
Koffel	Rice	Young
Kraabel		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	McLean	Steele
Kelly	Plain	Thatcher
LaMoure	Ramsett	Wagner
McDonald	Simpson	

Mr. Sifton voted in the negative.

So the bill passed and the title was agreed to.

Mr. Pierce moved

That the following report of the select committee on climatic reports be inserted in the senate journal without being read.

Which motion prevailed.

REPORTS OF SELECT COMMITTEE.

Mr. President:

On the 21st day of February, 1907, this body passed a concurrent resolution authorizing the appointment of a committee and directing such committee to investigate and report to your honorable body at as early a date as possible the facts in connection with the reports emanating in the eastern papers as to the seriousness of the climatic conditions, loss of life and stock, excessive suffering, hardships and other matters which have been a reflection upon this rapidly growing state.

Your committee has diligently gone about this report and has given a large amount of time to this investigation. The methods pursued in arriving at the facts contained in this report have been gathered from the most reliable sources by telephone, telegraph, correspondence, from personal interviews with different individuals from different parts of the state, and from newspapers published throughout the state. The conditions the past two weeks, or since your committee was created, has been of the most favorable kind to ascertain the truthfulness or falsity of these reports.

After reading the reports of the conditions in North Dakota appearing in the eastern papers it was deemed wise by your committee to take up and investigate those matters which were specifically set out and which would give the committee something tangible on which to make a report, and to discard glittering generalities.

On February 5, 1907, the following article appeared in one of the eastern papers:

"Goodrich, a town on the Carrington branch of the Northern Pacific, reports by telephone that an unknown woman and five children were frozen to death there Sunday night."

Your committee has thoroughly investigated this charge and finds same

to be a gross fabrication, and further investigation shows that no such event occurred at Goodrich, or near Goodrich, or in any other part of the state, and that the report is sensational, without foundation in fact, and false in every particular.

In the same issue of the same paper under the same date line the following appeared:

"Passengers arriving in Milwaukee from the northwest today report that while a train was stalled in a snowdrift on the Great Northern road a few miles west of Fargo, N. D., a party made up of citizen volunteers left the train in search of food for the passengers, and while out came to a farm house where they found every member of the family, four in number, frozen to death.

"In one part of the house were the bodies of the farmer and his wife and near by the corpses of two children, frozen stiff.

"Every bit of furniture had been used for fuel and, as a last resort, the door separating the rooms was unhinged and had also been burned.

"There appeared to be nothing left for the family but starvation and death from the cold. The name of the stricken family was not learned."

After a thorough investigation of this story we brand it as the other—a false, malicious, sensational misrepresentation—and that such event did not happen at or near Fargo, or in any other section of the state. The last line of this story, "The name of the stricken family was not learned," brands it as a malicious falsehood.

Among the slanderous comments appearing in eastern papers as to people being frozen to death in this state there appeared the name of Robert S. Gallagher, of Sawyer, as being one of the particular victims who met death during the severe winter as reported in this state. The Minot Reporter of February 26, 1907, states that the gentleman who was reported as being frozen to death during the winter was in Minot on the 25th day of February, 1907, and called on the editor of that paper to show him a living example of the malicious reports on this subject. Yet this report was circulated with so much avidity that the friends of this supposed dead man had received letters from eastern friends and relatives asking for the details of Mr. Gallagher's death.

The above is an illustration of the malicious and slanderous stories and fabrications relative to the loss of life by freezing in North Dakota on account of the severe weather, which have appeared from time to time in the eastern papers, and all have the same basis of fact.

Your committee is aware of the fact that the state of North Dakota, as well as all other states, have people who neglect to prepare for contingencies which we are aware must arise, and in times past this state, as well as Minnesota and other western states, has had those people who have met death by freezing, and in nearly every instance it has been caused by neglect on the part of the person meeting death, and in a large number of cases on account of mere foolhardiness, carelessness, and in some cases intoxication.

Your committee has also made a thorough and careful investigation of the live stock industry in the western part of the state, and being located at Bismarck we have had the very best facilities and opportunities for investigation, as a large number of the largest stock growers have visited at the Capital City since the appointment of your committee. We have talked the matter over thoroughly with them, and from this information we are able to report to your honorable body that the loss of live stock during this winter of 1906-7 has been insignificant.

A careful and conservative estimate of the loss of live stock in this state from the first day of November, 1906, until the first day of March, 1907, will not exceed from all causes, natural and from the elements, three per cent.

Mr. E. H. Wilson, one of the largest ranchers in the western part of the state gives as his experience that out of 600 head of cattle being wintered

by him that he has lost but one head, and that this animal was fat enough for beef, which would naturally prove that it died from other causes than starvation or climatic conditions.

Hon. A. L. Martin, a member of the legislature from Billings county, informs your committee that out of 1,200 head of cattle being wintered in Billings county by him, after having had two men riding the range for two weeks, five head of dead cattle have been found.

Mr. F. Stone, another extensive ranchman in Billings county, reports to your committee that out of 2,800 head of sheep being wintered by him but three have died since December 10, 1906.

Mr. J. E. Phelan, of Dickinson, N. D., who is wintering several thousand head of cattle, says he has made a personal examination of his herds and counts his loss as insignificant, and will not exceed in any event over two per cent. Mr. Phelan further says: "The general conditions of live stock interests in western North Dakota, and the men owning and running live stock, is one of intelligent organization and industry. The cattle are well cared for, plenty of hay is put up, the best of protection afforded, and in fact the winter's loss averages less than the loss experienced during the summer months when feed is most abundant."

Your committee could furnish hundreds of individual cases similar to the above because it is the general condition prevailing throughout the state, as well as all through the western part of the state where the stock interests are the most extensive, and in arriving at our conclusion of the loss of three per cent we cannot overlook the fact that a large amount of the loss of live stock is caused by sheer neglect and inattention on the part of inexperienced cattle raisers, the largest percentage of this class of people being those who have taken cattle to winter for other people and have had no particular personal responsibility.

In investigating the records of the weather bureau your committee was shown that the winter of 1906-7 has been generally free from high winds, which, if anything, would cause the conditions as reported in the eastern papers. While the snowfall has been somewhat greater than the average winter in North Dakota, yet it has been more evenly distributed, and it is this fact which has been one of the causes of inconvenience from the fact that it has been somewhat harder than usual to operate the railroads throughout the state, and this has caused some scarcity of fuel and other commodities in some sections, but the main cause for the lack of railroad facilities in transportation in all its departments has been from the fact that the railroads in this state since the first day of August, 1906, have been taxed far beyond their capacity in handling the products of this state, and the motive power of the different railroads was impaired to such an extent that when winter came on they were absolutely unprepared to even cope with ordinary conditions.

On February 28, 1907, there was held in the city of Bismarck one of the most enthusiastic meetings ever held in the state of North Dakota, being that of the North Dakota Immigration Association. Every part of the state was represented and the matter under discussion, the gross and misleading statements published in the eastern newspapers, was thoroughly discussed and the sentiment of such meeting was emphatically expressed in a set of resolutions, the tone of which cannot be mistaken and the sincerity of which cannot be questioned. These resolutions are hereby made a part of this report, and it is with pleasure that this committee indorses the action of that convention or meeting, and heartily approves and indorses the resolutions.

RESOLUTIONS.

WHEREAS, Gross and misleading statements have been published in eastern newspapers regarding conditions that prevailed in North Dakota; and

WHEREAS, While it is known that this has been one of the severest winters that has visited the United States for many years; and

WHEREAS, This winter has been equally as severe in other states as in North Dakota; and

WHEREAS, Notwithstanding these conditions, North Dakota has escaped with very little suffering from either scarcity of fuel or cold, and none from lack of food; and

WHEREAS, From reliable reports received from different sections of the state, it appears that the greatest suffering the people of North Dakota have endured came from the false and sensational reports circulated in the eastern states; and

WHEREAS, It is true that our people were more scared than injured, and are today making light of the matter in view of the fact that they are all enjoying health and sunshine, supplied with all that makes life pleasant, and their live stock has come through the winter in splendid form with minimum loss; and

WHEREAS, The prosperity of the people of this state has been so extensive and unparalleled, that our people were so intent on accumulating wealth, that they neglected to prepare for winter; and

WHEREAS, The present winter, while severe, was of short duration, and in reality only extended over a period of forty days; and

WHEREAS, From investigation and reports received the loss of life and suffering was in fact reduced to the minimum; and

WHEREAS, While the conditions have been unfavorable for railroading, yet we believe the railroads have done all in their power to accommodate the public, and untiring in their efforts to supply the wants of the people and move the immense products of the soil; and

WHEREAS, The Minneapolis Tribune and Minneapolis Journal and the Commercial West have generously extended the use of their columns to our people to set forth the actual conditions which prevailed in this state during the winter, and have expressed a willingness to correct the many false and sensational stories which have been circulated in the east; and

WHEREAS, North Dakota has suffered less from loss of life by freezing, from epidemical diseases, and its death rate has been less than in any state in the Union; and

WHEREAS, North Dakota has made pro rata greater progress in wealth and population than any state in the west during the past five years; and

WHEREAS, North Dakota has coal mines, if operated, sufficient to supply the entire people of the United States with fuel for one hundred years; therefore, be it

Resolved, That North Dakota needs no defense; that in the magnitude of its new investments; in the increase of wealth; in the creation of new cities and towns; in the development of its commercial interests; in the industrial progress made; in the rapid and unparalleled immigration to this fertile state during the past five years and which will continue to come, makes North Dakota stand without a peer in the United States. Be it further

Resolved, That we are proud of our state, and the certainty of its brilliant future, and at no time in its history have we had greater confidence in its future growth and prosperity than at the present time.

Resolved, That the thanks of the people of North Dakota are extended to the Minneapolis Tribune, Minneapolis Journal and the Commercial West for their liberal offers.

After having been proven to the satisfaction of your committee that the reports appearing in the eastern newspapers regarding the grossly exaggerated climatic conditions in the state of North Dakota and attributing the loss of life, both of human beings and animals, by starvation and freezing, and the untruthful articles regarding the serious suffering of our citizens, were utterly false, sensational and entirely without foundation, we deemed it a part of our duty as your committee to fix the responsibility of the circulation of such reports as far as possible, and in doing so have taken the matter up with the press of our sister state, Minnesota, and especially

that of the Twin Cities, and we are pleased to report that in each case the press has been ready and willing to correct the false, malicious and sensational stories appearing in the eastern newspapers regarding this state, and it is our opinion that the publication and circulation of these reports in the press of the Twin Cities was not done maliciously on their part; and that such reports gained publication and circulation by pernicious influences which are attempting to divert the tide of immigration from our prosperous and rapidly developing state, and the press of the Twin Cities have given substantial and sincere evidence that they do not wish to detract or in any way deter the interests of the state of North Dakota by publishing malicious and false statements regarding our welfare, and that any articles appearing in the Twin City newspapers have been placed in the news columns by misinformation and misrepresentation.

We find on thorough investigation that what has been termed suffering has been largely inconvenience, but the objectionable part of the exaggerated reports appearing in the eastern newspapers is the question of any of the citizens of the state of North Dakota dying from starvation. We will admit that there has been serious inconvenience to settlers who have recently come to the state and located on branch lines of railroads, have taken up homesteads, and have come to the state without any particular preparation for the winter, and without much money with which to purchase provisions enough to last for any length of time, and where such inconveniences have occurred they have been invariably caused by the inability of the different railroads of the state to keep their respective lines open.

On account of the large amount of railroad building and extensions in the state since the winter of 1905-6, and on account of the enormous crops raised in the state the past season and which were required to be moved, it has taxed the railroads to their fullest capacity in their equipment and motive power and they have been unable to reach the different towns along their respective lines at once.

We beg leave to report that under no circumstances has there been any case of death in the state of North Dakota the result of starvation caused by the weather conditions of the winter of 1906-7.

In closing, your committee begs leave to state that it is useless to make a more voluminous report because the future will absolutely demonstrate the absurd falsity of the malicious and slanderous reports regarding the state of North Dakota. She is abundantly able to care for herself, and the resources of the state of North Dakota needs no eulogy on the part of this committee.

W. E. PURCELL,
ED. PIERCE,
L. A. SIMPSON,
Special Committee.

COMMUNICATION FROM THE GOVERNOR.

A communication was received from the governor.

House Bill No. 15,

A bill for an act entitled an act requiring railway companies to provide at stations or sidings where an agent is not employed prompt means for sealing loaded cars and receipting for their contents.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 26, nays 3, absent and not voting 11.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Stade
Cashel	McArthur	Steele
Dyste	Palmer	Strom
Gilbert	Plain	Swenson
Halliday	Ramsett	Taylor
Hanna	Regan	Turner
Johnson of McLean	Sharpe	Wagner
Johnson of Walsh	Sifton	Young
Koffel	Spoonhelm	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Crane	LaMoure	Little

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Kelly	Movius	Simpson
Kraabel	Pierce	Talcott
McDonald	Purcell	Thatcher
McLean	Rice	

So the bill passed and the title was agreed to.

Mr. Regan moved

That the vote by which House Bill No. 15 passed be reconsidered.

Which motion prevailed.

Mr. Regan moved

That further consideration of House Bill No. 15 go over till tomorrow.

Which motion prevailed.

House Bill No. 299,

A bill for an act to amend section 1882 of the Revised Codes of the state of North Dakota for 1905 relating to asylums and poor farms.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 26, nays 1, absent and not voting 13.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Simpson
Cashel	Little	Stade
Crane	McDonald	Steele
Dyste	McLean	Strom
Gilbert	Palmer	Swenson
Halliday	Plain	Taylor
Hanna	Regan	Turner
Johnson of Walsh	Sharpe	Young
Kelly	Sifton	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Johnson of McLean	Pierce	Spoonheim
Kraabel	Purcell	Talcott
Leutz	Ramsett	Thatcher
McArthur	Rice	Wagner
Movius		

Mr. Koffel voted in the negative.

So the bill passed and the title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 7, 1907.

Mr. President:

I have the honor to inform you that the house declines to grant the request of the senate for the return of

House Bill No. 183,

A bill for an act to amend chapter 24 of the laws of 1905, being sections 2213, 2218 and 2226, in relation to oil inspection.

Which prior to the receipt of the senate's request had been passed by the house as amended by the senate and a motion to reconsider the vote by which the bill as amended finally passed had been made and the motion to reconsider had been laid on the table. On the motion made in the house to return the bill to the senate there were five ayes.

Very respectfully,

P. D. NORTON,
Chief Clerk.

House Bill No. 43,

A bill for a concurrent resolution amending the constitution of the state of North Dakota, relating to railroad corporations and requiring them to maintain a public office or place in the state for the transaction of business.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 28, nays none, absent and not voting 12.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kraabel	Sifton
Cashel	LaMoire	Stade
Crane	Leutz	Strom
Gilbert	Little	Swenson
Halliday	McArthur	Talcott
Hanna	McLean	Taylor
Johnson of McLean	Palmer	Turner
Johnson of Walsh	Plain	Wagner
Kelly	Sharpe	Young
Koffel		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Dyste	Purcell	Simpson
McDonald	Ramsett	Spoonheim
Movius	Regan	Steele
Pierce	Rice	Thatcher

So the bill passed and the title was agreed to.

House Bill No. 11.

A bill for an act to amend section 1478 of the Revised Codes of 1905, relating to residence of the poor.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 33, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Spoonheim
Cashel	McDonald	Stade
Crane	McLean	Steele
Gilbert	Movius	Strom
Halliday	Palmer	Swenson
Hanna	Plain	Talcott
Johnson of Walsh	Purcell	Taylor
Koffel	Regan	Thatcher
Kraabel	Sharpe	Turner
LaMoire	Sifton	Wagner
Leutz	Simpson	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Dyste	McArthur	Ramsett
Johnson of McLean	Pierce	Rice
Kelly		

So the bill passed and the title was agreed to.

House Bill No. 52,

A bill for an act providing that whenever any court, in passing sentence on any person convicted of a misdemeanor, sentences such person to confinement in the court jail, the court shall, if in his opinion such person is capable

of performing manual labor, sentence such person to confinement in the county jail at hard labor.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 32, nays none, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sifton
Cashel	McArthur	Simpson
Gilbert	McDonald	Spoonheim
Halliday	McLean	Stade
Hanna	Movius	Steele
Johnson of Walsh	Plain	Strom
Kelly	Purcell	Swenson
Koffel	Ramsett	Talcott
Kraabel	Regan	Turner
LaMoure	Rice	Wagner
Leutz	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	Palmer	Thatcher
Dyste	Pierce	Young
Johnson of McLean	Taylor	

So the bill passed and the title was agreed to.

House Bill No. 144,

A bill for an act providing a contingent fund for the use of the state's attorney for the payment of such expenses as are necessary and not otherwise provided for in securing evidence in criminal cases, and providing for the auditing and payment of such expenditures.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 29, nays 4, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kraabel	Sharpe
Cashel	Leutz	Sifton
Crane	Little	Simpson
Dyste	McArthur	Snoonheim
Gilbert	Movius	Stade
Halliday	Plain	Strom
Hanna	Purcell	Turner
Johnson of Walsh	Ramsett	Wagner
Kelly	Regan	Young
Koffel	Rice	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
LaMoure	Steele	Talcott
McDonald		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Johnson of McLean	Pierce	Taylor
McLean	Swenson	Thatcher
Palmer		

So the bill passed and the title was agreed to.

House Bill No. 54,

A bill for an act amending section 2439 of the Revised Codes of 1905, relating to county funds.

Was read the third time.

Mr. Simpson moved

That House Bill No. 54 be amended as follows:

Strike out the words "fifteen hundred" wherever it appears in the bill and insert in lieu thereof the words "two thousand."

Which motion was lost.

Mr. Simpson moved to amend House Bill No. 54 as follows:

Add after the last word in last line the following: "Provided, that the rate of interest offered by banks making bids for sinking funds shall be the same rate of interest as paid on other county funds."

Which motion prevailed, and

The amendment was adopted.

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 34, nays 2, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Cashel	McDonald	Simpson
Dyste	McLean	Spoonheim
Gilbert	Movius	Stade
Halliday	Palmer	Steele
Hanna	Plain	Strom
Johnson of McLean	Purcell	Swenson
Johnson of Walsh	Ramsett	Talcott
Koffel	Regan	Taylor
Kraabel	Rice	Turner
LaMoure	Sharpe	Wagner
Leutz	Sifton	Young
Little		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Albright	Pierce	Thatcher
McArthur		

Messrs. Crane and Kelly voting in the negative.

So the bill passed as amended, and the title was agreed to.

House Bill No. 262,

A bill for an act to amend sections 4608 and 4609 of chapter 18 of the Revised Codes of North Dakota, 1905, relating to, debts limited, and, income and expenses, respectively, of agricultural fair corporations.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were ayes 34, nays 2, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Simpson
Cashel	McDonald	Spoonheim
Crane	McLean	Stade
Dyste	Movius	Steele
Halliday	Palmer	Strom
Hanna	Plain	Swenson
Johnson of McLean	Purcell	Talcott
Johnson of Walsh	Ramsett	Taylor
Kelly	Regan	Turner
Koffel	Rice	Wagner
Kraabel	Sharpe	Young
Leutz		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
LaMoure	Pierce	Thatcher
McArthur		

Messrs. Gilbert and Sifton voted in the negative.

So the bill passed and the title was agreed to.

House Bill No. 60,

A bill for an act to amend section 4036 of the Revised Codes of North Dakota, for 1905, relating to who may solemnize marriages and to marriage licenses.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes 34, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sifton
Cashel	McDonald	Spoonheim
Crane	McLean	Stade
Dyste	Movius	Steele
Gilbert	Palmer	Strom
Halliday	Plain	Swenson
Hanna	Purcell	Talcott
Johnson of Walsh	Ramsett	Taylor

Messrs.—

Kelly
Koffel
Kraabel
Leutz

Messrs.—

Regan
Rice
Sharpe

Messrs.—

Turner
Wagner
Young

Absent and not voting:

Messrs.—

Johnson of McLean
LaMoure

Messrs.—

McArthur
Pierce

Messrs.—

Simpson
Thatcher

So the bill passed and the title was agreed to.

Mr. Hanna moved, that

House Bill No. 301,

A bill for an act to amend sections 926, 928 and 935 of the Revised Codes of North Dakota, 1905, relating to depositors of school funds.

Be laid over till tomorrow.

Which motion prevailed.

House Bill No. 304,

A bill for an act to amend section 2612 of the Revised Codes of 1905, relating to fees of county surveyors.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 34, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—

Albright
Cashel
Crane
Dyste
Gilbert
Halliday
Hanna
Johnson of McLean
Johnson of Walsh
Koffel
Kraabel
Leutz

Messrs.—

Little
McDonald
McLean
Movius
Palmer
Plain
Purcell
Ramsett
Regan
Rice
Sharpe

Messrs.—

Sifton
Spoonheim
Stade
Steele
Strom
Swenson
Talcott
Taylor
Turner
Wagner
Young

Absent and not voting:

Messrs.—

Kelly
LaMoure

Messrs.—

McArthur
Pierce

Messrs.—

Simpson
Thatcher

So the bill passed and the title was agreed to.

House Bill No. 308,

A bill for an act to amend section 4587, Revised Codes of North Dakota of 1905, relating to cemetery corporation.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 34, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sharpe
Cashel	Little	Sifton
Crane	McDonald	Spoonheim
Dvste	McLean	Stade
Gilbert	Movius	Steele
Halliday	Palmer	Strom
Hanna	Plain	Swenson
Johnson of Walsh	Purcell	Talcott
Kelly	Ramsett	Taylor
Koffel	Regan	Turner
Kraabel	Rice	Wagner
LaMoure		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Johnson of McLean	Pierce	Thatcher
McArthur	Simpson	Young

So the bill passed and the title was agreed to.

Mr. Steele moved

That House Bill No. 338 be read the first and second times.

Which motion prevailed.

FIRST AND SECOND READING OF HOUSE BILLS.

House Bill No. 338,

A bill for an act authorizing the secretary of state on the approval of the governor to receive and receipt to the United States surveyor general of the district of North Dakota for all the field notes, maps, records and other papers appertaining to land titles within the state of North Dakota, and for such other property and records as the government may direct to be turned over to the state when all of the public surveys of the state of North Dakota shall have been completed.

Was read the first and second time, and
Referred to the committee on state affairs.

COURTESIES OF THE FLOOR.

The courtesies of the floor were extended to A. L. Bailey, Frank Harnish, W. E. Clark, E. F. Brockman, H. H. Roberts, Mr. and Mrs. W. J. Courtney.

Mr. Little moved

That the senate do now take a recess until 10 a. m.

Which motion prevailed, and

The senate took a recess till 10 a. m. tomorrow.

J. W. FOLEY,
Secretary.

FIFTY-NINTH DAY—AFTER RECESS
AND
SIXTIETH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 8, 1907.

The senate convened at 10 o'clock, pursuant to recess.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills to whom was referred

Senate Bill No. 27,

A bill for an act to amend section 155 of chapter 4 of the Political Code of the state of North Dakota, providing for the investment of moneys belonging to the permanent funds of the common schools, university, school of mines, reform school, agricultural college, school for the deaf and dumb, normal schools, and all other permanent funds derived from the sale of public lands or any other source belonging to the school divisions of the state.

Also,

Senate Bill No. 52,

A bill for an act regulating life insurance companies and prohibiting the diversion of funds for political purposes.

Also,

Senate Bill No. 56,

A bill for an act to amend section 242, chapter IV of the Revised Codes of 1905, relating to appropriations to the state historical society of North Dakota.

Also,

Senate Bill No. 66,

A bill for an act to establish a parole system, and providing for indeterminate sentences of persons convicted

of certain crimes, and providing for the care, treatment, parole and release of such persons, and prescribing the duties of officials in connection therewith.

Also,

Senate Bill No. 189,

A bill for an act providing that the amount of insurance written upon real property shall be taken conclusively to be the true value thereof.

Also,

Senate Bill No. 235,

A bill for an act to establish the live stock sanitary board of North Dakota and to provide for the suppression and control of dangerous, contagious and infectious diseases of domestic animals.

Also,

Senate Bill No. 247,

A bill for an act to amend section 7598 of the Code of 1905, relating to the law of eminent domain.

Also,

Senate Bill No. 276,

A bill for an act relating to liability of common carriers to their employes.

Also,

Senate Bill No. 286,

A bill for an act to authorize holders of state or school land contracts for lands over which railroads have been or may be located and established subsequent to the issuance of such contracts, to surrender such contracts, and obtain new contracts for the land less the rights of way required for such railroad, and providing for the payment to the state of the balance of the purchase price of the land required for such rights of way and issuance of deed therefor.

Also,

Senate Bill No. 293,

A bill for an act to amend section 394 of chapter 5 of the Political Code of the Revised Codes of 1905 for North Dakota, relative to verified claims against the state.

Also,

Senate Bill No. 334,

A concurrent resolution.

Have carefully examined the same, and find the same correctly enrolled.

GEORGE M. YOUNG,
Chairman.

The secretary announced the president was about to sign Senate Bill No. 27,

A bill for an act to amend section 155 of chapter 4 of the Political Code of the state of North Dakota, and all acts amendatory thereof, providing for the investment of moneys belonging to the permanent funds of the schools, agricultural college, school for the deaf and dumb, normal schools and all other permanent funds derived from the sale of public lands or any other source belonging to the school divisions of the state.

Also,

Senate Bill No. 52,

A bill for an act regulating life insurance companies and prohibiting the diversion of funds for political purposes.

Also,

Senate Bill No. 56,

A bill for an act to amend section 242, chapter IV of the Revised Codes of 1905, relating to appropriations to the state historical society of North Dakota.

Also,

Senate Bill No. 66,

A bill for an act to establish a parole system, and providing for indeterminate sentences of persons convicted of certain crimes; and providing for the care, treatment, parole and release of such persons, and prescribing the duties of officials in connection therewith.

Also,

Senate Bill No. 189,

A bill for an act providing that the amount of insurance written upon real property shall be taken conclusively to be the true value thereof.

Also,

Senate Bill No. 235,

A bill for an act to establish the live stock sanitary board of North Dakota and to provide for the suppression and control of dangerous, contagious and infectious diseases of domestic animals.

Also,

Senate Bill No. 247,

A bill for an act to amend section 7598 of the Code of 1905, relating to the law of eminent domain.

Also,

Senate Bill No. 276,

A bill for an act relating to liability of common carriers to their employes.

Also,

Senate Bill No. 286,

A bill for an act to authorize holders of state or school land contracts for lands over which railroads have been or may be located and established subsequent to the issuance of such contracts, to surrender such contracts, and obtain new contracts for the land less the rights of way required for such railroad, and providing for the payment to the state of the balance of the purchase price of the land required for such rights of way and issuance of deed therefor.

Also,

Senate Bill No. 293,

A bill for an act to amend section 394 of chapter 5 of the Political Code of the Revised Codes of 1905 for North Dakota, relative to verified claims against the state.

Also,

Senate Bill No. 334,

A concurrent resolution.

Also,

House Bill No. 14,

A bill for an act to amend section 2864 of the revised codes of North Dakota for 1905, relating to the general powers of the board of trustees of incorporated villages.

Also,

House Bill No. 132,

A bill for an act to regulate the manufacture of dairy products and imitations and substitutes therefor, prescribing penalties for violations; to create the office of assistant dairy commissioner; prescribing his duties and fixing his salary; and to repeal sections 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105 and 2106 of the Revised Codes of 1905.

Also,

House Bill No. 275,

A bill for an act designating the sheriff of each county inspector and sealer of weights and measures, prescribing

his powers, duties and compensation, defining the standard of weights and measures for the inspector and prescribing the penalties for violation of this act.

Also,

House Bill No. 40,

A bill for an act to amend section 6173 of the Revised Codes of 1905 of the state of North Dakota, relating to the release of mortgages.

Also,

House Bill No. 248,

A bill for an act to amend section 5678 of the Civil Code of the Revised Codes of the state of North Dakota, edition of 1905, (being section 4230 of the Civil Code of the Revised Codes of the state of North Dakota, edition of 1895) and re-enact the same as amended.

Also,

House Bill No. 168,

A bill for an act to provide for the lighting of depot platforms.

Also,

House Bill No. 183,

A bill for an act to amend chapter 24 of the laws of 1905, being sections 2213, 2215, 2218 and 2226, in relation to oil inspection.

Also,

House Bill No. 18.

A bill for an act providing for a maximum rate of fare to be charged and collected by railroad corporations and common carriers for the transportation of passengers and baggage, and providing a penalty for the violation thereof.

Also,

House Bill No. 152,

A bill for an act entitled an act to amend section 469 of the Revised Codes of North Dakota of 1905, relating to the boundaries and terms of court in the First judicial district.

Also,

House Bill No. 175,

A bill for an act to amend section 9921 of the Revised Codes of the state of North Dakota.

Also,

House Bill No. 59,

A bill for an act to provide for the satisfaction of liens and mortgages upon the property before the date of maturity, and for the discharge of the same by the laws now in force in the state of North Dakota.

Also,

House Bill No. 84,

A bill for an act to prevent the adulteration, misbranding, and selling of adulterated and insufficiently labeled drugs or medicines, restricting or prohibiting the sale of certain drugs, prescribing a penalty for the violation hereof, providing for the inspection, testing and analyzing of said drugs and medicines, charging the North Dakota experiment station with the duty thereof, and charging the state's attorney with the enforcement hereof.

Also,

House Bill No. 108,

A bill for an act amending section 10088 of the Revised Codes of 1905, relating to criminal procedure.

Also,

House Bill No. 211,

A bill for an act to provide for the payment of premiums and awards by the North Dakota State Poultry Association for the purpose of promoting and increasing the poultry industry in the state of North Dakota.

And the president signed the same in the presence of the senate.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 8, 1907.

Mr. President:

I have the honor to return herewith

Senate Bill No. 326,

A bill for an act entitled an act to provide for owners and managers of elevators and warehouses to make annual reports to the commissioner of agriculture and labor.

Also,

Senate Bill No. 253,

A bill for an act to legalize the execution and acknowledgment of certain deeds, mortgages and other instruments in writing, and the record thereof, and making the same or certified copies thereof admissible in evidence.

Also,

Senate Bill No. 337,

A bill for an act authorizing the city council to re-district into wards any city in this state of less than two thousand population.

Also,

Senate Bill No. 306,

A bill for an act to provide for the assessment of lignite coal and minerals underlying lands in cases of severed ownership.

Also,

Senate Bill No. 222,

A bill for an act to provide for the immediate registration of all births and deaths throughout the state of North Dakota, by means of certificates of births and deaths, and burial permits; to establish a bureau of vital statistics at the capitol of the state; and to insure the thorough organization and efficiency of the registration of vital statistics throughout the state on the standard forms recommended by the United States bureau of the census and the American Public Health Association; and making an appropriation for establishing and maintaining such a bureau and providing certain penalties.

Also,

Senate Bill No. 271,

A bill for an act to amend section 7246 of the Revised Codes of 1905, relating to examination of parties.

Also,

Senate Bill No. 251,

A bill for an act making entries in a book or other permanent form evidence in certain cases.

Also,

Senate Bill No. 159,

A bill for an act designed to define the powers and increase the efficiency of the state normal and industrial school.

Also,
Senate Bill No. 318,

A bill for an act to amend sections 1872 and 1877 of the Revised Codes of 1905, relating to duty of superintendent of county asylum and poor farm.

Also,
Senate Bill No. 279,

A bill for an act authorizing the use of typewritten abstracts and briefs in certain criminal cases on appeal to the supreme court.

Also,
Senate Bill No. 233,

A bill for an act making it unlawful for boards of trustees, commissioners, directors, regents, person or persons having control or management of the state institutions of North Dakota to expend amounts in excess of appropriation, providing for monthly reports to the governor and repealing sections 1283 and 1284 of the Revised Codes of the state of North Dakota of 1905.

Also,
Senate Bill No. 255,

A concurrent resolution amending the constitution of the state of North Dakota, relating to the number of judges of the supreme court.

Also,
Senate Bill No. 334,
A concurrent resolution.

Also,
Senate Bill No. 95,

A bill for an act appropriating money from the state treasury, not otherwise appropriated, to compensate the clerk of the district court of Stark county, in this state, for the years 1905 and 1906, for services in connection with his office required by law to be by him performed for cases arising in unorganized territory attached to Stark county for judicial purposes.

Also,
Senate Bill No. 267,

A bill for an act to amend section 7176 of the 1905 Revised Codes of North Dakota.

Also,
Senate Bill No. 124,

A bill for an act providing that in actions hereafter

brought in the justice courts of this state, filing of an affidavit of the amount due, shall be considered as prima facie evidence of the indebtedness sued on.

Also,

Senate Bill No. 213,

A bill for an act to amend section 9921 of the Revised Codes of the state of North Dakota.

Also,

Senate Bill No. 277,

A bill for an act providing the manner in which the right of way for railroad companies over lands belonging to wards or deceased persons may be acquired.

Which the house has passed unchanged.

Also,

I have the honor to return herewith

Senate Bill No. 259,

A bill for an act to amend and re-enact sections 4639-4658 and 4662 of chapter 21, of the Revised Codes of 1905, relating to banking corporations.

Also,

Senate Bill No. 58,

A bill for an act defining the boundaries of the Second, Eighth and Ninth judicial districts of the state of North Dakota, and providing for terms of court in said districts.

Which the house has failed to pass.

Also,

I have the honor to return herewith:

Senate Bill No. 163,

A bill for an act to amend sections 747, 778, 799, 819, 836, 847, 879, 892, 912 of the Revised Codes of 1905, relating to education.

Which the house has amended as follows:

By striking out all of section 7 after the word "suspension," in line 10 of page 6 of the printed bill, and that an emergency clause, as follows, be attached: "Whereas there is an emergency in this: that certain schools are to be erected under the provisions of this law immediately, therefore, this act shall take effect immediately after its passage and approval."

And passed as amended.

Also,

Senate Bill No. 320,

A bill for an act to amend sections 1077, 1078, 1079, 1082, 1084, 1085, 1086, 1087, and 1090 of the Revised Codes of North Dakota of 1905, relative to the state normal schools at Valley City and Mayville.

Which the house has amended as follows:

Strike out sections 1077 and 1082; also renumber sections of the bill to conform with above amendments.

Also, that title be amended by striking out figures "1077" and "1082."

And passed as amended.

Also,

Senate Bill No. 127,

A bill for an act entitled: An act to reimburse judges of the supreme court for their actual and necessary expenses while absent from home engaged in the discharge of official duties.

Which the house has amended as follows:

By striking out "\$750" in line 2 of section 1 and insert in lieu thereof "\$500."

And passed as amended.

Also,

Senate Bill No. 211,

A bill for an act providing for the election of county surveyor and prescribing his duties, and the manner in which his records shall be kept, and authorizing the board of county commissioners and the board of township supervisors to make surveys, and authorizing and prescribing the manner for the payment of the expenses incurred therein.

Which the house has amended as follows:

Amend title of the bill by striking out the words "township surveyors" and insert in lieu thereof the words "the board of township supervisors."

In section 13, line 19, of the printed bill, strike out all after the word "required" and all of line 20 and up to and including the word "size" in line 21.

And passed as amended.

Also,

Senate Bill No. 34,

A bill for an act to provide for the bulletining of the time of the arrival of passenger trains.

Which the house has amended as follows:

After the word "much," in line 10 of the printed bill, add the following: "And the figures on said blackboard shall be changed at intervals of one hour to correspond with the facts until the arrival of such delayed train."

And passed as amended.

Also,

Senate Bill No. 169,

A bill for an act to amend section 8149 of the Revised Codes of the state of North Dakota.

Which the house has amended as follows:

In line 2, page 2 of the engrossed bill, strike out the word "or" and insert in lieu thereof a comma (,); and after the word "administrator" in same line add the words "or guardian."

And passed as amended.

Also,

I have the honor to return herewith

Senate Bill No. 203,

A bill for an act to regulate the employment and occupation of railway telegraphers by railroad companies, and establishing a board of telegraph examiners, and prescribing penalties for violation thereof.

Also,

Senate Bill No. 336,

A bill for an act providing that boards of trustees of the state institutions shall file with the governor in each even numbered year a statement of needs for permanent improvements.

Also,

Senate Bill No. 156,

A bill for an act to amend section 8083 of the Revised Codes of 1905, relating to inventory and appraisement of the decedent's estate.

Which the house has indefinitely postponed.

Also,

I have the honor to inform you that the house has concurred in the senate concurrent resolution relating to a national grain inspection law.

CONCURRENT RESOLUTION.

WHEREAS, There is pending in the senate of the United States a bill to provide for the fixing of a uniform standard and classification of wheat, flax, corn, oats, barley, rye and other grains; and

WHEREAS, A large portion of the grain grown in the state of North Dakota is consigned to Duluth, Minn., and Superior, Wis., where the inspectors of each state inspect grain at both of the points mentioned, being in different states; and

WHEREAS, The laws of each of said states, the oaths of office and bonds of the officers only cover and extend to the acts of such officers while in the state by virtue of whose laws they are appointed, and while acting beyond the same are bound by no restrictions of law and their bonds are not operative; and

WHEREAS, The Wisconsin inspection service is now seriously interfered with by injunctive proceedings pending in the courts, and the legislature of Minnesota has failed to correct the abuses which exist under the Minnesota grain inspection service, and has refused to modify its laws; and

WHEREAS, It is believed that if the congress of the United States shall enact the bill now pending before congress above referred to its operation

will be effective in each and all of the states and will give an authoritative and unquestioned standing at home and abroad as to the character of the grain produced in the different states; now, therefore, be it

Resolved by the Senate of North Dakota, the House of Representatives Concurring, That in the opinion of the tenth legislative assembly the grain growers of North Dakota are in favor of and will be greatly benefited by the passage of the bill now pending in the senate of the United States to provide for the fixing of a uniform standard and classification of wheat, flax, grain, oats, barley, rye and other grains and that if a system of national grain inspection is established thereunder it will result in great financial advantage and benefit to the grain growers of North Dakota

Resolved, further. That copies of this resolution be forwarded to the secretary of agriculture and to each of our senators and representatives in congress.

Very respectfully,
P. D. NORTON,
Chief Clerk.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 8, 1907.

Mr. President:

I have the honor to inform you that the house has adopted the conference report on

Senate Bill No. 111,

A bill for an act creating and establishing an agricultural experiment station at or near Hanna or Langdon in Cavalier county, providing for its management and making an appropriation therefor.

Very respectfully,
P. D. NORTON,
Chief Clerk.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 8, 1907.

Mr. President:

I have the honor to inform you that the house declines to concur in the senate amendments to

House Bill No. 278,

A bill for an act to fix the number of the senate and representatives which shall compose the legislative assembly and to define the senatorial and representative districts of the state of North Dakota, and prescribe the number of senators and representatives therein.

And asks for a conference committee of three members

from each house to consider this bill. The speaker has appointed as such conferees on the part of the house Messrs. Peake, Burgum and Wedge.

The house also requests that this matter be given the earliest possible consideration.

Very respectfully,

P. D. NORTON,
Chief Clerk.

Mr. Regan moved

That the senate accede to the request of the house for a conference committee of three on House Bill No. 278.

Which motion prevailed.

The president appointed as such committee on the part of the senate Messrs. LaMoure, Regan, Little.

Mr. Pierce moved

That the senate do now concur in the house amendments to Senate Bill No. 187.

A bill for an act to provide for the protection of purchasers at judicial or foreclosure sales of real estate in the payment of taxes, assessments, prior liens or insurance premiums becoming delinquent during the year of redemption.

The roll was called and there were ayes 25 nays none, absent and not voting 15.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kraabel	Regan
Cashel	LaMoure	Sifton
Dyste	Leutz	Spoonheim
Halliday	Little	Stade
Hanna	McLean	Talcott
Johnson of McLean	Movius	Taylor
Johnson of Walsh	Pierce	Thatcher
Kelly	Plain	Turner
Koffel		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	Purcell	Steele
Gilbert	Ramssett	Strom
McArthur	Rice	Swenson
McDonald	Sharpe	Wagner
Palmer	Simpson	Young

So the house amendments were concurred in.

Mr. Kraabel moved

That the senate do now concur in the house amendments to Senate Bill No. 76.

A bill for an act to amend section 4082 of the Revised Codes of 1905, relating to separate and mutual rights and liabilities of husband and wife.

The roll was called and there were ayes 27, nays none, absent and not voting 13.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kraabel	Regan
Cashel	LaMoure	Sifton
Crane	Leutz	Spoonheim
Dyste	Little	Stade
Hanna	McLean	Talcott
Johnson of McLean	Movius	Taylor
Johnson of Walsh	Pierce	Thatcher
Kelly	Plain	Turner
Koffel	Ramsett	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gilbert	Purcell	Steele
Halliday	Rice	Strom
McArthur	Sharpe	Swenson
McDonald	Simpson	Wagner
Palmer		

So the house amendments were concurred in.

Mr. Little moved

That the senate do now concur in the house amendments to Senate Bill No. 114.

A bill for an act entitled, An act to amend section 10,381 disposing of the product of the state binder twine plant and prescribing duties of accounting officer."

The roll was called and there were ayes 25, nays none, absent and not voting 15.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sifton
Cashel	McArthur	Spoonheim
Dyste	McLean	Stade
Hanna	Movius	Talcott
Johnson of McLean	Pierce	Taylor
Johnson of Walsh	Plain	Thatcher
Koffel	Ramsett	Turner
Kraabel	Regan	Young
Leutz		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	McDonald	Simpson
Gilbert	Palmer	Steele
Halliday	Purcell	Strom
Kelly	Rice	Swenson
LaMoure	Sharpe	Wagner

So the house amendments were concurred in.

Mr. Johnson of McLean moved

That the senate do now concur in the house amendments to Senate Bill No. 55.

A bill for an act to provide for the making of certain abstracts of title prima facia evidence of title and to provide for the recording of the same.

The roll was called and there were ayes 32, nays none, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Rice
Cashel	Leutz	Sifton
Crane	Little	Simpson
Dyste	McArthur	Spoonheim
Halliday	McDonald	Stade
Hanna	McLean	Swenson
Johnson of McLean	Movius	Talcott
Johnson of Walsh	Pierce	Taylor
Kelly	Plain	Thatcher
Koffel	Ramsett	Turner
Kraabel	Regan	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gilbert	Sharpe	Wagner
Palmer	Steele	Young
Purcell	Strom	

So the house amendments were concurred in.

Mr. McArthur moved

That the senate do now concur in the house amendments to Senate Bill No. 34.

A bill for an act to provide for the bulletining of the time of the arrival of passenger trains.

The roll was called and there were ayes 31, nays none, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Rice
Cashel	Little	Sifton
Crane	McArthur	Spoonheim

Messrs.—	Messrs.—	Messrs.—
Dyste	McDonald	Stade
Halliday	McLean	Swenson
Hanna	Movius	Talcott
Johnson of McLean	Pierce	Taylor
Johnson of Walsh	Plain	Thatcher
Kelly	Ramsett	Turner
Koffel	Regan	Young
LaMoure		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gilbert	Purcell	Steele
Kraabel	Sharpe	Strom
Palmer	Simpson	Wagner

So the house amendments were concurred in.

Mr. Talcott moved

That the senate do now concur in the house amendments to Senate Bill No. 163.

A bill for an act to amend sections 747, 778, 799, 819, 836, 847, 879, 892, 912 of the Revised Codes of 1905, relating to education.

The roll was called and there were ayes 29, nays none, absent and not voting 11.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Rice
Cashel	Little	Sifton
Crane	McArthur	Spoonheim
Dyste	McDonald	Stade
Halliday	McLean	Swenson
Hanna	Movius	Talcott
Johnson of McLean	Pierce	Taylor
Johnson of Walsh	Plain	Turner
Kelly	Ramsett	Young
LaMoure	Regan	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gilbert	Purcell	Strom
Koffel	Sharpe	Thatcher
Kraabel	Simpson	Wagner
Palmer	Steele	

So the house amendments were concurred in.

Mr. Young offered the following resolution and moved its adoption.

CONCURRENT RESOLUTION.

Be It Resolved by the Senate of the State of North Dakota, the House Concurring:

That for the purchase, development and preservation of the Lincoln farm in the state of Kentucky where our martyred president was born and spent

his boyhood days, that the sum of twenty-five dollars is hereby appropriated and set aside out of any money in the treasury not otherwise appropriated to be forwarded by the governor of this state to and for the use of the Lincoln Farm Association in the purchase, development and preservation of said farm as aforesaid. Be it further

Resolved, That the legislative assembly of the state of North Dakota for and on behalf of the people of said state, uniting in reverence and respect in memory of the great emancipator with all parts of our common and now undivided country, and with such men and leaders among the people as William H. Taft, Joseph W. Folk, Cardinal Gibbons, Henry Watterson and others, does hereby express its deepest sympathy with and cordial support of the fitting memorial to the nobleness, virtue and wise statesmanship of the world's greatest commoner, Abraham Lincoln, whose noble deeds viewed in the light of calm reflection have added unmeasured increase to the good there is in the world and have shed their light of undimmed virtue and humanitarian statesmanship on the entire world. Be it further

Resolved, That this resolution be immediately transmitted to the house for its concurrence and that the same be thereafter engrossed, signed by the governor, the president of the senate and the speaker of the house of representatives, and that it be forwarded to Clarence H. Mackay, treasurer of the Lincoln Farm Association, No. 74, Broadway, New York City, New York.

Which motion prevailed, and
The resolution was adopted.

Mr. Talcott presented the following communication:

To the Hon. J. D. Taylor, Member of the Senate, State of North Dakota:

We come as American citizens and veterans of the civil war and most heartily concur in your concurrent resolution, for its love of home patriotism, and above all its love of country and our dear old flag.

The motto of the Grand Army of the Republic is: Fraternity, Charity, and Loyalty. These three great principles we extend to you.

E. CHAPMAN, 1st Reg't Minn. Vol. Inf., and eleven others.

THIRD READING OF HOUSE BILLS.

House Bill No. 301,

A bill for an act to amend Sections 926, 928 and 935 of the Revised Codes of North Dakota, relating to depositors of school funds.

Was read the third time.

Mr. Hanna moved

That House Bill No. 301 be amended as follows:

In line 21 of printed bill after the word "article" add the following: "Provided, this act shall not apply to school districts in incorporated cities or villages."

Which motion prevailed, and

The amendment was adopted.

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 26, nays, none, absent and not voting 14.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kraabel	Spoonheim
Cashel	Leutz	Stade
Crane	Little	Swenson
Dyste	McLean	Talcott
Halliday	Movius	Taylor
Hanna	Plain	Thatcher
Johnson of Walsh	Ramsett	Turner
Kelly	Regan	Wagner
Koffel	Sifton	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gilbert	Palmer	Simpson
Johnson of McLean	Pierce	Steele
LaMoure	Purcell	Strom
McArthur	Rice	Young
McDonald	Sharpe	

So the bill passed as amended and the title was agreed to.
House Bill No. 92,

A bill for an act to amend sections 3063 and 3133 of the Revised Codes of the state of North Dakota of 1905, relating to the powers of electors and supervisors in organized townships.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 27, nays, none, absent and not voting 13.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kraabel	Rice
Cashel	LaMoure	Sifton
Crane	Leutz	Spoonheim
Dyste	Little	Swenson
Halliday	McArthur	Talcott
Hanna	McLean	Taylor
Johnson of Walsh	Movius	Thatcher
Kelly	Pierce	Turner
Koffel	Plain	Wagner

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gilbert	Ramsett	Stade
Johnson of McLean	Regan	Steele
McDonald	Sharpe	Strom
Palmer	Simpson	Young
Purcell		

So the bill passed and the title was agreed to.

House Bill No. 263.

A bill for an act providing for the keeping of books con-

taining statistical information to be furnished to the commissioner of agriculture and labor, and for the making of reports regarding such statistics, and prescribing a penalty for violation.

Was read the third time,

Mr. Rice moved

That House Bill No. 263 be indefinitely postponed.

Which motion was lost.

The question being on the final passage of the bill.

The roll was called and there were ayes 28, nays 4, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Spoonheim
Cashel	McArthur	Stade
Crane	McLean	Steele
Dyste	Movius	Swenson
Hanna	Pierce	Talcott
Johnson of Walsh	Plain	Thatcher
Koffel	Ramsett	Turner
Kraabel	Sifton	Wagner
LaMoure	Simpson	Young
Leutz		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Halliday	McDonald	Rice
Kelly		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gilbert	Purcell	Strom
Johnson of McLean	Regan	Taylor
Palmer	Sharpe	

So the bill passed and the title was agreed to.

House Bill No. 219,

A bill for an act to amend sections 1378 and 1380, of the Revised Codes of 1905 relating to locating and building of bridges.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes 35, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Simpson
Cashel	Little	Spoonheim
Crane	McArthur	Stade
Dyste	McDonald	Steele

Messrs.—	Messrs.—	Messrs.—
Halliday	McLean	Swenson
Hanna	Movius	Talcott
Johnson of McLean	Pierce	Taylor
Johnson of Walsh	Plain	Thatcher
Kelly	Ramsett	Turner
Koffel	Regan	Wagner
Kraabel	Rice	Young
LaMoure	Sifton	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gilbert	Purcell	Strom
Palmer	Sharpe	

So the bill passed and the title was agreed to.

House Bill No. 292,

A bill for an act authorizing the board of county commissioners to appoint a board of visitors whose duty it shall be to visit county asylums or poor farms and make report thereon.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were ayes 32, nays 2, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Simpson
Cashel	McArthur	Spoonheim
Crane	McDonald	Stade
Dyste	McLean	Swenson
Halliday	Movius	Talcott
Hanna	Pierce	Taylor
Johnson of McLean	Plain	Thatcher
Johnson of Walsh	Ramsett	Turner
Kelly	Regan	Wagner
LaMoure	Rice	Young
Leutz	Sifton	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gilbert	Purcell	Steele
Palmer	Sharpe	Strom

Messrs. Koffel and Kraabel voting in the negative.

So the bill passed and the title was agreed to.

House Bill No. 309,

A bill for an act prohibiting the establishment of a hospital for the treatment of patients for pay in any residence block of any city without the consent of the inhabitants of such block.

Was read the third time,

The question being on the final passage of the bill.

The roll was called and there were ayes 32, nays 1, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Spoonheim
Cashel	McArthur	Stade
Crane	McLean	Steele
Gilbert	Movius	Strom
Halliday	Pierce	Swenson
Hanna	Plain	Talcott
Johnson of McLean	Purcell	Taylor
Johnson of Walsh	Ramsett	Thatcher
Kelly	Regan	Turner
Koffel	Rice	Wagner
Kraabel	Simpson	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Dyste	McDonald	Sharpe
LaMoure	Palmer	Young
Little		

Mr. Sifton voting in the negative.

So the bill passed and the title was agreed to.

House Bill No. 75,

A bill for an act to amend section 835 of the Revised Codes of 1905, providing for the enumeration of children of school age.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were ayes 33, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Simpson
Cashel	Little	Spoonheim
Crane	McArthur	Stade
Gilbert	McDonald	Strom
Halliday	McLean	Swenson
Hanna	Movius	Talcott
Johnson of McLean	Pierce	Taylor
Johnson of Walsh	Plain	Thatcher
Kelly	Ramsett	Turner
Koffel	Regan	Wagner
Kraabel	Sifton	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Dyste	Purcell	Sharpe
LaMoure	Rice	Steele
Palmer		

So the bill passed and the title was agreed to.

Mr. Regan moved

That further consideration of House Bill No. 115 be indefinitely postponed.

Which motion prevailed, and

The further consideration of House Bill No. 115 was indefinitely postponed.

House Bill No. 290,

A bill for an act entitled "An act providing that when a change of venue is obtained in a civil action pending in a justice's court of this state that garnishment proceedings had in such action shall be transferred with such action and that such change of venue shall carry with it the garnishment proceedings in the action in which the change of venue is obtained.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 31, nays none, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Stade
Cashel	Little	Steele
Crane	McLean	Strom
Dyste	Movius	Swenson
Gilbert	Plain	Talcott
Halliday	Ramsett	Taylor
Hanna	Regan	Thatcher
Johnson of McLean	Sifton	Turner
Johnson of Walsh	Simpson	Wagner
Kelly	Spoonheim	Young
Koffel		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Kraabel	McDonald	Purcell
LaMoure	Palmer	Rice
McArthur	Pierce	Sharpe

So the bill passed and the title was agreed to.

House Bill No. 49,

A bill for an act to amend section 429 of chapter 6 of the Political Code of 1905, relating to vacancies in the board of county commissioners.

Was read the third time,

The question being on the final passage of the bill.

The roll was called and there were ayes 36, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Simpson
Cashel	Little	Spoonheim
Crane	McArthur	Stade
Dyste	McDonald	Steele
Gilbert	McLean	Strom
Halliday	Movius	Swenson
Hanna	Pierce	Talcott
Johnson of McLean	Plain	Taylor
Johnson of Walsh	Purcell	Thatcher
Kelly	Ramsett	Turner
Koffel	Regan	Wagner
Kraabel	Sifton	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
LaMoure	Rice	Sharpe
Palmer		

So the bill passed and the title was agreed to.

Mr. Perce moved

That an additional rule of the senate be adopted reading as follows:

44. Upon a majority vote of the senate the presiding officer shall refuse to sign any bill which may have passed the senate, and which the house shall have refused to return for further consideration on being properly requested so to do.

Which motion prevailed, and

The rule was adopted.

House Bill No. 240,

A bill for an act entitled an act creating and establishing an irrigation and dry farming experiment station at or near Williston, in Williams county, providing for its management, and making an appropriation therefor.

Was read the third time,

The question being on the final passage of the bill;

The roll was called and there were ayes 33, nays 4, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McArthur	Spoonheim
Cashel	McDonald	Stade
Gilbert	McLean	Steele
Halliday	Movius	Strom
Hanna	Pierce	Swenson
Johnson of McLean	Plain	Talcott
Kelly	Purcell	Taylor
Kraabel	Ramsett	Thatcher
LaMoure	Regan	Turner
Leutz	Sifton	Wagner
Little	Simpson	Young

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Crane	Johnson of Walsh	Koffel
Dyste		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Palmer	Rice	Sharpe

So the bill passed and the title was agreed to.

Mr. Steele moved

That the vote by which House Bill No. 240 passed be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

House Bill No. 286,

A bill for an act to prohibit the uttering of profane, lascivious or obscene language over telephones in this state.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 27, nays 4, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Steele
Crane	McArthur	Strom
Dyste	McDonald	Swenson
Gilbert	Plain	Talcott
Halliday	Purcell	Taylor
Johnson of McLean	Ramsett	Thatcher
Johnson of Walsh	Regan	Turner
Kelly	Spoonheim	Wagner
Kraabel	Stade	Young

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Koffel	Leutz	Rice
LaMoure		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel	Movius	Sharpe
Hanna	Palmer	Sifton
McLean	Pierce	Simpson

So the bill passed and the title was agreed to.

House Bill No. 291,

A bill for an act making it a misdemeanor for an employee to obtain railway or other transportation, or the benefit of other advancements made by employers to be thereafter repaid in labor, to refuse to perform such labor or repay such advancements and providing for punish-

Was read the third time.

Mr. Koffel moved

That further consideration of House Bill No. 291 be indefinitely postponed.

Which motion was lost.

The question being on the final passage of the bill.

The roll was called and there were ayes 31, nays 4, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Stade
Cashel	McArthur	Steele
Dyste	McDonald	Strom
Gilbert	McLean	Swenson
Halliday	Movius	Talcott
Hanna	Plain	Taylor
Johnson of McLean	Purcell	Thatcher
Johnson of Walsh	Regan	Turner
Kelly	Rice	Wagner
Kraabel	Spoonheim	Young
LaMoure		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Crane	Leutz	Pierce
Koffel		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Palmer	Sharpe	Simpson
Ramsett	Sifton	

So the bill passed and the title was agreed to.

Mr. Crane moved

That the vote by which House Bill No. 92 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Hanna moved

That the vote by which House Bill No. 219 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 340,

A bill for an act reinstating and validating the charter of corporations that have been canceled for failure to make and file with the secretary of state reports as required under section 4168 Revised Codes 1905.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 36, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Sharpe
Cashel	Leutz	Spoonheim
Crane	Little	Stade
Dyste	McArthur	Steele
Gilbert	McDonald	Strom
Halliday	McLean	Swenson
Hanna	Movius	Talcott
Johnson of McLean	Pierce	Taylor
Johnson of Walsh	Plain	Thatcher
Kelly	Purcell	Turner
Koffel	Regan	Wagner
Kraabel	Rice	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Palmer	Sifton	Simpson
Ramsett		

So the bill passed and the title was agreed to.

House Bill No. 159,

A bill for an act to amend section 3880 of the Revised Codes of North Dakota for 1905 relating to the salaries of clerks of the district court.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 30, nays 0, absent and not voting 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Simpson
Cashel	McArthur	Spoonheim
Dyste	McDonald	Stade
Gilbert	McLean	Strom
Halliday	Movius	Swenson
Hanna	Pierce	Talcott
Johnson of Walsh	Plain	Taylor
Kelly	Purcell	Thatcher
Koffel	Ramsett	Turner
LaMoure	Rice	Wagner

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	Palmer	Sifton
Johnson of McLean	Regan	Steele
Kraabel	Sharpe	Young
Little		

So the bill passed and the title was agreed to.

House Bill No. 210,

A bill for an act to amend section 5572 of the Revised Codes of 1905, relating to master and servant.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 32, nays 0, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Spoonheim
Cashel	McArthur	Stade
Dyste	McDonald	Steele
Gilbert	McLean	Strom
Halliday	Movius	Swenson
Hanna	Plain	Talcott
Johnson of McLean	Purcell	Taylor
Johnson of Walsh	Ramsett	Thatcher
Kelly	Rice	Turner
Koffel	Sifton	Wagner
LaMoure	Simpson	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	Palmer	Sharpe
Kraabel	Pierce	Young
Little	Regan	

So the bill passed and the title was agreed to.

House Bill No. 279,

A bill for an act to amend section 165 of the Revised Codes of 1905, of chapter 4 of the political code of the state of North Dakota, providing for the appointment of a deputy commissioner of university and school lands.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes 32, nays 0, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McArthur	Spoonheim
Cashel	McDonald	Stade
Gilbert	McLean	Steele
Hanna	Pierce	Strom
Johnson of Walsh	Plain	Swenson
Kelly	Purcell	Taylor
Koffel	Ramsett	Thatcher
Kraabel	Regan	Turner
LaMoure	Rice	Wagner
Leutz	Sifton	Young
Little	Simpson	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	Johnson of McLean	Sharpe
Dyste	Movius	Talcott
Halliday	Palmer	

So the bill passed and the title was agreed to.

House Bill No. 323,

A bill for an act providing for the safety of trainmen operating trains on railroads within the state of North Dakota and providing for the construction of cabooses for trainmen.

Was read the third time.

Mr. Purcell moved

That House Bill No. 323 be amended as follows:

After the word "wheels," line 7, section 1, add the following: "Provided that this act shall not take effect before the 1st day of January, 1909."

Which motion prevailed, and

The amendment was adopted.

Mr. LaMoure moved

That House Bill 323 be indefinitely postponed.

Which motion prevailed, and

House Bill No. 323 was indefinitely postponed.

House Bill No. 165,

A bill for an act providing for the levy and collection of road taxes in incorporated villages.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 34, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Cashel	McArthur	Sifton
Crane	McDonald	Spoonheim
Gilbert	McLean	Stade
Halliday	Movius	Steele
Hanna	Palmer	Strom
Johnson of McLean	Pierce	Swenson
Johnson of Walsh	Plain	Talcott
Kelly	Purcell	Taylor
Koffel	Ramsett	Thatcher
Kraabel	Regan	Turner
LaMoure	Rice	Wagner
Leutz		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Simpson
Dyste	Sharpe	Young

So the bill passed and the title was agreed to.

House Bill No. 169,

Concurrent resolution for amendment to the constitution of the state of North Dakota providing for the purchase of and sale of school and public lands.

Was read the third time.

Mr. LaMoure moved that House Bill No. 169 be indefinitely postponed.

Mr. Regan moved as a substitute

That House Bill No. 169 be made a special order for 3 o'clock.

Which motion prevailed.

House Bill No. 314,

A bill for an act amending section 605 of the Revised Codes of 1905, relating to the qualifications of electors.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 11, nays 26, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kraabel	Stade
Crane	McLean	Strom
Dyste	Ramsett	Thatcher
Johnson of Walsh	Spoonheim	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Cashel	McArthur	Sifton
Gilbert	McDonald	Simpson
Halliday	Movius	Steele
Hanna	Palmer	Swenson
Johnson of McLean	Pierce	Talcott
Kelly	Plain	Taylor
Koffel	Purcell	Turner
LaMoure	Regan	Young
Leutz	Rice	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Little	Sharpe	Wagner

So the bill was lost.

House Bill No. 220,

A bill for an act amending sections 7608 and 7609 of the Revised Codes of 1905, and making the state engineer ex officio coal mine inspector of the state.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes 35, nays 1, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sifton
Cashel	McArthur	Simpson
Crane	McDonald	Spoonheim

Messrs.—	Messrs.—	Messrs.—
Dyste	McLean	Stade
Gilbert	Movius	Steele
Halliday	Palmer	Strom
Hanna	Pierce	Talcott
Johnson of McLean	Plain	Taylor
Johnson of Walsh	Purcell	Thatcher
Kelly	Ramsett	Turner
Kraabel	Regan	Young
Leutz	Rice	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Sharpe	Swenson	Wagner

Mr. LaMoure voting in the negative.

So the bill passed and the title was agreed to.

Mr. Macdonald moved

That House Bill No. 208 be indefinitely postponed.

Which motion prevailed.

House Bill No. 107,

A bill for an act providing for the erection and maintenance of workhouses in counties having a population of ten thousand or more inhabitants.

Was read the third time,

Mr. Sifton moved

That House Bill No. 107 be postponed.

Which motion was lost.

Mr. Regan moved to amend House Bill No. 107 as follows:

In line 3 of printed bill strike out word "ten" and insert word "twenty" in lieu thereof.

Which motion prevailed, and

The amendment was adopted.

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 27, nays 9, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McArthur	Spoonheim
Cashel	McLean	Stade
Crane	Movius	Strom
Dyste	Palmer	Swenson
Johnson of McLean	Plain	Taylor
Johnson of Walsh	Purcell	Thatcher
Koffel	Ramsett	Turner
Kraabel	Regan	Wagner
LaMoure	Rice	Young

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Gilbert	Kelly	Sifton
Halliday	Leutz	Steele
Hanna	McDonald	Talcott

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Little	Sharpe	Simpson
Pierce		

So the bill passed as amended and the title was agreed to.
House Bill No. 297,

A bill for an act to provide for a uniform system of accounting by the state institutions of North Dakota; prescribing the books, forms, the duties of the accounting officer, the state auditor, and the institution treasurer, with regard to such uniform system of accounting; also prescribing the forms of checks and receipts to be used and the manner of accounting to the state auditor and the state treasurer.

Was read the third time,

The question being on the final passage of the bill.

The roll was called and there were ayes 33, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Spoonheim
Cashel	Leutz	Stade
Crane	McArthur	Steele
Dyste	McDonald	Strom
Halliday	McLean	Swenson
Hanna	Movius	Talcott
Johnson of McLean	Plain	Taylor
Johnson of Walsh	Purcell	Thatcher
Kelly	Ramsett	Turner
Koffel	Regan	Wagner
Kraabel	Sifton	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gilbert	Pierce	Sharpe
Little	Rice	Simpson
Palmer		

So the bill passed and the title was agreed to.

The courtesies of the floor were extended to A. T. Cole, Rev. Gunderson.

Mr. Regan moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

Respectfully,

J. W. FOLEY,
Secretary.

SIXTIETH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 8, 1907.

The senate convened at two o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All members present.

PRAYER.

Prayer made by the Venerable O. F. Jones, Chaplain:
Almighty God, our Heavenly Father, we lift our voices to Thee in the closing hours of this legislative session. We thank Thee for health and for strength to do the work that has been done during these sixty days now past. Bless the friendships which have been formed during these days and may they grow richer and deeper and sweeter as the years roll on and our hair turns gray. We invoke thy blessing upon the labors of the closing day of this legislative assembly. Prosper all that has been done in accordance with Thy righteous will and purpose; and pardon all that has been done amiss; and overrule to the good of this commonwealth every measure detrimental to its best interests. Bless us as we separate. Go with these members to their several homes; remember us who are to remain here; and may it be our privilege to meet again in days to come in this senate chamber. Guide us all through things temporal that we may at last attain to things eternal.

Unto God's gracious mercy and protection I commit you. The Lord bless you and keep you. The Lord make his face to shine upon you, and be gracious unto you. The Lord lift up His countenance upon you and give you peace, both now and evermore. Amen.

REFERENCE OF THE JOURNAL.

The committee on revision and correction of the journal made the following report:

Mr. President:

Your committee on revision and correction of the journal of the fifty-eighth day after recess and the fifty-ninth day have carefully examined the same and recommend that the same be corrected as follows:

On page 19, at the top of the page, insert the line "Journal of the Senate."

On page 25, line 2, strike out the word "house" and insert in lieu thereof the word "senate," also change titled to read as follows: "A bill for an act to amend sections 10381 of the Revised Codes of 1905, relating to the manner of disposing of the product of the state binder twine plant."

On page 25, line 7, after the word "follows," add the words "and passed as amended." On page 25, line 28, after the word "pay," insert the words "ment of taxes, assessments, prior liens, or insurance premiums becoming delinquent during the year of redemption."

On page 31, after line 29, insert the line "amending Revised Codes of 1905."

On page 42, after the line 4, insert the following: "Your canference committee respectfully recommends the adoption of the foregoing amendment and when so adopted that the same do pass." Signed, L. B. Hanna, A. T. Kraable, J. LaMoure, J. A. Sorley, T. B. Casey, A. O. Graham. Mr. Hanna moved that the report be adopted, which motion prevailed and the report of the committee was adopted.

On page 44 strike out all of line 24 after the word "named" and down to the word "in."

On page 46, line 25, strike out figures "34" and insert the figures "33."

On page 47, after the line 4, insert the line "So the bill passed as amended."

And when so amended recommend that the same be approved.

J. D. TAYLOR,
Chairman.

Mr. Taylor moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

COMMUNICATION FROM THE GOVERNOR.

A communication was received from the governor.

Mr. Pierce moved

That the communication be not printed in the journal and that the senate appoint a committee of three to confer with the house committee of three to consider this communication.

Which motion prevailed and

The president named as such committee on the part of the senate Messrs. Pierce, Gilbert and Crane.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 8, 1907.

Mr. President:

I have the honor to return herewith

Senate Bill No. 289,

A bill for an act to amend section 2231 of the Revised Codes of North Dakota for 1905, relating to abstracters of title—bonds to be given.

Also,

Senate Bill No. 340,

A Joint Resolution.

Which the house has passed unchanged.

Also,

I have the honor to return herewith

Senate Bill No. 200,

A bill for an act concerning labor, and providing means for protecting the liberty, safety and health of laborers, providing for its enforcement by the department of agriculture and labor.

Also,

Senate Bill No. 102,

A bill for an act to prohibit the manufacture and sale of cigarettes, cigarette paper or wrappers, or substitute therefor, and providing a penalty for the violation thereof.

Which the house has indefinitely postponed.

Also,

I have the honor to return herewith

Senate Bill No. 297,

A bill for an act requiring county officers to reside at and maintain their offices at the county seat of their respective counties.

Which the house has failed to pass.

Also,

I have the honor to inform you that the house has amended the senate concurrent resolution relating to the

preservation of the Lincoln Farm, which the house has amended, and passed as amended.

Very respectfully,

P. D. NORTON,
Chief Clerk.

Mr. Cashel moved

That the senate do now concur in the house amendments to the concurrent resolution relating to the Lincoln farm. Which motion prevailed.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

The following communication was received from the secretary of state of Minnesota:

STATE OF MINNESOTA.

Department of State.

I, Julius A. Schmahl, secretary of state of the state of Minnesota, do hereby certify that I have compared the annexed copy with the original act in my office of Concurrent Resolution by the House of Representatives, the Senate concurring, relating to the grain interests of this state and the state grain inspection and weighing departments, approved March 6, 1907, being House File 603, and that said copy is a true and correct transcript of said joint resolution and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the state, at the Capitol, in Saint Paul, this 6th day of March, A. D. nineteen hundred and seven.

(State Seal.)

JULIUS A. SCHMAHL,
Secretary of State.

A CONCURRENT RESOLUTION RELATING TO GRAIN INSPECTION.

Resolved by the House, the Senate concurring:

WHEREAS, The Senate and House of Representatives of the Tenth Legislative Assembly of the State of North Dakota, adopted a certain concurrent resolution, copies of which were duly transmitted to the Speaker of this House and the President of the Senate of this legislature; and,

WHEREAS, such concurrent resolution contains certain charges, and makes certain requests affecting the grain interests of this state and the state grain inspection and weighing departments; and,

WHEREAS, such charges and requests call for a reply from this legislature, so far as the same affect this state, its grain interests and its grain inspection and weighing departments:

Therefore, Be It Resolved, That the following is the reply of this legislature to the several resolutions contained in the said concurrent resolution, transmitted by the North Dakota legislature:

Reply to Resolution "First"—There is not now nor has there been at any time any opposition on the part of any legal authority of this state and particularly on the part of the Minnesota inspection department, to the establishment of what said resolution first terms an "equitable grain inspection law at Superior," nor has anything been done by any legal authority or on the part of the Minnesota inspection department to prevent a competitive market at Superior.

Reply to Resolution "Second."—The Minnesota inspection and weighing laws were enacted in 1885 in response to a demand from the grain producers of this state; these laws have been amended and improved from time to time until today they are considered by the grain trade, to be the best and most efficient laws of their kind in vogue. Minnesota inspection and weighing certificates are accepted the world over as prima facie evidence of what they stand for.

The Minnesota inspection and weighing laws have proved themselves acceptable to the grain producers of this and other states, and as there is no discrimination practised on the part of the officials in charge of our inspection system, it naturally should follow that our laws in this respect should prove equally acceptable to shippers from all points. No complaints of this nature have come from South Dakota or any other state.

As to "grain hospitals," so called, otherwise known as mixing houses, they are by no means inimical to the grain trade. The function of a grain hospital, or mixing house, is to improve the condition of low-grade grain, which in its original condition might be unmerchantable. Instead of being an injury to the grain trade, and to the producer, who finds himself with a damaged crop on his hands, the grain hospital or mixing house is a benefit. It can hardly be considered a crime to improve the commercial value of any deteriorated commodity. Minnesota mixing houses have improved the condition of hundreds of thousands of bushels of Minnesota and North Dakota wheat, and it follows quite naturally that the owner or operator of such a mixing house is entitled to a just reward for his labor, and this he receives in the higher price which he obtains for the better grade of grain that he has established. The business is perfectly legitimate from both a legal and commercial standpoint. No mixing of grain is permitted in any of the public terminal elevators of this state.

We are, therefore, constrained to respectfully decline the request to amend our inspection laws in this respect.

Reply to Resolution "Third."—No evidence of any kind is at hand that would prove the implied charge in this resolution, that a few persons control the storage capacity of terminal elevators in this state to the detriment of the many. There is nothing in our Minnesota laws that prevents the erection and operation of terminal elevators by any person or persons, so disposed. We here again must decline to accede to a request for a change in our laws.

Reply to Resolution "Fourth."—Evidence submitted to this legislature shows that the suction draft, so called, does not in a material manner affect the weight of grain and the dockage taken. With a view of correctly ascertaining the effect of the suction draft, a sub-committee of the committee on grain and warehouses of this legislature made a careful inspection of this apparatus, while in operation, and found it working satisfactorily. No grain whatever is drawn from the conveyors by this draft; it absorbs and collects only the very fine light dust, which is a menace to the health of the employees and a dangerous explosive in case of fire. As to the weight of such dust, the committee ascertained that from car No. 53,348 (Milwaukee), weighing 63,090 pounds, there was collected a total waste of 4 pounds and 7 ounces. The sub-committee viewed the removal of the grain from this car from the time the doors were opened until the contents of the same were deposited in the hopper scales at the top floor of the elevator. As to ascertaining the value of dockage, as a commercial commodity, and accounting for the same to the owner of the grain from whom it is taken, the preponderance of evidence suggests that such a system is impracticable. The solution of this problem, however, ought not to be of a serious nature. If producers in the first instance and primary elevators in the second instance would clean the grain before loaded in cars for shipment, there would be very little dockage to account for at terminal points. It is difficult to conceive of a remedy for a condition at terminal points which has its inception at the primary market or with the producer himself. It seems that many producers persist in

marketing useless grain, without any regard to the commercial value of the dockage, and as long as they are ready and willing to donate such dockage as their grain contains, rather than go to the expense of cleaning the same, there can be no recourse.

Our Minnesota dockage of grain is applied under the most liberal rules to the shipper, who is given the benefit of any doubt there may be as to the amount of dockage to be taken; there is nothing to indicate that our system of dockage is generally unsatisfactory to the grain producers of our own state, and as the dockage is applied to all grain coming to our terminal markets without discrimination, it should prove equally acceptable and satisfactory to the shippers and producers of North Dakota. The average dockage per bushel for wheat for ten years in this state was 19.8 ounces. Surely this amount of dockage cannot be called excessive.

We are, therefore, again obliged to decline the amendment of our laws or the enactment of new laws for the further regulation of grain dockage in this state.

Reply to Resolution "Fifth."—There was established in this state under the provisions of our grain and warehouse laws a system of car inspection for "bad order" cars many years ago. This system has been improved upon until it stands in the front rank of all such inspection systems that are in operation in the large grain markets of this country.

Section 2082 of the Revised Statutes for Minnesota for 1905 reads as follows:

"Section 2082.—Inspectors to examine cars. The chief inspector of grain and any deputy or officials serving under him, before opening any cars containing grain, upon their arrival at any of the several places designated by law as terminal points in this state, for the purpose of inspecting the same, shall first ascertain the condition of such cars and determine whether any leakages have occurred while said cars were in transit; also whether or not the doors are properly secured and sealed, making a record of such facts in all cases, and recording the same in a proper book to be kept for the purpose. After such examination shall have been duly made and recorded and the inspection of such grain has been made, the said officials of the state grain inspection department above mentioned, shall securely close and reseal such doors as have been opened by them, using a special seal of the said grain inspection department for the purpose. A record of all original seals broken by said officials and the time when broken, also a record of all state seals, substituted therefor, and the time when such state seals were substituted, together with a full description of said seals, with their numbers, shall be made by the said officials."

All cars arriving at our Minnesota terminals loaded with grain, are twice inspected as to the condition they arrive in and a report is made of all defective or bad order cars, and the consignee to whom such car or cars were shipped is notified of such facts. The records of the inspection and weighing departments show all bad order cars that have been received. Our Minnesota system of patrolling the railroad yards and prohibiting the stealing of grain from cars is the most complete of any system of its kind and costs the state grain inspection department of this state approximately five thousand dollars per annum. We cannot conceive of any reason, therefore, why we should enact any new laws or amend any existing law in relation to this subject. In conclusion, we respectfully make these representations and bring them to the official notice of your honorable legislature: On the 11th, 12th and 13th days of December, 1906, there was held in the city of Chicago, under the auspices of the Grain Dealers' National Association, a congress for the purpose of considering the advisability of adopting uniform national grades. After having agreed to adopt such uniform national grades, subject to the ratification by the several grain exchanges, there represented, there was adopted a standard of uniform grades for grain, which are practically the official grades that are now in force in this state. This congress reflected the business judgment and experience of practical grain men, many of whom

had devoted a lifetime to the business of purchasing, handling or inspecting grain at the large grain centers of the United States.

Furthermore, a delegate convention recently held in London, England, after due deliberation, approved of Manitoba and Minnesota inspection of grain to the exclusion of any other systems.

We submit that the action of these bodies in determining and approving standard uniform grades are highly complimentary to our Minnesota system of official inspection of grain and suggest that in the event of a national grain inspection system, Minnesota grades will be adopted as the standard grades of the nation.

As illustrating our Minnesota system of inspecting and weighing grain at terminal points, we transmit herewith Exhibit A, showing in detail "How Grain Is Handled Under State Inspection." And be it further

Resolved, That the secretary of state be requested to send a copy of these resolutions to the honorable president of the senate and the speaker of the house of the state of North Dakota; one copy to each of our senators and representatives in the congress of the United States; one copy each to the secretary of state of the states of North Dakota and Wisconsin; one copy each to the president of the senate and the speaker of the assembly of the legislature of the state of Wisconsin; and one copy each to the presidents of the boards of trade of Superior, Wis., and Minneapolis, and Duluth, Minn.

Approved March 6, 1907.

EXHIBIT A.

MINNESOTA GRAIN DEPARTMENT—HOW GRAIN IS HANDLED UNDER STATE SUPERVISION.

As long as grain will be in demand by the world at large, and as long as humanity depends upon grain for its bread, a deep interest must center in all that pertains to the cereals in general that contribute the supply that fills this enormous demand. Agriculture must be recognized as the prime sustaining principle throughout the world, and especially does Minnesota and her sister states enter into the scheme of furnishing to the world's garnerers the tremendous supply required.

One of the most extensive branches of the state service in the state of Minnesota is the state grain department that determines the grades and weighs the grain that is shipped to the terminal markets. Notwithstanding the fact that the state has been doing this work for more than twenty-one years, there is yet much that the general public, many of whom are directly and vitally interested, do not understand or comprehend about this very important service.

We have received many letters asking for information as to the methods of the department, and many enquiries have been of the most ridiculous nature; for instance, it has been asked if we weighed grain in car loads by running a train of cars all coupled together over a track scale in the railroad yards. Also the question has been asked if the empty car is actually weighed to determine the tare weight, or if it is the stencil weight on side of car that is taken.

This article has been written with the end in view of telling in detail, step by step, how the work is performed from the time a carload of grain reaches the terminal inspection track until it has been weighed under supervision of the state.

THE INSPECTION.

When a carload of grain reaches the terminal market it is placed by the railroad company upon special tracks called "inspection tracks," which are provided in each railroad yard.

A state sampler is on hand in the morning as soon as it is light enough to see, and he first takes a record of the car number and initials, and also records the number of the seal that he breaks in order to enter the car.

He then takes a hollow brass tube called a "probe," and by plunging this probe down through the grain to the bottom of the car in several places he secures a fair sample of the grain throughout the whole load. The sampler then reseals the car and keeps a record of the state seal applied.

A sample of the grain is also taken by a chamber of commerce sampler, which sample is given to the consignee of the car. A complete seal record is also kept by the chamber of commerce sampler.

The sample that has been thus obtained by the state sampler is placed in a sample sack together with a ticket on which has been placed the car number and initial. The sample is then taken to the state inspection office, where, under a proper light, it is carefully inspected by expert inspectors who have made a special study of the particular kind of grain which they inspect. The grade and dockage, if there is any dockage, is then determined by means of apparatus adapted to the work, consisting of finely adjusted scales and sieves of different kinds.

If the shipper or the consignee is not satisfied with either the grade or dockage on the car in question, it is his privilege to call for a reinspection. The case is then carefully reviewed by the chief deputy inspector or the assistant chief deputies. In case the parties interested are still dissatisfied, an appeal can be called for, which means that the merits of the case would then be considered by the state board of appeals, a board of three members. The grades and dockage as determined by them is final.

The rules that govern the grading and dockage of grain are established at the beginning of each grain year by the members of the boards of appeal, consisting of six members, three at Minneapolis and three at Duluth.

Another particular duty of the inspection department during their work in the railroad yards is to make an examination of each car of grain for any leaky conditions that might exist, making a record of same in their record books.

When the grade and dockage has been finally determined a certificate of inspection is issued by the state inspection department.

After the inspection has been completed and the carload of grain is sold it is set to mill or elevator for unloading.

THE WEIGHING.

Again the carload of grain comes under the direct supervision of the state department, for the state weigher at once makes a careful examination of the car to detect any bad order condition, and a most complete record is made of any such condition found.

This inspection of the car for leaky conditions having been thoroughly done, he then takes a complete seal record of the car before the seals are broken by the unloading concern. In case the mill or elevator company to which the car has been set for unloading should break the seals for private inspection before the car has been placed on the unloading track, they also keep a record of the seals broken and applied.

At the larger elevators in the system where the weighing is done on hopper scales in the cupola, two men are employed, one being stationed upstairs where the weighing is done and the other man supervises the handling of the grain downstairs. This downstairs man, called a supervising weigher, sees that the cars are swept properly; sees that all the grain has been elevated from the unloading pit before the signal is given to weigh the grain, and he must also know that each car is placed at the particular elevating leg corresponding with the number of the scale upstairs on which scale the weigher has been advised the car is to be weighed on. It is this downstairs man who also keeps the seal record.

After the examination of the car has been completed and the seal record secured, the car is placed at the unloading pit, where by means of powerful steam shovels the grain is unloaded. It is elevated directly to the garner, which is the large receiving hopper located just above the scale hopper. After the scale has been properly balanced and closed, the grain is drawn down from the garner into the scale hopper.

The grain is then carefully weighed by the state weigher, and the original entry of weight is made according to law in the record book provided for the purpose.

He then takes a specially arranged ticket, and by means of the type-registering device with which all scales are equipped on which state weights are given, he obtains a type-printed record.

He then checks this type-printed record with the figures that he first recorded in the weight record book, and if they do not agree it is evident that his attention would be immediately called to the fact, and it is his duty to at once go over the work before the grain has been dropped from the scale, to account for the apparent difference in the records.

Since an incorrect record cannot be obtained from the type-register, provided it is not actually out of order, it is practically impossible for error to enter into the work of weighing under the present system.

However, no man would assert that mistakes cannot possibly be made in some part of the operation, for as long as man is fallible an error will occasionally occur.

Another check upon the work is the fact that all through the weighing operation the state weigher has not been alone in the work, for the mill or elevator weigher has been present all the time and as a result the two men are enabled to compare their work and figures as an extra precaution against mistakes.

When the shipper of a carload of grain obeys the law by placing a card in the car giving the shipping weight, an immediate investigation is made if there is an apparent discrepancy between the state weight and shipping weight, and it is very plain that such an investigation made while the grain is still held in the scale hopper is of more value than when made a few days or weeks after the weighing has been completed and all the circumstances surrounding the case may have been forgotten.

When there is no shipping weight ticket placed in the car the state weigher has no means of knowing the amount of grain the shipper has loaded into the car, and consequently he does not know if a shortage or overage should actually exist.

Where track scales are used instead of hopper scales, the loaded car is uncoupled from all other cars, placed upon the scale platform and weighed. Then when the grain has been unloaded the empty car is weighed to obtain the tare weight. This tare weight is deducted from the gross weight to determine the net weight. A complete record of the work is kept the same as in hopper scale weighing, and the work checked by the type-registering device previously mentioned.

The state weighing department thoroughly investigates all claims that arise in the work, and no effort is considered too great if in the end a just settlement can be obtained.

When a claim is presented alleging a shortage, it is at once placed on file. The records are then carefully checked over to see if an error has been made in transposition of numbers, addition of drafts or by actual mistakes in recording a wrong figure or set of figures. Then this type-registered ticket, which has been carefully preserved for reference, is examined and compared with the figures as given in the written record.

The record of the work at the unloading station is thoroughly gone over for the time covered by the date that the car was weighed, involving a study of the condition that surrounded the weighing. The seal records are also completely checked up to find if such a condition should exist as a broken seal, no seal or faulty record.

Special work has been done involving travel of several hundred miles to test scales or check up the work of loading, when some especially serious case has demanded.

A close supervision is kept over all scales on which state weights are given, and this work does not mean ordinary care in the use of the scales,

but means a complete and severe test up to full capacity of every scale in the system.

Scale experts are employed whose sole duties are to test the scales and keep them adjusted to the government standard of weights. Nor does the state supervision cease at the testing of scales but takes up the details of proper scale construction, elevating machinery and all apparatus that enters into the handling of the grain before it is weighed.

When the state weigher closes his report for the day it is mailed at once to the state weighmaster's office, where it is necessary that the report be on hand by 7 o'clock a. m. on the day following the weighing.

At this office a busy scene is witnessed each day as the representatives of the many commission firms check over the daily report sheets to learn the weight of their cars as ascertained by the state weighing department on the day previous.

The records being clear and perfect, an official certificate of weight is issued bearing upon its face the car number, initial, contents and state weight, together with the time and place of weighing. This certificate is stamped with the seal of the office of the state weighmaster and forms the basis of settlement between seller and buyer in the matter of weight.

To obtain a state certificate of weight it is necessary to present a request in writing. Should any bad order conditions be found in the records it is also written in the remark column of the certificate of weight.

Another very important branch of the state weighing service is the system of watching or patrol, whereby the cars loaded with grain are continually watched while going through the terminal yards, to detect any leaking condition that might exist as well as to guard against pilferage.

The terminal railroad yards are usually located in outlying districts where the vigilance of watchmen is especially needed. Many times leaking cars are found and reported by these special watchmen that would not show to be in leaky condition except when in motion, for cars often leak in the yards when being switched about and do not show evidence of leakage when set for unloading.

Much has also been accomplished in the way of protecting the property of shippers from pilferage, a loss against which the country shipper of grain would be powerless if it were allowed to exist.

Since these special watchmen cover the whole terminal system wherever cars containing grain are handled, they are a further check upon the work of seeing that cars are properly swept at the unloading stations by which they are continually passing during their yard work.

These special watchmen are regular deputy weighers assigned to this patrol service, and they are empowered with police authority.

It is amazing to consider the enormous bulk of grain that is handled in the Minneapolis terminal alone, for during the grain year ending August 31, 1905, there were 259,996 cars weighed. If these cars were made up into a solid train, allowing 40 feet as the length of each car, the train would extend, from New York City to a point 232 miles west of Bismarck, North Dakota, and each car would contain 1,018 bushels, or more than is produced by the ordinary Minnesota farm.

The state stands as an arbitrator between the seller and buyer; it treats both with equal fairness; it is disinterested as to the financial interest involved, its only care being to see that justice is done.

The state weighing department does not hold the very unsatisfactory position of being a mere figure-head in the handling and weighing of the immense volume of grain that pours into the terminal market, but, supported by law, it aims to be an active and energetic factor in the work of securing correct weights, making constant effort toward the improvement of the service by the adoption of the most modern equipment and by the application of the experience that years in the development of the work has given.

The state weighers who do the weighing are each under a substantial security bond of \$5,000, and while they are thus held liable for the results

of their work, still they are wholly independent, not knowing to whom a single car of grain belongs which they weigh, and they also know that the tenure of their office is not dependent upon the good or ill will of mill or elevator people at whose industries they might be stationed.

Mr. Young offered the following resolution:

WHEREAS, The concurrent resolution passed by the legislature of Minnesota has been received on this last day of the session, and as we are about to adjourn; be it

Resolved, That the same be referred to the board of grain commissioners and printed in the journal.

Mr. Young moved
The adoption of the resolution
Which motion prevailed, and
The resolution was adopted.

REPORT OF STANDING COMMITTEES

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred
House Bill No. 338,

A bill for an act authorizing the secretary of state on the approval of the governor to receive and receipt to the United States surveyor general of the district of North Dakota for all the field notes, maps, records and other papers appertaining to land titles within the state of North Dakota, and for such other property and records as the government may direct to be turned over to the state when all of the public surveys of the state of North Dakota shall have been completed.

Have had the same under consideration and recommend that the same do pass.

J. B. SHARPE,
Chairman.

Mr. Sharpe moved
That the report be adopted.
Which motion prevailed, and
The report of the committee was adopted.

The committee on banks and banking made the following report:

Mr. President:

Your committee on banks and banking to whom was referred

House Bill No. 154,

A bill for an act to amend section 1508 of the Revised Codes of 1905, relating to the assessment of bank stocks.

Have had the same under consideration and recommend that the same be indefinitely postponed.

ED. PIERCE,
J. L. CASHEL,
J. H. DYTE,
H. H. STEELE,
F. LEUTZ,
GEO. D. PALMER,
E. A. MOVIUS,
ALEX. MACDONALD,
C. B. LITTLE,

Mr. Pierce moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

House Bill No. 76,

A bill for an act permitting farmers and land owners to drain their land into road ditches and other depressions, when such ditch or depression is wholly upon the owner's land.

Have had the same under consideration and recommend that the same be indefinitely postponed.

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred:

House Bill No. 302,

A bill for an act to repeal section 3013 of the Revised Codes of North Dakota for the year 1905, relating to bridge funds.

Have had the same under consideration and recommend that the same be indefinitely postponed.

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred:

House Bill No. 142,

A bill for an act providing a method of taking away the increased jurisdiction of county courts.

Have had the same under consideration and recommend that the same be indefinitely postponed.

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred:

House bill No. 25,

A bill for an act making it unlawful for any person to solicit orders for the sale of intoxicating liquors in the state and providing penalty therefor.

Have had the same under consideration and recommend that the same be indefinitely postponed for the reason that it is unconstitutional.

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred:

House bill No. 21,

A bill for an act to amend section 5541 of the revised codes of 1895, being section 5541 of the revised codes of 1899, relating to property sold subject to redemption.

Have had the same under consideration and recommend that the same be indefinitely postponed.

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred:
House Bill No. 20,

A bill for an act to amend section 7459 of the Revised Codes for 1905, relating to the publication of notice in the foreclosure of real estate mortgages by advertisement.

Have had the same under consideration and recommend that the same be indefinitely postponed.

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on elections made the following report:

Mr. President:

Your committee on elections to whom was referred
House Bill No. 41,

A bill for an act providing for the selection of candidates for election by popular vote including selection of member of the national committee and relating to their nomination and the perpetuation of political parties.

Have had the same under consideration and recommend that the same be indefinitely postponed.

L. B. HANNA,
Chairman.

Mr. Hanna moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred House Bill No. 281

A bill for an act to amend section 2596 of the Revised Codes of North Dakota of 1905, providing the clerk hire for the register of deed's office in the various counties in the state.

Have had the same under consideration and recommend that the same be amended as follows:

On page 2 of the engrossed bill, in line 1, after the word "of" strike out the words "seven thousand five hundred" and insert the words "six thousand."

On lines 5 and 6, page 2 of the engrossed bill, strike out the words "seventeen thousand five hundred" and insert in lieu thereof "twelve thousand."

And when so amended recommend the same do pass.

J. B. SHARPE,
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills to whom was referred

Senate Bill No. 16,

A bill for an act providing for the erection of fire escapes in hotels, inns, and public lodging houses, and regulating the conduct of such hotels, inns, and public lodging houses, and providing for the appointment of an inspector of hotels, and his compensation therefor.

Also,

Senate Bill No. 124,

A bill for an act providing that in actions hereafter brought in the justice courts of this state, filing of an affidavit of the amount due, shall be considered as prima facie evidence of the indebtedness sued on.

Also,

Senate Bill No. 213,

A bill for an act to amend section 9921 of the Revised Codes of the state of North Dakota.

Also,

Senate Bill No. 251,

A bill for an act making entries in a book or other permanent form evidence in certain cases.

Also,

Senate Bill No. 253,

A bill for an act to legalize the execution and acknowledgment of certain deeds, mortgages and other instruments in writing, and the record thereof, and making the same or certified copies thereof admissible in evidence.

Also,

Senate Bill No. 255,

A concurrent resolution amending the constitution of the state of North Dakota, relating to the number of judges of the supreme court.

Also,

Senate Bill No. 277,

A bill for an act providing the manner in which the right of way for railroad companies over lands belonging to wards or deceased persons may be acquired.

Also,

Senate Bill No. 278,

A bill for an act entitled an act to provide for a commission system of government of cities which shall adopt the provisions of this act.

Also,

Senate Bill No. 333,

A bill for an act to amend sections 1050, 1051, 1082, 1092, and 1231 of the Revised Codes of 1905, relating to education.

Also,

Senate Bill No. 95,

A bill for an act appropriating money from the state treasury, not otherwise appropriated, to compensate the clerk of the district court of Stark county, in this state, for the years 1905 and 1906, for services in connection with his office required by law to be by him performed for cases

arising in unorganized territory attached to Stark county for judicial purposes.

Also,

Senate Bill No. 159,

A bill for an act designed to define the powers and increase the efficiency of the state normal and industrial school.

Also,

Senate Bill No. 233,

A bill for an act making it unlawful for boards of trustees, commissioners, directors, regents, person or persons having control or management of the state institutions of North Dakota to expend amounts in excess of appropriation, providing for monthly reports to the governor and repealing sections 1283 and 1284 of the Revised Codes of the state of North Dakota of 1905.

Also,

Senate Bill No. 267,

A bill for an act to amend section 7176 of the 1905 Revised Codes of North Dakota.

Also,

Senate Bill No. 306,

A bill for an act to provide for the assessment of lignite coal and minerals underlying lands in cases of severed ownership.

Also,

Senate Bill No. 318,

A bill for an act to amend sections 1872 and 1877 of the Revised Codes of 1905, relating to duty of superintendent of county asylum and poor farm.

Also,

Senate Bill No. 338,

A bill for an act requiring the governor to furnish each legislative assembly a financial and statistical report on state institutions. Requiring institutional trustees to furnish data demanded by the governor for this purpose and providing for payment of the necessary clerical and printing costs of such statements.

Also,

Senate Bill No. 271,

A bill for an act to amend section 7246 of the Revised Codes of 1905, relating to examination of parties.

Also,

Senate Bill No. 279,

A bill for an act authorizing the use of typewritten abstracts and briefs in certain criminal cases on appeal to the supreme court.

Also,

Senate Bill No. 326,

A bill for an act entitled an act to provide for owners and managers of elevators and warehouses to make annual reports to the commissioner of agriculture and labor.

Also,

Senate Bill No. 337,

A bill for an act authorizing the city council to re-district into wards any city in this state of less than two thousand population.

Have carefully examined the same and find the same correctly enrolled.

GEORGE M. YOUNG,
Chairman.

The secretary announced the president is about to sign Senate Bill No. 16,

A bill for an act providing for the erection of fire escapes in hotels, inns, and public lodging houses, and regulating the conduct of such hotels, inns, and public lodging houses, and providing for the appointment of an inspector of hotels, and his compensation therefor.

Also,

Senate Bill No. 124,

A bill for an act providing that in actions hereafter brought in the justice courts of this state, filing of an affidavit of the amount due, shall be considered as prima facie evidence of the indebtedness sued on.

Also,

Senate Bill No. 213,

A bill for an act to amend section 9921 of the Revised Codes of the state of North Dakota.

Also,

Senate Bill No. 251,

A bill for an act making entries in a book or other permanent form evidence in certain cases.

Also,

Senate Bill No. 253,

A bill for an act to legalize the execution and acknowledgement of certain deeds, mortgages and other instruments in writing, and the record thereof, and making the same or certified copies thereof admissible in evidence.

Also,

Senate Bill No. 255,

A concurrent resolution amending the constitution of the state of North Dakota, relating to the number of judges of the supreme court.

Also,

Senate Bill No. 277,

A bill for an act providing the manner in which the right-of-way for railroad companies over lands belonging to wards or deceased persons may be acquired.

Also,

Senate Bill No. 278,

A bill for an act entitled an act to provide for a commission system of government in cities which shall adopt the provisions of this act.

Also,

Senate Bill No. 333,

A bill for an act to amend sections 1050, 1051, 1082, 1092, and 1231 of the Revised Codes of 1905, relating to education.

Also,

Senate Bill No. 95,

A bill for an act appropriating money from the state treasury, not otherwise appropriated, to compensate the clerk of the district court of Stark county, in this state, for the years 1905 and 1906, for services in connection with his office required by law to be by him performed for cases arising in unorganized territory attached to Stark county for judicial purposes.

Also,

Senate Bill No. 159,

A bill for an act designed to define the powers and in-

crease the efficiency of the state normal and industrial school.

Also,

Senate Bill No. 233,

A bill for an act making it unlawful for boards of trustees, commissioners, directors, regents, person or persons having control or management of the state institutions of North Dakota to expend amounts in excess of appropriation, providing for monthly reports to the governor and repealing sections 1283 and 1284 of the Revised Codes of the state of North Dakota of 1905.

Also,

Senate Bill No. 267,

A bill for an act to amend section 7176 of the 1905 Revised Codes of North Dakota.

Also,

Senate Bill No. 306,

A bill for an act to provide for the assessment of lignite coal and minerals underlying lands in cases of several ownership.

Also,

Senate Bill No. 318,

A bill for an act to amend sections 1872 and 1877 of the Revised Codes of 1905, relating to duty of superintendent of county asylum and poor farm.

Also,

Senate Bill No. 338,

A bill for an act requiring the governor to furnish each legislative assembly a financial and statistical report on state institutions. Requiring institutional trustees to furnish data demanded by the governor for this purpose and providing for payment of the necessary clerical and printing costs of such statements.

Also,

Senate Bill No. 271,

A bill for an act to amend section 7246 of the Revised Codes of 1905, relating to examination of parties.

Also,

Senate Bill No. 279,

A bill for an act authorizing the use of typewritten ab-

stracts and briefs in certain criminal cases on appeal to the supreme court.

Also,

Senate Bill No. 326,

A bill for an act entitled an act to provide for owners and managers of elevators and warehouses to make annual reports to the commissioner of agriculture and labor.

Also,

Senate Bill No. 337,

A bill for an act authorizing the city council to re-district into wards any city in this state of less than two thousand population.

Also,

House Bill No. 195,

A bill for an act providing for the publication and registration of special tax receipts or licenses from the government of the United States to sell distilled, malt and fermented liquors, issued to persons in North Dakota, the payment and collection of registration fees and publication fees, regulating the posting and exhibiting of such tax receipts or licenses, prescribing the duties of officials and owners and lessors of property in relation thereto, prescribing penalties for failure to perform the duties prescribed and other regulations pertaining to the sale of intoxicating liquors.

Also,

House Bill No. 43,

A bill for a concurrent resolution amending the constitution of the state of North Dakota, relating to railroad corporations and requiring them to maintain a public office or place in the state for the transaction of business.

Also,

House Bill No. 284,

A bill for an act defining express companies, freight line companies and equipment companies, telegraph and telephone companies and providing for the assessment of their property and the taxation of the same.

Also,

House Bill No. 162,

A bill for an act providing for placing dependent children under sixteen years of age in family homes when parents or custodians fail to support.

Also,

House Bill No. 262,

A bill for an act to amend sections 4608 and 4609 of chapter 18 of the Revised Codes of North Dakota, 1905, relating to, debts limited, and, income and expenses, respectively,

Also,

House Bill No. 344,

A bill for an act to provide for paving, curbing or macadamizing the highways in civil townships adjoining incorporated cities of not less than 6,000 inhabitants, and for the construction of sewers and water mains therein, connecting with city sewers and water mains or with their own trunk sewers, and for the construction of sidewalks.

Also,

House Bill No. 308,

A bill for an act to amend section 4587, Revised Codes of North Dakota of 1905, relating to cemetery corporation.

Also,

House Bill No. 60,

A bill for an act to amend section 4036 of the Revised Codes of North Dakota, for 1905, relating to who may solemnize marriages and to marriage licenses.

Also,

House Bill No. 52,

A bill for an act providing that whenever any court, in passing sentence on any person convicted of a misdemeanor, sentences such person to confinement in the court jail, the court shall, if in his opinion such person is capable of performing manual labor, sentence such person to confinement in the county jail at hard labor.

Also,

House bill No. 11,

A bill for an act to amend section 1854 of the revised codes of 1905, relating to residence of the poor.

Also,

House Bill No. 300,

A bill for an act to amend section 3213 of the Revised Codes of the state of North Dakota of 1905 relating to townships purchasing road machinery.

Also,

House Bill No. 34,

A bill for an act to amend section 4302 of the revised codes of North Dakota, of 1905, relating to stopping of trains at county seats.

Also,

House Bill No. 304,

A bill for an act to amend section 2612 of the Revised Codes of 1905, relating to fees of county surveyors.

Also,

House Bill No. 299,

A bill for an act to amend section 1882 of the Revised Codes of the state of North Dakota for 1905 relating to asylums and poor farms.

Also,

House Bill No. 144,

A bill for an act providing a contingent fund for the use of the state's attorney for the payment of such expenses as are necessary and not otherwise provided for in securing and payment of such expenditures.

Also,

House Bill No. 241,

A bill for an act amending and re-enacting sections 2361 and 2364 of the Revised Codes of 1905, relating to county seats.

Also,

House Bill No. 190,

A bill for an act providing for the seizure and confiscation of intoxicating liquors imported into the state of North Dakota in violation of law.

Also,

House Bill No. 182,

A bill for an act entitled, "An act to amend sections 466 and 467 of chapter 7 of the Political Code of the state of North Dakota providing for the distribution of supreme court reports."

Also,

House Bill No. 201,

A bill for an act to amend section 8022 of the Revised Codes of 1905, relating to letters of administration, and who entitled to same.

Also,

House Bill No. 205,

A bill for an act to repeal sections 1195 and 1196 of the North Dakota Revised Code of 1905, and sections 1, 2, 3, and 4 of chapter 76 of the Session Laws of 1905, being sections 1910, 1911 and 1912 of the Revised Code of North Dakota of 1905, and further to provide for the admission to the state hospital for the insane of residents of other states or territories and the payment for such care and treatment, and to provide for the payment by the proper county or the state at large for the care and treatment of all inmates of such state hospital for the insane, and to determine the legal residence of all such patients, and to provide for reimbursing of the county from the estate of the patient for such care and treatment.

And the president signed the same in the presence of the senate.

Mr. LaMoure moved.

That the report of the committee on state affairs on House Bill No. 94 be adopted.

Which motion prevailed, and

The report was adopted.

Mr. Simpson offered the following resolution and moved its adoption:

WHEREAS, The Minneapolis Tribune has always been the friend of North Dakota; has ever been ready to lend its columns in any effort toward the settlement and upbuilding of the state, and is now planning substantial assistance in this behalf free of cost; be it

Resolved, That in appreciation of this spirit, which has in the past and is now doing so much to build up the state, the thanks of this body are expressly tendered the Tribune.

Which motion prevailed, and

The resolution was adopted.

Mr. Hanna moved

That house bills be read the third time and placed on final passage.

Which motion prevailed.

House bill No. 53,

A bill for an act to amend section 6295 of the Revised Codes of 1905, providing for a lien for repairs of person-
alty.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: ayes, 26; nays, 9; absent and not voting, 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McDonald	Strom
Cashel	McLean	Swenson
Dyste	Plain	Talcott
Halliday	Purcell	Taylor
Johnson of McLean	Ramsett	Thatcher
Kelly	Sharpe	Turner
Koffel	Sifton	Wagner
Kraabel	Simpson	Young
LaMoure	Stade	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Crane	Movius	Rice
Hanna	Pierce	Spoonheim
Johnson of Walsh	Regan	Steele

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gilbert	Little	Palmer
Leutz	McArthur	

So the bill passed and the title was agreed to.

Mr. Plain moved

That the vote by which House Bill No. 53 passed be reconsidered and the motion to reconsider be laid upon the table.

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 8, 1907.

Mr. President:

I have the honor to inform you that the house has concurred in the senate concurrent resolution relating to report of North Dakota Geological Survey.

Also, in senate concurrent resolution relating to the development of the internal waterways of the United States.

Very respectfully,

P. D. NORTON,
Chief Clerk.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 8, 1907.

Mr. President:

I have the honor to return herewith

Senate Bill No. 212,

A bill for an act to amend section 28 of the Revised Codes of North Dakota of 1905, relating to legislative officers and employees and their compensation.

Which the house has amended as follows:

Amend Senate Bill No. 212 by striking out all after the figure "3" in section 3 and inserting in lieu thereof the following: "That all legislative employes of the tenth legislative assembly who have performed actual services be paid according to the resolution of each house employing them.

"Whereas an emergency exists in this: that the law is inadequate in providing for the payment of certain employes, therefore this act shall take effect and be in force from and after its passage and approval."

And passed as amended.

Very respectfully,
P. D. NORTON,
Chief Clerk.

Mr. Purcell moved

That House Bill No. 94 be indefinitely postponed.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

House Bill No. 242,

A bill for an act to amend section 1584 of the Revised Codes of the state of North Dakota, relating to the rights of purchaser of lands at sale for the nonpayment of taxes.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: ayes, 33; nays, none; absent and not voting, 7.

Those who voted in the affirmative were:

Messrs.—

Albright
Cashel
Crane
Halliday
Hanna
Johnson of McLean
Johnson of Walsh
Kelly
Koffel
Kraabel
LaMoure

Messrs.—

Leutz
Little
McDonald
McLean
Movius
Palmer
Pierce
Plain
Purcell
Rice
Sharpe

Messrs.—

Sifton
Spoonheim
Stade
Strom
Swenson
Talcott
Taylor
Thatcher
Turner
Wagner
Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Dyste	Ramsett	Simpson
Gilbert	Regan	Steele
McArthur		

So the bill passed and the title was agreed to.

Mr. LaMoure moved

That the senate do now concur in the house amendments to Senate Bill No. 212.

A bill for an act to amend section 28 of the Revised Codes of North Dakota of 1905, relating to legislative officers and employes and their compensation.

The roll was called and there were: ayes, 35; nays, none; absent and not voting, 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Simpson
Cashel	McArthur	Spoonheim
Crane	McDonald	Stade
Dyste	McLean	Strom
Halliday	Movius	Swenson
Hanna	Pierce	Talcott
Johnson of McLean	Plain	Taylor
Johnson of Walsh	Purcell	Thatcher
Kelly	Ramsett	Turner
Koffel	Rice	Wagner
LaMoure	Sharpe	Young
Leutz	Sifton	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gilbert	Palmer	Steele
Kraabel	Regan	

So the house amendments were concurred in.

House Bill No. 93

A bill for an act to provide for the division of funds and property owned jointly by a village and township, when they become separate and independent municipalities, by said village becoming organized under Chapter 31, of the Political Code of North Dakota.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: ayes, 34; nays, none; absent and not voting, 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sharpe
Cashel	McDonald	Spoonheim
Crane	McLean	Stade
Dyste	Movius	Strom
Halliday	Palmer	Swenson
Hanna	Pierce	Talcott
Johnson of Walsh	Plain	Taylor
Kelly	Purcell	Thatcher
Koffel	Ramsett	Turner
Kraabel	Regan	Wagner
LaMoure	Rice	Young
Leutz		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gilbert	McArthur	Simpson
Johnson of McLean	Sifton	Steele

So the bill passed and the title was agreed to.

Mr. LaMoure moved

That the senate do not concur in house amendments to Senate Bill No. 23 and that a committee of conferees be appointed.

Which motion prevailed, and

The president named as such committee on the part of the senate Messrs. Sifton, Macdonald and Purcell.

House Bill No. 312,

A bill for an act to regulate telegraph service within the state.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were: ayes, 34; nays, none; absent and not voting, 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sharpe
Cashel	McDonald	Sifton
Crane	McLean	Simpson
Dyste	Movius	Spoonheim
Halliday	Palmer	Stade
Hanna	Pierce	Strom
Johnson of McLean	Plain	Swenson
Johnson of Walsh	Purcell	Taylor
Kelly	Ramsett	Thatcher
Koffel	Regan	Turner
LaMoure	Rice	Wagner
Leutz		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gilbert	McArthur	Talcott
Kraabel	Steele	Young

So the bill passed and the title was agreed to.

Mr. Purcell moved

That the senate do now concur in the house amendments to Senate Bill No. 127.

A bill for an act entitled: An act to reimburse judges of the supreme court for their actual and necessary expenses while absent from home engaged in the discharge of official duties.

The roll was called and there were: ayes, 32; nays, none; absent and not voting, 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sharpe
Cashel	McArthur	Spoonhelm
Crane	McDonald	Stade
Dyste	McLean	Strom
Halliday	Movius	Swenson
Hanna	Pierce	Talcott
Johnson of McLean	Plain	Taylor
Johnson of Walsh	Purcell	Thatcher
Kelly	Ramsett	Turner
Koffel	Regan	Wagner
LaMoure	Rice	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gilbert	Palmer	Steele
Kraabel	Sifton	Young
Little	Simpson	

So the house amendments to the bill were concurred in.

Mr. Purcell moved

That the vote by which House Bill No. 127 passed be reconsidered and the motion to reconsider be laid upon the table.

Which motion prevailed.

House Bill No. 112,

A bill for an act to amend section 829 of the Revised Codes of North Dakota for 1905 relating to education.

Was read the third time,

The question being on the final passage of the bill.

The roll was called and there were: ayes, 33; nays, none; absent and not voting, 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sifton
Cashel	McDonald	Spoonhelm
Crane	McLean	Stade
Dyste	Movius	Steele

Messrs.—

Halliday
Hanna
Johnson of McLean
Johnson of Walsh
Kelly
Koffel
LaMoure

Messrs.—

Palmer
Pierce
Plain
Purcell
Ramsett
Regan
Sharpe

Messrs.—

Strom
Swenson
Talcott
Taylor
Thatcher
Turner
Wagner

Absent and not voting:

Messrs.—

Gilbert
Kraabel
Little

Messrs.—

McArthur
Rice

Messrs.—

Simpson
Young

So the bill passed and the title was agreed to.

House Bill No. 98,

A bill for an act to amend section 4440 of the Revised Codes of North Dakota, 1905.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were: ayes, 29; nays, none; absent and not voting, 11.

Those who voted in the affirmative were:

Messrs.—

Albright
Cashel
Crane
Hanna
Johnson of McLean
Johnson of Walsh
Kelly
Koffel
LaMoure
Leutz

Messrs.—

Little
McDonald
McLean
Movius
Pierce
Plain
Ramsett
Rice
Sifton
Spoonheim

Messrs.—

Stade
Steele
Strom
Swenson
Talcott
Taylor
Thatcher
Turner
Wagner

Absent and not voting:

Messrs.—

Dyste
Gilbert
Halliday
Kraabel

Messrs.—

McArthur
Palmer
Purcell
Regan

Messrs.—

Sharpe
Simpson
Young

So the bill passed and the title was agreed to.

House Bill No. 207,

A bill for an act to amend section 1484 of the political code, Revised Codes of North Dakota, 1905.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: ayes, 34; nays, none; absent and not voting, 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McArthur	Sifton
Cashel	McDonald	Spoonheim
Crane	McLean	Stade
Gilbert	Movius	Steele
Halliday	Pierce	Strom
Hanna	Plain	Swenson
Johnson of McLean	Purcell	Taylor
Johnson of Walsh	Ramsett	Thatcher
Kelly	Regan	Turner
Koffel	Rice	Wagner
Leutz	Sharpe	Young
Little		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Dyste	LaMoure	Simpson
Kraabel	Palmer	Talcott

So the bill passed and the title was agreed to.

Mr. Cashel moved

That the vote by which House Bills No. 98, 207, 112 passed be reconsidered and the vote to reconsider be laid upon the table.

Which motion prevailed.

House Bill No. 335,

A bill for an act to amend section 1845, chapter 23, of the Political Code of the state of North Dakota, Revised Codes of North Dakota of 1905, relating to drains.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were: ayes, 27; nays, none; absent and not voting, 13.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Stade
Cashel	McArthur	Steele
Crane	McLean	Strom
Dyste	Movius	Swenson
Gilbert	Pierce	Talcott
Halliday	Plain	Taylor
Hanna	Ramsett	Thatcher
Johnson of McLean	Sifton	Turner
Johnson of Walsh	Spoonheim	Wagner

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Kelly	McDonald	Rice
Koffel	Palmer	Sharpe
Kraabel	Purcell	Simpson
LaMoure	Regan	Young
Little		

So the bill passed and the title was agreed to.

REPORT OF SPECIAL COMMITTEE.

Mr. President:

Your special committee appointed to consider a communication from the governor beg leave to report that they have had the same under consideration and find that the legislative assembly has this day passed an act of the legislature covering the questions raised by the governor in his communication, so that nothing is left for the action of the committee. Your committee therefore requests to be discharged.

Respectfully submitted,

E. A. PIERCE,
E. F. GILBERT,
MAYNARD CRANE

Mr. Pierce moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 8, 1907.

Mr. President:

I have the honor to request the return to the house of Senate Bill No. 58,

A bill for an act defining the boundaries of the Second, Eighth and Ninth judicial districts of the state of North Dakota, and providing for terms of court in said districts.

Which was returned to the senate today as failing of passage in the house.

Very respectfully,

P. D. NORTON,
Chief Clerk.

Mr. Simpson moved

That the senate grant the request of the house relating to the return of Senate Bill No. 58.

Which motion prevailed.

Mr. Crane asked to be excused for the balance of the tenth session.

Which motion prevailed.

With an expression of regret at his enforced departure before the close of the session.

House Bill No. 169,

A concurrent resolution for an amendment to the constitution of the state of North Dakota providing for the purchase of and sale of school and public lands.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: ayes, 29; nays, 6; absent and not voting, 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Movius	Stade
Dyste	Pierce	Steele
Hanna	Plain	Strom
Kelly	Purcell	Talcott
Koffel	Ramsett	Taylor
Kraabel	Rice	Thatcher
LaMoure	Sharpe	Turner
Leutz	Sifton	Wagner
Little	Simpson	Young
McLean	Spoonheim	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Cashel	Halliday	Johnson of Walsh
Gilbert	Johnson of McLean	Regan

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	McDonald	Swenson
McArthur	Palmer	

Mr. Crane being excused.

So the bill passed and the title was agreed to.

Mr. Stade moved

That the vote by which House Bill No. 169 passed be reconsidered and the motion to reconsider be laid upon the table.

Which motion prevailed.

The secretary announced that the president was about to sign

House Bill No. 7,

A bill for an act requiring railway companies owning or operating a line of railway in this state to construct, maintain, and keep in repair suitable fences and cattle guards, making said company liable for stock killed or injured by reason of its failure to fence and construct cattle guards and regulating speed of trains at depot grounds.

Also,

House Bill No. 54,

A bill for an act amending section 2439 of the Revised Codes of 1905, relating to county funds.

Also,

House Bill No. 68,

A bill for an act to amend section 6130 of the Revised Codes of North Dakota for the year 1905, relating to liens on future interest.

Also,

House Bill No. 176,

A bill for an act to amend section 9929 of the Revised Codes of the state of North Dakota.

Also,

House Bill No. 240,

A bill for an act entitled an act creating and establishing an irrigation and dry farming experiment station at or near Williston in Williams county, providing for its management, and making an appropriation therefor.

Also,

House Bill No. 219,

A bill for an act to amend sections 1378 and 1380, of the Revised Codes of 1905 relating to locating and building of bridges.

Also,

House Bill No. 230,

A bill for an act to amend section 1973 of the Revised Codes of 1905, relating to estrays.

Also,

House Bill No. 153,

A bill for an act to regulate the operation of passenger and freight trains over railway lines in this state, and to regulate the receipt, transportation and delivery of freight by common-carriers, and providing penalties for violations of the act.

And the president signed the same in the presence of the senate.

Mr. Hanna moved

That the vote by which House Bill No. 107 passed be reconsidered.

Which motion prevailed.

Mr. Spoonheim moved
That House Bill No. 107 be amended as follows:

SECTION 1. The board of county commissioners of any county shall, whenever they deem it advisable, vote upon the question of providing a workhouse wherein persons confined to the county jail of said county shall be compelled to work at hard labor; and said board of county commissioners shall prescribe the kind of work such convicts shall be employed at and furnish the necessary tools and materials. Such vote shall be in all respects conducted by the said board of county commissioners in the regular meeting and according to the provisions of the law.

SEC. 2. Wherever the county commissioners shall have voted to establish such workhouse, then at the next general election, but at no other time, this question shall be submitted to the vote of the people and the order of the board of county commissioners for such election shall be made at least sixty days before such election is held; and notice of such election shall be given in the same manner and for the same length of time as notices of all general elections.

SEC. 3. The ballots to be used at such elections shall be in the following form: "For the establishment of workhouse, and against establishment of workhouse." In voting on the question each voter must place at the right of the proposition he favors the mark "X." If a majority of the ballots cast at such election is for the establishment of such a workhouse, then it shall be the duty of the county commissioner to provide for a workhouse for such county.

Which motion prevailed.

The amendment was adopted.

House Bill No. 107,

A bill for an act providing to provide for the erection and maintenance of workhouses in counties having a population of ten thousand or more inhabitants.

Was read the third time.

The question being on the final passage of the bill as amended.

The roll was called and there were: ayes, 30; nays, none; absent and not voting, 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Cashel	Little	Sifton
Dyste	McArthur	Spoonheim
Gilbert	McDonald	Stade
Halliday	McLean	Steele
Hanna	Movius	Strom
Johnson of McLean	Pierce	Swenson
Johnson of Walsh	Plain	Taylor
Kelly	Purcell	Thatcher
Kraabel	Rice	Turner
Leutz	Sharpe	Wagner

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Albright	Palmer	Simpson
Crane	Ramsett	Talcott
Koffel	Regan	Young
LaMoure		

Mr. Spoonheim moved

That the title of House Bill No. 107 be amended

By striking out all of the title as read and inserting the following: "A bill for an act authorizing and prescribing the manner by which county workhouses may be erected and maintained."

So the bill as amended passed and the title as amended was agreed to.

Mr. Young moved

That the senate do now concur in the house amendments to Senate Bill No. 320.

A bill for an act to amend sections 1077, 1078, 1079, 1082, 1084, 1085, 1086, 1087, and 1090 of the Revised Codes of North Dakota of 1905, relative to the state normal schools at Valley City and Mayville.

The roll was called and there were: ayes, 32; nays, none; absent and not voting, 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Cashel	Little	Stade
Dyste	McArthur	Steele
Gilbert	McDonald	Strom
Halliday	Movius	Swenson
Hanna	Pierce	Talcott
Johnson of McLean	Plain	Taylor
Johnson of Walsh	Purcell	Thatcher
Kelly	Ramsett	Turner
Koffel	Regan	Wagner
Kraabel	Rice	Young
Leutz	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Albright	McLean	Simpson
Crane	Palmer	Spoonhelm
LaMoure	Sifton	

Mr. Crane being excused.

So the house amendments were concurred in.

Mr. Young moved

That the vote by which Senate Bill No. 320 passed be reconsidered and the motion to reconsider be laid upon the table.

Which motion prevailed.

Mr. Strom moved

That the senate do now concur in the house amendments to Senate Bill No. 211.

Senate Bill No. 211,

A bill for an act providing for the election of county surveyor and prescribing his duties, and the manner in which his records shall be kept, and authorizing the board of

county commissioners and the board of township supervisors to make surveys, and authorizing and prescribing the manner for the payment of the expenses incurred therein.

The roll was called and there were: ayes, 34; nays, none; absent and not voting, 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sharpe
Cashel	Little	Stade
Dyste	McDonald	Strom
Gilbert	McLean	Swenson
Halliday	Movius	Talcott
Hanna	Pierce	Taylor
Johnson of McLean	Plain	Thatcher
Johnson of Walsh	Purcell	Turner
Kelly	Ramsett	Wagner
Koffel	Regan	Young
Kraabel	Rice	
LaMoure		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	Palmer	Spoonheim
McArthur	Simpson	Steele

Mr. Crane being excused.

So the house amendments were concurred in.
House Bill No. 343,

A bill for an act to amend section 7253 of the Revised Codes of 1905, relating to witnesses and evidence.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: ayes, 28; nays, none; absent and not voting, 12.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Movius	Stade
Cashel	Pierce	Steele
Gilbert	Plain	Strom
Halliday	Purcell	Swenson
Johnson of McLean	Ramsett	Talcott
Johnson of Walsh	Rice	Taylor
LaMoure	Sharpe	Thatcher
Leutz	Sifton	Turner
Little	Spoonheim	Wagner
McLean		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	Koffel	Palmer
Dyste	Kraabel	Regan
Hanna	McArthur	Simpson
Kelly	McDonald	Young

So the bill passed and the title was agreed to.

House Bill No. 318,

A bill for an act entitled an act to grant to urban electric railways all of the rights, privileges and power granted to steam railways.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: ayes, 30; nays, none; absent and not voting, 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Movius	Stade
Cashel	Pierce	Steele
Dyste	Plain	Strom
Halliday	Purcell	Swenson
Hanna	Ramsett	Talcott
Johnson of McLean	Regan	Taylor
LaMoure	Rice	Thatcher
Leutz	Sharpe	Turner
Little	Sifton	Wagner
McLean	Simpson	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	Koffel	McDonald
Gilbert	Kraabel	Palmer
Johnson of Walsh	McArthur	Spoonheim
Kelly		

So the bill passed and the title was agreed to.

Mr. Hanna moved

That the vote by which House Bill No. 318 passed be reconsidered and the motion to reconsider be laid upon the table.

Which motion prevailed.

Mr. Rice moved

That the senate do now concur in the house amendments to Senate Bill No. 169.

A bill for an act to amend section 8149 of the Revised Codes of the state of North Dakota.

The roll was called and there were: ayes, 30; nays, none; absent and not voting, 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Simpson
Cashel	McDonald	Spoonheim
Dyste	McLean	Stade
Halliday	Pierce	Steele
Gilbert	Plain	Strom
Hanna	Purcell	Swenson
Kelly	Ramsett	Taylor
Koffel	Regan	Thatcher
Kraabel	Sharpe	Turner
Leutz	Sifton	Young

Absent and not voting:

Messrs.—

Craft
 Johnson of McLean
 Johnson of Walsh
 LaMoure

Messrs.—

McArthur
 Movius
 Palmer

Messrs.—

Rice
 Talcott
 Wagner

So the house amendments were concurred in.

REPORT OF STANDING COMMITTEE.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills to whom was referred

Senate bill No. 55,

A bill for an act to provide for the making of certain abstracts of title prima facie evidence of title and to provide for the recording of the same.

Also,

Senate Bill No. 76,

A bill for an act to amend section 4082 of the Revised Codes of 1905, relating to separate and mutual rights and liabilities of husband and wife.

Also,

Senate Bill No. 187,

A bill for an act to provide for the protection of purchasers at judicial or foreclosure sales of real estate in the payment of taxes, assessments, prior liens or insurance premiums becoming delinquent during the year of redemption.

Also,

Senate Bill No. 34,

A bill for an act to provide for the bulletining of the time of the arrival of passenger trains.

Also,

Senate Bill No. 111,

A bill for an act creating and establishing an agricultural experiment station at or near Hanna or Langdon in Cavalier county, providing for its management and making an appropriation therefor.

Also,

Senate Bill No. 28,

A bill for an act to regulate the practice of pharmacy.

Also,

Senate Bill No. 125,

A bill for an act to amend section 638 of the Revised Codes 1905 relating to the conduct of elections.

Also,

Senate Bill No. 222,

A bill for an act to provide for the immediate registration of all births and deaths throughout the state of North Dakota, by means of certificates of births and deaths, and burial permits; to establish a bureau of vital statistics at the capitol of the state; and to insure the thorough organization and efficiency of the registration of vital statistics throughout the state on the standard forms recommended by the United States bureau of the census and the American Public Health Association; and making an appropriation for establishing and maintaining such a bureau and providing certain penalties.

Have carefully examined the same and find the same correctly enrolled.

GEORGE M. YOUNG,
Chairman.

The secretary announced that the president was about to sign

Senate bill No. 55,

A bill for an act to provide for the making of certain abstracts of title prima facie evidence of title and to provide for the recording of the same.

Also,

Senate Bill No. 76,

A bill for an act to amend section 4082 of the Revised Codes of 1905, relating to separate and mutual rights and liabilities of husband and wife.

Also,

Senate Bill No. 187,

A bill for an act to provide for the protection of purchasers at judicial or foreclosure sales of real estate in the payment of taxes, assessments, prior liens or insurance premiums becoming delinquent during the year of redemption.

Also,

Senate Bill No. 34,

A bill for an act to provide for the bulletining of the time of the arrival of passenger trains.

Also,

Senate Bill No. 111,

A bill for an act creating and establishing an agricultural experiment station at or near Hanna or Langdon in Cavalier county, providing for its management and making an appropriation therefor.

Also,

Senate Bill No. 28,

A bill for an act to regulate the practice of pharmacy.

Also,

Senate Bill No. 125,

A bill for an act to amend section 638 of the Revised Codes relating to the conduct of elections.

Also,

Senate Bill No. 222,

A bill for an act to provide for the immediate registration of all births and deaths throughout the state of North Dakota, by means of certificates of births and deaths, and burial permits; to establish a bureau of vital statistics at the capitol of the state; and to insure the thorough organization and efficiency of the registration of vital statistics throughout the state on the standard forms recommended by the United States bureau of the census and the American Public Health Association; and making an appropriation for establishing and maintaining such a bureau and providing certain penalties.

And the president signed the same in the presence of the senate.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,

BISMARCK, NORTH DAKOTA,

March 8, 1907.

Mr. President:

I have the honor to inform you that the house has concurred in the senate resolution calling for a conference committee on

Senate Bill No. 23,

A bill for an act making it unlawful for any railroad company, express company, sleeping car company, telegraph

company, telephone company, or any public service corporation, or any officer, agent or representative thereof, to issue, give or offer any free ticket, free pass, telegraph or telephone frank, express frank, or other privilege to any person or persons at rates less than charged the public, and making it unlawful for any person to ask for or accept from any railroad company, express company, sleeping car company, telegraph company, telephone company, or any corporation, or from any officer, agent or representative thereof, or use in any manner or for any purpose any free ticket, free pass, telegraph or telephone frank, express frank, or other privilege, at rates less than charged the public, and prescribing penalties therefor.

And the speaker has appointed as such conferees on behalf of the house Messrs. White, Rose and Stevens.

Very respectfully,

P. D. NORTON,
Chief Clerk.

House Bill No. 345,

A bill for an act providing for summary administration when estate is of small value.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were: ayes, 30; nays, none; absent and not voting, 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McDonald	Simpson
Cashel	McLean	Spoonheim
Dyste	Pierce	Stade
Gilbert	Plain	Steele
Hanna	Purcell	Strom
Johnson of McLean	Ramsett	Swenson
Kelly	Regan	Talcott
Kraabel	Rice	Taylor
LaMoure	Sharpe	Thatcher
Little	Sifton	Turner

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	Leutz	Palmer
Halliday	McArthur	Wagner
Johnson of Walsh	Movius	Young
Koffel		

Mr. Crane being excused.

So the bill passed and the title was agreed to.

House Bill No. 288,

A bill for an act to amend section 434 of the Political Code.

Was read the third time,

The question being on the final passage of the bill.

The roll was called and there were: ayes, 31; nays, none; absent and not voting, 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McDonald	Sifton
Cashel	McLean	Spoonheim
Dyste	Movius	Stade
Gilbert	Pierce	Steele
Hanna	Plain	Swenson
Johnson of Walsh	Purcell	Talcott
Kelly	Ramsett	Taylor
Koffel	Regan	Thatcher
Kraabel	Rice	Turner
LaMoure	Sharpe	Wagner
Little		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	Leutz	Simpson
Halliday	McArthur	Strom
Johnson of McLean	Palmer	Young

Mr. Crane being excused.

So the bill passed and the title was agreed to.

REPORT OF SPECIAL COMMITTEE.

Mr. President:

Your conference committee on House Bill No. 278 beg leave to make the following recommendations:

In line 16 of the printed bill strike out the word "two" and insert in lieu thereof the word "one."

Strike out the 8th district as it appears in the engrossed bill and insert in lieu thereof: "The eighth district shall consist of the county of Traill and be entitled to one senator and three representatives."

The house concurs in the senate amendment, viz., by adding to line 10 of the printed bill the following: "and all towns, villages and cities therein."

In line 75 of the printed bill strike out the word "two" and insert in lieu thereof the word "one."

In line 97 of the printed bill, after the word "Bruce" add the words "Mount Carmel."

In line 100 of the printed bill strike out the word "two" and insert the word "one" in lieu thereof.

The house concurs in the senate amendment relating to the 23rd district, viz., by striking out the word "three" in line 108 of the printed bill and inserting the word "four" in lieu thereof.

In line 112 of the printed bill strike out the word "two" and insert the word "one" in lieu thereof.

The house concurs in the senate amendment relating to the 28th district, viz: "The 28th district shall consist of all that part of the county of Bottineau lying east of the Mouse river and shall be entitled to one senator and two representatives."

The house concurs in the senate amendment relating to the 31st district,

viz: "The 31st district shall consist of the county of Stark and be entitled to one senator and three representatives."

The house concurs in the senate amendment relating to the 34th district except as to the number of the representatives which shall be "two" instead of three," viz: the 34th district shall consist of townships 155, 156, 157 and 158 north, range 75 west, and also townships 155, 156, 157, 158 and 159 north of ranges 76, 77, 78, 79 and 80 in the county of McHenry and be entitled to one senator and two representatives.

The house concurs in the senate amendment relating to the 35th district, viz: "The 35th district shall consist of townships and fractional townships as follows: 143 north of ranges 80 and 81 west and 144 north of ranges 80, 81, 82, 83 and 84 west and townships 145 north of ranges 74, 75, 76, 77, 78, 79, 80, 81, 82, 83 and 84; townships 146 north of ranges 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, and 84 in the county of McLean, and shall be entitled to one senator and one representative.

In line 156 of the printed bill strike out the word "two" and insert the word "one" in lieu thereof.

The house concurs in the senate amendment relative to the 39th district, viz: "The 39th district shall consist of the counties of Billings, Mercer and Oliver and shall be entitled to one senator and two representatives."

In lines 161 and 162 of the printed bill strike out the words "Mount Carmel."

In line 165 of the printed bill strike out the word "two" and insert in lieu thereof the word "one."

Strike out all that portion of the engrossed bill relating to the 45th district, and insert in lieu thereof the following: "The 45th district shall consist of townships 151, 152, 153 and 154 north of ranges 75, 76, 77, 78, 79, and 80 in the county of McHenry and shall be entitled to one senator and one representative.

The house concurs in the senate amendment relating to the 46th district except as to the numbers of the representatives which shall be two instead of three, viz: "The 46th district shall consist of the following townships and fractional townships: Township 147 north of ranges 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, and 91, and townships 148 north of ranges 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90 and 91, and townships 149 north of ranges 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90 and 91, and townships 150 north of ranges 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90 and 91 in the county of McLean shall be entitled to one senator and two representatives."

The 47th district shall consist of all that part of Bottineau county lying west of the Souris river, and shall be entitled to one senator and one representative.

In line 3 of the printed bill strike out the word "forty-five" and insert in lieu thereof the word "forty-seven."

In lines 3 and 4 of the printed bill strike out the words "one hundred and four" and insert in lieu thereof the word "ninety-five."

The senate recedes from all amendments not specifically mentioned in these recommendations.

Respectfully submitted by the joint committee,

JUDSON LAMOURE,

C. B. LITTLE,

J. AUSTIN REGAN,

For the Senate.

AMASA P. PEAKE,

T. O. BURGUM,

R. C. WEDGE,

For the House.

The question being on the adoption of the report of the conference committee.

The roll was called and there were: ayes, 33; nays, 3; absent and not voting, 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sharpe
Cashel	McArthur	Simpson
Dyste	McDonald	Spoonhelm
Gilbert	McLean	Stade
Hanna	Movius	Swenson
Johnson of McLean	Pierce	Talcott
Johnson of Walsh	Plain	Taylor
Kelly	Purcell	Turner
Koffel	Ramsett	Wagner
LaMoure	Regan	Young
Leutz	Rice	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Halliday	Kraabel	Strom

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	Sifton	Thatcher
Palmer	Steele	

Mr. Crane being excused.

So the report was adopted.

Mr. Strom explained his vote and said: "This measure materially increases the number of the legislative assembly and yet reduces the representation of Traill county. Therefore I vote No."

Mr. Regan moved

That the senate request the return of House Bill No. 278.

Which motion prevailed.

At this time Mr. LaMoure arose and, expressing to the presiding officer the thanks and appreciation of the members of the senate for his uniform courtesy, fairness and impartiality, presented the president of the senate with a framed group of photographs of the members of the senate. Following the remarks of Mr. LaMoure Mr. Purcell arose and added his expression of the appreciation of all members of the senate, regardless of party, of the courteous and fair treatment accorded all members of the body by the presiding officer. The president of the senate expressed in fitting terms his thanks to the members of the senate for the token of their regard.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the governor:

GOVERNOR'S OFFICE,
BISMARCK, N. D.,
March 8, 1907.

To the Senate:

GENTLEMEN:

I have the honor to inform you that I have approved and filed with the secretary of state

Senate Bill No. 9,

A bill for an act to amend and re-enact section 2330 of the Revised Codes of 1905, relating to the division of counties.

Also,

Senate Bill No. 40,

A bill for an act to promote the safety of employees and travelers upon railways by limiting the hours of service of employees thereon, and making the violation thereof a misdemeanor, providing a punishment therefor, requiring railroad commissioners to investigate the same and notify the attorney general thereof whose duty it shall be to prosecute the same.

Also,

Senate Bill No. 42,

A bill for an act to regulate the consolidation and reinsurance of domestic insurance companies transacting business of life, accident or health insurance.

Also,

Senate Bill No. 57,

A bill for an act to prevent the adulteration and misbranding of foods and beverages, the selling of adulterated and unwholesome foods and beverages, and providing for the proper labeling of all foods and beverages.

Also,

Senate Bill No. 59,

A bill for an act to require an annual apportionment and accounting of surplus of life insurance companies as to policies heretofore issued.

Also,

Senate Bill No. 63,

A bill for an act to prevent adulteration, misbranding and selling of adulterated and insufficiently labeled "Concentrated commercial feeding stuff," prescribing a penalty for the violation thereof, providing for the inspection, testing and analysis of said feeding stuffs; charging the North Dakota government agricultural experiment station with the duty thereof, and charging the state's attorney with the enforcement thereof.

Also,

Senate Bill No. 67.

A bill for an act to amend section 5404 of the Revised Codes of 1905, relating to effect of highways or railways, on right of way therefor, over or upon the lands conveyed.

Also,

Senate Bill No. 72,

A bill for an act defining pools and trusts and providing the penalties and remedies therefor.

Also,

Senate Bill No. 77,

A bill for an act to amend section 5039 of the Revised Codes of 1905, relating to conveyances.

Also,

Senate Bill No. 78,

A bill for an act to prohibit the soliciting of orders for the future delivery without this state of intoxicating liquors to be transported into this state, to be used or sold in violation of the laws thereof, and providing a penalty for its violation.

Also,

Senate Bill No. 120,

A bill for an act to repeal chapter 59 of the Session Laws of 1897 being section 5334 of the Revised Codes of 1905 in relation to the method of proof of written instruments and contracts to which there are one or more subscribing witnesses, and to re-enact the same.

Also,

Senate Bill No. 137,

A bill for an act amending section 9245 relating to unauthorized wearing or use of badges, name, title of officers,

insignia, ritual or ceremonies of certain orders and societies.

Also,

Senate Bill No. 151,

A bill for an act entitled "An act to prohibit unfair commercial discrimination between different sections, communities, or localities, or unfair competition, and providing penalties therefor.

Also,

Senate Bill No. 152,

A bill for an act to provide for the safe keeping of documents and bonds required to be deposited in the office of the county auditor.

Also,

Senate Bill No. 160,

A bill for an act to amend section 182 of the Revised Codes of 1905, relating to assignee of purchasers of school lands.

Also,

Senate Bill No. 174,

A bill for an act to prohibit the issuance of non-participating policies by certain life insurance companies.

Also,

Senate Bill No. 175,

A bill for an act defining the status of persons soliciting life insurance.

Also,

Senate Bill No. 176,

A bill for an act to prohibit misrepresentations by life insurance companies.

Also,

Senate Bill No. 179,

A bill for an act to prohibit discrimination by life insurance companies and providing penalties for violation thereof.

Also,

Senate Bill No. 183,

A bill for an act regulating the retirement of capital stock in certain cases.

Also,

Senate Bill No. 192,

A bill for an act regulating disbursements by life insurance companies.

Also,

Senate Bill No. 194,

A bill for an act providing for the giving of notice by merchants to their creditors before making sale of their entire stock of business.

Also,

Senate Bill No. 199,

A bill for an act entitled, an act to provide for organizing counties from the unorganized territory in this state.

Also,

Senate Bill No. 206,

A bill for an act defining a watercourse.

Also,

Senate Bill No. 210.

A bill for an act in relation to the taxation of grain grown within this state and held therein in elevators, warehouses and granaries.

Also,

Senate Bill No. 215,

A bill for an act requiring the party in charge of a state institution to make an inventory of property therein.

Also,

Senate Bill No. 225,

A bill for an act making it a misdemeanor to fraudulently connect wires or instruments with electric wires or altering meters for the purpose of evading payment for electric current.

Also,

Senate Bill No. 226,

A bill for an act for paroling inmates of the reform school.

Also,

Senate Bill No. 250,

A bill for an act to amend section 2771 of the Revised Codes of 1905, regulating sewers.

Also,

Senate Bill No. 262,

A bill for an act relating to the licensing of transient merchants, and providing a penalty for the violation thereof.

Also,

Senate Bill No. 274,

A bill for an act requiring the secretary or other executive officer of every county, district or state fair association or other exhibit at which the resources or products of the state are placed on exhibition, to file with the commissioner of agriculture and labor a list of the dates claimed by said association for the purpose of conducting the same.

I have the honor to be,

Respectfully,
JOHN BURKE,
Governor.

House Bill No. 332,

A bill for an act to amend section 2578 of the Revised Codes of 1905 of the state of North Dakota, prescribing the salary of state's attorney and assistant.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: ayes, 26; nays, none; abesent and not voting, 14.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Stade
Cashel	Kraabel	Steele
Dyste	Leutz	Swenson
Gilbert	Little	Taylor
Halliday	Pierce	Thatcher
Hanna	Ramsett	Turner
Johnson of McLean	Regan	Wagner
Johnson of Walsh	Sifton	Young
Kelly	Spoonheim	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	Movius	Sharpe
LaMoure	Palmer	Simpson
McArthur	Plain	Strom
McDonald	Purcell	Talcott
McLean	Rice	

Mr. Crane being excused.

So the bill passed and the title was agreed to.

House bill No. 313,

A bill for an act to provide for the assessment of lignite coal and minerals underlying lands in cases of severed ownership.

Was read the third time,

The question being on the final passage of the bill.

The roll was called and there were: ayes, 29; nays, none; absent and not voting, 11.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoire	Sifton
Cashel	Little	Spoonheim
Dyste	McLean	Stade
Halliday	Movius	Steele
Hanna	Pierce	Swenson
Johnson of McLean	Purcell	Taylor
Johnson of Walsh	Ramsett	Thatcher
Kelly	Regan	Turner
Koffel	Rice	Wagner
Kraabel	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	McDonald	Strom
Gilbert	Palmer	Talcott
Leutz	Plain	Young
McArthur	Simpson	

Mr. Crane being excused.

So the bill passed and the title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 8, 1907.

Mr. President:

I have the honor to return herewith
Senate Bill No. 290,

A bill for an act to amend and re-enact section 468 of the Revised Codes of North Dakota for the year A. D. 1905, relating to judicial districts within the state.

Also,

Senate Bill No. 292,

A bill for an act creating and defining the Tenth judicial district within the state of North Dakota; providing for

the election of a judge therein and fixing the terms of court in said district.

Also,

Senate Bill No. 280,

A bill for an act entitled, "An act to amend subdivision 3 of section 7225 of the Revised Codes of North Dakota, relating to appeals to the supreme court from orders made in certain cases."

Also,

Senate Bill No. 177,

A bill for an act relating to the annual reports of life insurance companies.

Also,

Senate Bill No. 254,

A bill for an act regulating the organization and operation of corporations, associations and societies to do and transact upon the assessment plan the business of accident or sickness, or accident and sickness insurance, providing for the regulation and control of the same, and to regulate and control such corporations, associations and societies organized in other states, territories and countries and doing business in this state, prescribing the duties of the insurance commissioner of the state in relation thereto, and fixing the penalty for the violation of its provisions.

Also,

Senate Bill No. 58,

A bill for an act defining the boundaries of the Second, Eighth and Ninth judicial districts of the state of North Dakota, and providing for terms of court in said districts.

Also,

Senate Bill No. 304,

A bill for an act to amend and re-enact section 2329 of the Revised Codes of 1905, relative to the division of counties.

Also,

Senate Bill No. 173,

A bill for an act relating to the salaries of officers and agents of life insurance companies.

Which the house has passed unchanged.

Also,

I have the honor to return herewith

Senate Bill No. 178,

A bill for an act prohibiting corporations or stock companies acting as agents or solicitors for life insurance companies.

Which the house has failed to pass.

Also,

I have the honor to return herewith

Senate Bill No. 184,

A bill for an act to provide a method whereby assessment life insurance companies may be reincorporated as legal reserve life insurance companies.

Also,

Senate Bill No. 229,

A bill for an act amending sections 1278 and 1279 of the Revised Codes of North Dakota, relating to duties of store keepers and expense lists of penitentiary.

Also,

Senate Bill No. 294,

A bill for an act to amend and re-enact section 40 of the Revised Codes of 1905, relating to maximum prices to be charged for public printing.

Also,

Senate Bill No. 60,

A bill for an act providing for and regulating the election of directors of mutual life insurance companies.

Also,

Senate Bill No. 227,

A concurrent resolution amending the constitution of the state of North Dakota, relating to changing the name of the state reform school.

Which the house has indefinitely postponed.

Very respectfully,

P. D. NORTON,
Chief Clerk.

House Bill No. 167,

A bill for an act appropriating to Zeno Bruegger, clerk of the district court of Williams county, North Dakota, \$200 clerk's fees for services rendered in the unorganized

territory attached to Williams county for judicial purposes during the years 1903 and 1904.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were: ayes, 32; nays, none; absent and not voting, 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McArthur	Spoonheim
Dyste	McDonald	Stade
Halliday	McLean	Steele
Hanna	Movius	Swenson
Johnson of McLean	Plain	Talcott
Kelly	Purcell	Taylor
Koffel	Ramsett	Thatcher
Kraabel	Regan	Turner
LaMoure	Rice	Wagner
Leutz	Sharpe	Young
Little	Sifton	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel	Johnson of Walsh	Simpson
Crane	Palmer	Strom
Gilbert	Pierce	

Mr. Crane being excused.

So the bill passed and the title was agreed to.

Mr. LaMoure offered the following resolution and moved its adoption.

Be It Resolved, That the senate of the tenth legislative assembly appreciates the uniform courtesy and willingness of Daniel M. Slattery, superintendent of the capitol building, and hereby express to him its thanks for the manner in which he has sought to meet the wants and provide for the comfort of the senate.

Which motion prevailed, and

The resolution was adopted.

Mr. Johnson of McLean introduced the following resolution and moved its adoption:

WHEREAS, There are several reports of state departments and institutions of great public interest that have not been printed in time to be placed on the desks of members before adjournment;

Resolved, That the secretary of state be requested to forward to the address of each member of the legislature such public documents as they may be entitled to receive as the same come from the public printer; also copies of the last day's journals and as soon as the bills in the governor's hands shall have been disposed of a complete list of the titles of all bills that shall become laws or may have been disapproved.

Which motion prevailed, and

The resolution was adopted.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 8, 1907.

Mr. President:

I have the honor to transmit herewith the following resolution:

WHEREAS, The original of Senate Bill No. 167, a bill for an act to amend section 2245, relating to license, how obtained; fee, how determined, has been lost while in the hands of the steering committee; therefore, be it
Resolved, That the senate be requested to transmit a certified copy of same to the house.

Which the house has adopted.

Very respectfully,

P. D. NORTON,
Chief Clerk.

Mr. Sharpe moved

That the rules be suspended and that the request of the house be granted and that a certified copy of Senate Bill No. 167 be transmitted to the house.

Which motion prevailed.

House Bill No. 296,

A bill for an act to amend sections 938, 939, 940, 941 and 943 of the Revised Codes of 1905 of the state of North Dakota, relating to the creation of special school districts in incorporated cities, towns and villages constituting a part of a school district, and to divide the property and indebtedness of such school district.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were: ayes, 30; nays, none; absent and not voting, 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright.	McDonald	Spoonheim
Dyste	McLean	Stade
Halliday	Movius	Strom
Hanna	Plain	Swenson
Johnson of McLean	Purcell	Talcott
Johnson of Walsh	Ramsett	Taylor
Kelly	Regan	Thatcher
LaMoure	Rice	Turner
Leutz	Sharpe	Wagner
Little	Sifton	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel	Kraabel	Pierce
Crane	McArthur	Simpson
Gilbert	Palmer	Steele
Koffel		

Mr. Crane being excused.

So the bill passed and the title was agreed to.

Mr. Rice moved

That the rules be suspended and that House Bill No. 150 be placed on its third reading and final passage.

House Bill No. 150,

A bill for an act amending section 2887, of the Revised Codes of 1905, relating to the powers of village marshals and to legalize past acts of village marshals.

Was read the third time.

Mr. Rice moved that the bill be amended by striking out section 1 and that section 2 be numbered No. 1; section 3 be renumbered as section 2.

Which motion prevailed, and

The amendment was adopted.

The question being on the final passage of the bill as amended.

The roll was called and there were: ayes, 30; nays, none; absent and not voting, 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Cashel	McArthur	Sharpe
Halliday	McDonald	Sifton
Hanna	McLean	Spoonheim
Johnson of McLean	Movius	Stade
Johnson of Walsh	Pierce	Steele
Kelly	Plain	Swenson
Koffel	Purcell	Talcott
LaMoure	Ramsett	Thatcher
Leutz	Regan	Turner
Little	Rice	Wagner

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Albright	Kraabel	Strom
Crane	Palmer	Taylor
Dyste	Simpson	Young
Gilbert		

Mr. Crane being excused.

So the bill passed as amended and the title was agreed to.

Mr. Johnson of McLean moved

That the report of the committee on counties on House

Bill No. 327 be adopted and the bill be placed on the calendar.

Which motion prevailed, and
The report of the committee was adopted.

House Bill No. 327,

A bill for an act to amend and re-enact section 2330 of the Revised Code of 1905, relating to the formation of new counties.

Was read the third time.

Mr. Leutz moved

To amend House Bill No. 327 as follows:

In line 22 strike out the word "six" and insert the word "four."

Which motion prevailed, and
The amendment was adopted.

The question being on the final passage of the bill as amended

The roll was called and there were: ayes, 20; nays, 4; absent and not voting, 16.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Movius
Cashel	Kraabel	Pierce
Dyste	Leutz	Purcell
Gilbert	Little	Rice
Hanna	McArthur	Stade
Johnson of McLean	McDonald	Wagner
Kelly	McLean	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Regan	Steele	Young
Spoonheim		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	Ramsett	Swenson
Halliday	Sharpe	Talcott
Johnson of Walsh	Sifton	Taylor
LaMoure	Simpson	Thatcher
Palmer	Strom	Turner
Plain		

Mr. Crane being excused.
So the bill was lost.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 8, 1907.

Mr. President:

I have the honor to return herewith

Senate Bill No. 313,

A bill for an act to amend section 4224 of the Revised Codes of the state of North Dakota, relating to the increasing or diminishing of the capital stock of corporations.

Also,

Senate Bill No. 171,

A bill for an act to regulate the investment of the funds and the real estate holdings of life insurance companies.

Also,

Senate Bill No. 53,

A bill for an act relating to the provisions of life insurance policies.

Also,

Senate Bill No. 61,

A bill for an act to require an annual apportionment and accounting of surplus of life insurance companies.

Also,

Senate Bill No. 164,

A bill for an act to amend section 6241 of the Revised Codes of 1905, being section 4792 of the Revised Codes of 1895, relating to the clerk's record of mechanic's liens.

Which the house has passed unchanged.

Very respectfully,

P. D. NORTON,
Chief Clerk.

House Bill No. 243,

A bill for an act to amend section 2869 of the Revised Code of 1905, providing for the contracting of loans and for the incurring of indebtedness by villtges and providing for the creation of a sinking fund for the liquidation of such loans and indebtedness.

Was read the third time.

Mr. Pierce moved

To amend House Bill No. 243 by striking out the emergency clause.

Which motion prevailed, and

The amendment was adopted.

The question being on the final passage of the bill as amended.

The roll was called and there were: ayes, 28; nays, none; absent and not voting, 12.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	McArthur	Spoonheim
Cashel	McLean	Stade
Dyste	Pierce	Steele
Gilbert	Plain	Swenson
Hanna	Purcell	Talcott
Kelly	Regan	Taylor
Koffel	Rice	Turner
Kraabel	Sharpe	Wagner
Leutz	Sifton	Young
Little		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	LaMoure	Ramsett
Halliday	McDonald	Simpson
Johnson of McLean	Movius	Strom
Johnson of Walsh	Palmer	Thatcher

Mr. Crane being excused.

So the bill passed as amended and the title was agreed to.

Mr. Young moved

That the vote by which House Bill No. 243 passed be reconsidered and the motion to reconsider be laid upon the table.

Which motion prevailed.

House bill No. 33,

A bill for an act to amend and re-enact chapter 146 of the laws of 1903, being section 4395 of the revised codes of North Dakota for 1905, relating to the maximum coal rate.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: ayes, 25; nays, none; absent and not voting, 15.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Spoonheim
Cashel	Little	Stade
Dyste	Pierce	Steele

Messrs.—

Gilbert
Hanna
Johnson of McLean
Johnson of Walsh
Kraabel
LaMoure

Messrs.—

Plain
Purcell
Ramsett
Sharpe
Sifton

Messrs.—

Swenson
Taylor
Turner
Wagner
Young

Absent and not voting:

Messrs.—

Crane
Halliday
Kelly
Koffel
McArthur

Messrs.—

McDonald
McLean
Movius
Palmer
Regan

Messrs.—

Rice
Simpson
Strom
Talcott
Thatcher

Mr. Crane being excused.

So the bill passed and the title was agreed to.

House Bill No. 325,

Concurrent resolution for amendment to the constitution of the state of North Dakota relating to revenue and taxation.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: ayes, 30; nays, none; absent and not voting, 10.

Those who voted in the affirmative were:

Messrs.—

Albright
Cashel
Dyste
Gilbert
Hanna
Johnson of McLean
Johnson of Walsh
Kelly
Koffel
Kraabel

Messrs.—

LaMoure
Leutz
Little
McLean
Pierce
Plain
Purcell
Ramsett
Rice
Sharpe

Messrs.—

Sifton
Spoonheim
Stade
Steele
Swenson
Taylor
Thatcher
Turner
Wagner
Young

Absent and not voting:

Messrs.—

Crane
Halliday
McArthur
McDonald

Messrs.—

Movius
Palmer
Regan

Messrs.—

Simpson
Strom
Talcott

Mr. Crane being excused.

So the bill passed and the title was agreed to.

House Bill No. 233,

A bill for an act entitled, An act making the use of any store, house, shop or other building or any basement or room therein or any lot, block or other parcel of land situate within this state, for the purpose of carrying on the busi-

ness of selling intoxicating liquor therein or thereon or keeping for sale, intoxicating liquors, or maintaining thereon a place where intoxicating liquors are sold or kept with intent to be sold, an unlawful use of said premises, and providing for the assessment and levying of a tax against any such premises so used; and providing for the collection of such tax and the procedure for the removal thereof, when unlawfully assessed.

Was read the third time.

Mr. Regan moved

That the further consideration of the bill be indefinitely postponed.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

House Bill No. 338,

A bill for an act authorizing the secretary of state on the approval of the governor to receive and receipt to the United States surveyor general of the district of North Dakota for all the field notes, maps, records and other papers appertaining to land titles within the state of North Dakota, and for such other property and records as the government may direct to be turned over to the state when all of the public surveys of the state of North Dakota shall have been completed.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were: ayes, 25; nays, none; absent and not voting, 15.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Cashel	LaMoure	Stade
Dyste	McLean	Steele
Halliday	Plain	Strom
Hanna	Purcell	Talcott
Johnson of McLean	Regan	Taylor
Johnson of Walsh	Rice	Thatcher
Kelly	Sharpe	Turner
Koffel	Spoonheim	Young
Leutz		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Albright	McArthur	Ramsett
Crane	McDonald	Sifton
Gilbert	Movius	Simpson
Kraabel	Palmer	Swenson
Little	Pierce	Wagner

Mr. Crane being excused.

So the bill passed and the title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the house :

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 8, 1907.

Mr. President:

I have the honor to inform you that the house has adopted the conference report on

House Bill No. 278,

A bill for an act to fix the number of the senate and representatives which shall compose the legislative assembly and to define the senatorial and representative districts of the state of North Dakota, and prescribe the number of senators and representatives therein.

And passed the bill as amended.

Which amended bill is transmitted herewith as requested by the senate.

Very respectfully,

P. D. NORTON,
Chief Clerk.

House Bill No. 281,

A bill for an act to amend section 2596 of the Revised Codes of North Dakota of 1905, providing the clerk hire for the register of deeds office in the various counties in the state.

Was read the third time.

Mr. Johnson of McLean moved

That House Bill No. 281 be amended as follows:

Strike out the words "to be ascertained as hereafter provided" in three places where it appears in engrossed bill.

Also, strike out the words "such population shall be ascertained by taking the total number of votes cast for the office of governor at the last presidential election in said county, multiply the same by five" where the same appears in the engrossed bill.

Which motion prevailed, and

The amendment was adopted.

The question being on the final passage of the bill as amended

The roll was called and there were: ayes, 27; nays, 6; absent and not voting, 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sharpe
Cashel	McDonald	Sifton
Dyste	McLean	Spoonheim
Hanna	Movius	Stade
Johnson of McLean	Pierce	Steele
Johnson of Walsh	Plain	Strom
Koffel	Purcell	Taylor
LaMoure	Ramsett	Thatcher
Leutz	Regan	Turner

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Gilbert	Kraabel	Talcott
Kelly	Rice	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	Palmer	Swenson
Halliday	Simpson	Wagner
McArthur		

Mr. Crane being excused.

So the bill passed as amended, and the title was agreed to.

Mr. Little moved

That House Bill No. 278 be read the third time and placed on final passage.

Which motion prevailed.

House Bill No. 278,

A bill for an act to fix the number of the senate and representatives which shall compose the legislative assembly and to define the senatorial and representative districts of the state of North Dakota, and prescribe the number of senators and representatives therein.

Was read the third time.

The question being on the final passage of the bill as amended by the conference committee

The roll was called and there were: ayes, 31; nays, 4; absent and not voting, 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Little	Sharpe
Cashel	McDonald	Sifton
Dyste	McLean	Stade
Gilbert	Movius	Steele
Hanna	Pierce	Swenson
Johnson of McLean	Plain	Talcott
Johnson of Walsh	Purcell	Taylor
Kelly	Ramsett	Turner
Koffel	Regan	Wagner
LaMoure	Rice	Young
Leutz		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Halliday	Spoonheim	Strom
Kraabel		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	Palmer	Thatcher
McArthur	Simpson	

Mr. Crane being excused.

So the bill passed as amended and the title was agreed to.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills to whom was referred

Senate Bill No. 114,

A bill for an act entitled, An act to amend section 10,381 disposing of the product of the state binder twine plant and prescribing duties of accounting officer."

Also,

Senate Bill No. 127,

A bill for an act entitled: An act to reimburse judges of the supreme court for their actual and necessary expenses while absent from home engaged in the discharge of official duties.

Also,

Senate Bill No. 163,

A bill for an act to amend sections 747, 778, 799, 819, 836, 847, 879, 892, 912, of the Revised Codes of 1905, relating to education.

Also,

Senate Bill No. 289,

A bill for an act to amend section 2231 of the Revised Codes of North Dakota for 1905, relating to abstractors of title—bonds to be given.

Have carefully examined the same and find the same correctly enrolled.

GEORGE M. YOUNG,
Chairman.

The secretary announced the president was about to sign

Senate Bill No. 114,

A bill for an act entitled, An act to amend section 10,381

disposing of the product of the state binder twine plant and prescribing duties of accounting officer.”

Also,

Senate Bill No. 127,

A bill for an act to reimburse judges of the supreme court for their actual and necessary expenses while absent from home engaged in the discharge of official duties.

Also,

Senate Bill No. 163,

A bill for an act to amend sections 747, 778, 799, 819, 836, 847, 879, 892, 912, of the Revised Codes of 1905, relating to education.

Also,

Senate Bill No. 289,

A bill for an act to amend section 2231 of the Revised Codes of North Dakota for 1905, relating to abstractors of title—bonds to be given.

Also,

Concurrent resolution relating to Lincoln Memorial.

Also,

Concurrent resolution relating to waterways.

And the president signed the same in the presence of the senate.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

BISMARCK, NORTH DAKOTA,
HOUSE OF REPRESENTATIVES,
March 8, 1907.

Mr. President:

I have the honor to return herewith

Senate Bill No. 172,

A bill for an act establishing standard forms in which policies of life insurance may be issued in this state and in which policies of life insurance companies organized under the laws of this state may be issued; and regulating the conditions and provisions to be contained in policies of life insurance companies that do not adopt such standard forms.

Also,

Senate Bill No. 90,

A bill for an act to amend section 122, of the Revised Codes of 1905, of the state of North Dakota, relating to state treasurer's bond.

Also,

Senate Bill No. 71,

A bill for an act to repeal section 3111 of the Revised Codes of North Dakota, 1905, relating to the term of office of township officers.

Also,

Senate Bill No. 307,

A bill for an act prescribing additional duties of the county surveyor.

Also,

Senate Bill No. 167,

A bill for an act to amend section 2245 relating to license. How obtained. Fee, how determined.

Also,

Senate Bill No. 321,

A bill for an act entitled: An act to provide for changing county lines of organized counties to include unorganized territory.

Which the house has passed unchanged.

Very respectfully,

P. D. NORTON,
Chief Clerk.

Mr. Little moved

That the senate take a recess until 7 o'clock p. m.

Which motion prevailed, and

The senate took a recess.

AFTER RECESS.

The senate convened pursuant to recess taken.

The president pro tem presiding.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 8, 1907.

Mr. President:

I have the honor to return herewith
Senate Bill No. 298,

A bill for an act requiring each county officer who receives from any county a stated salary of not less than \$2,000 per annum, to keep a record of the fees received by him as such officer, and to pay such fees into the county treasury, and making it a misdemeanor for any such officer to neglect or omit to charge or collect the fees which he is by law allowed to charge or collect, or to fail to keep a record of the same, or to fail to turn over or pay the same into the county treasury.

Which the house has indefinitely postponed.

Also,

I have the honor to return herewith
Senate Bill No. 113,

A bill for an act to amend section 140 of the Revised Codes of 1905, relating to the appointment and qualification of the state examiner.

Also,

Senate Bill No. 325,

A bill for an act amending and re-enacting section 2592 of the Revised Codes of 1905, relating to salary of county auditors.

Which the house has passed unchanged.

Also,

I have the honor to return herewith
Senate Bill No. 236,

A bill for an act regulating the duties of keepers of slaughter houses, power and duties of county boards of health, and providing a penalty for the violation thereof.

Which the house has failed to pass.

Very respectfully,

P. D. NORTON,
Chief Clerk.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 8, 1907.

Mr. President:

I have the honor to return herewith

Senate Bill No. 311,

A bill for an act to prohibit discrimination between different sections, communities or localities; unfair competition, and providing penalties for the violation thereof.

Which the house has passed unchanged.

Very respectfully,

P. D. NORTON,
Chief Clerk.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 8, 1907.

Mr. President:

I have the honor to request the return to the house of
Senate Bill No. 307,

A bill for an act prescribing additional duties of the county surveyor.

Which was returned to the senate today as passed by the house.

Very respectfully,

P. D. NORTON,
Chief Clerk.

Mr. Little moved

That the house request be granted.

Which motion prevailed.

The secretary announced the president was about to sign House Bill No. 169,

Concurrent resolution for amendment to the constitution of the state of North Dakota providing for the purchase of and sale of school and public lands.

Also,

House Bill No. 98,

A bill for an act to amend section 4440 of the Revised Codes of North Dakota of 1905.

Also,

House Bill No. 318,

A bill for an act entitled "An act to grant to urban electric railways all of the rights, privileges and power granted to steam railways."

Also,

House Bill No. 335,

A bill for an act to amend section 1845, chapter 23 of the political code of the state of North Dakota, Revised Codes of North Dakota of 1905, relating to drains.

Also,

House Bill No. 312,

A bill for an act to regulate telegraph service within the state.

Also,

House Bill No. 93,

A bill for an act to provide for the division of funds and property owned jointly by a village and a township, when they become separate and independent municipalities, by said village becoming organized under Chapter 31, of the Political Code of North Dakota.

Also,

House Bill No. 288,

A bill amending Revised Codes of 1905, for an act to amend section 434 of the political code.

Also,

House Bill No. 263,

A bill for an act providing for the keeping of books containing statistical information to be furnished to the commissioner of agriculture and labor, and for the making of reports regarding such statistics, and prescribing a penalty for violation.

Also,

House Bill No. 75,

A bill for an act to amend section 835 of the Revised Codes of 1905, providing for the enumeration of children of school age.

Also,

House Bill No. 165,

A bill for an act providing for the levy and collection of road taxes in incorporated villages.

Also,

House Bill No. 159,

A bill for an act to amend section 2580 of the Revised Codes of North Dakota for 1905 relating to the salaries of clerks of the district court.

Also,

House Bill No. 53,

A bill for an act to amend section 6295 of the Revised Codes of 1905, providing for a lien for repairs of personalty.

Also,

House Bill No. 220,

A bill for an act amending sections 7608 and 7609 of the Revised Codes of 1905, and making the state engineer ex officio coal mine inspector of the state.

Also,

House Bill No. 279,

A bill for an act to amend section 165 of the Revised Codes of 1905 of chapter 4 of the Political Code of the state of North Dakota, providing for the appointment of a deputy commissioner of university and school lands.

Also,

House Bill No. 92,

A bill for an act to amend sections 3063 and 3133 of the Revised Codes of the state of North Dakota of 1905, relating to the powers of electors and supervisors in organized townships.

Also,

House Bill No. 301,

A bill for an act to amend Sections 926, 928 and 935 of the Revised Codes of North Dakota, relating to depositors of school funds.

And the president signed the same in the presence of the senate.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 8, 1907.

Mr. President:

I have the honor to return herewith
Senate Bill No. 307,
A bill for an act prescribing additional duties of the
county surveyor.

Which the house has indefinitely postponed.

Very respectfully,

P. D. NORTON,
Chief Clerk.

The secretary announced the president was about to sign
House Bill No. 338,

A bill for an act authorizing the secretary of state on the
approval of the governor to receive and receipt to the
United States surveyor general of the district of North
Dakota for all the field notes, maps, records and other pa-
pers appertaining to land titles within the state of North
Dakota, and for such other property and records as the
government may direct to be turned over to the state when
all of the public surveys of the state of North Dakota shall
have been completed.

Also,

House Bill No. 112,

A bill for an act to amend section 829 of the Revised
Codes of North Dakota for 1905 relating to education.

Also,

House Bill No. 325,

Concurrent resolution for amendment to the constitution
of the state of North Dakota relating to revenue and tax-
ation.

Also,

House Bill No. 296,

A bill for an act to amend sections 938, 939, 940, 941 and
943 of the Revised Codes of 1905 of the state of North
Dakota, relating to the creation of special school districts
in incorporated cities, towns and villages constituting a

part of a school district, and to divide the property and indebtedness of such school district.

Also,

House Bill No. 107,

A bill for an act providing to provide for the erection and maintenance of workhouses in counties having a population of ten thousand or more inhabitants.

Also,

House Bill No. 290,

A bill for an act entitled "An act providing that when a change of venue is obtained in a civil action pending in a justice's court of this state that garnishment proceedings had in such action shall be transferred with such action and that such change of venue shall carry with it the garnishment proceedings in the action in which the change of venue is obtained.

Also,

House Bill No. 150,

A bill for an act amending section 2887 of the Revised Codes of 1905, relating to the powers of village marshals and to legalize past acts of village marshals.

Also,

House Bill No. 332,

A bill for an act to amend section 2578 of the Revised Codes of 1905 of the state of North Dakota, prescribing the salary of state's attorney and assistant.

Also,

House bill No. 313,

A bill for an act to provide for the assessment of lignite coal and minerals underlying lands in cases of severed ownership.

And the president signed the same in the presence of the senate.

Mr. Sharpe offered the following resolution and moved its adoption:

Be It Resolved, That the senate express its appreciation of the faithful services of its secretary, James W. Foley, its first assistant secretary, F. W. Kempf, and its second assistant secretary, George Weatherhead; and also the senate stenographers and all members of the desk force; and that they and all members of the desk force be tendered the thanks of the senate for the careful, painstaking and efficient manner in which they have performed the duties of their respective offices.

Which motion prevailed, and
The resolution was adopted.

Mr. Taylor offered the following resolution and moved its adoption:

Resolved, That the resolution adopted March 5th relating to committee on revision and correction of the journal of the sixtieth day and to compare the journal of the session with the written journal, be amended by striking out the words "one senator" and substituting the name of James Twamly.

Which motion prevailed, and
The resolution was adopted.

Mr. Sharpe offered the following resolution and moved its adoption:

Be It Resolved, That when this senate adjourns, the motion to adjourn sine die shall be made by Senator Judson LaMoure, one of the oldest members of this body, whose services to the state have been faithful and of great value, and who, it is hoped, may be spared to many further years of usefulness in the field of legislation, by his continued return to the senate by the citizens of his district in Pembina county.

Which motion prevailed, and
The resolution was adopted.

The secretary announced the president was about to sign House Bill No. 26,

Concurrent resolution for an amendment to the constitution, providing for the initiative and referendum.

Also,

House Bill No. 210,

A bill for an act to amend section 5572 of the Revised Codes of 1905, relating to master and servant.

Also,

House Bill No. 49,

A bill for an act to amend section 429 of chapter 6 of the Political Code of 1905, relating to vacancies in the board of county commissioners.

Also,

House Bill No. 286,

A bill for an act to prohibit the uttering of profane, blasphemous or obscene language in any public place. The speaker has appointed as such conferees on the part of the house Messrs. Peake, Burgum and Wedge.

Also,

House Bill No. 292,

A bill for an act authorizing the board of county commissioners to appoint a board of visitors whose duty it shall be to visit county asylums or poor farms and make report thereon.

Also,

House Bill No. 340,

A bill for an act reinstating and validating the charter of corporations that have been canceled for failure to make and file with the secretary of state reports as required under section 4168 Revised Codes 1905.

Also,

House Bill No. 183,

A bill for an act to amend chapter 24 of the laws of 1905, being sections 2213, 2215, 2218 and 2226, in relation to oil inspection.

And the president signed the same in the presence of the senate.

The committee on insurance made the following report:

Mr. President:

Your committee on insurance to whom was referred

Senate Bill No. 123,

A bill for "An act regulating fraternal beneficiary societies, orders or associations, establishing a standard mortality table therefor, requiring adequate rates with an actual accounting and distribution, providing for valuation of certificates, designating plans of insurance and beneficiaries and declaring any contract in conflict herewith void.

Have had the same under consideration and recommend that the same do pass.

L. A. SIMPSON,
Chairman.

Mr. Simpson moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

Mr. Regan moved

That Geo. M. Young be nominated for president pro tem, as provided by the constitution.

Which motion prevailed.

Mr. Talcott offered the following resolution and moved its adoption:

Be It Resolved, That the senate present the gavel of authority to its president pro tem, J. Austin Regan, and that the senate express its appreciation of his cleverness and good qualities, and express further its hope that he may be honored further in the field of business and political endeavor.

Which motion prevailed, and

The resolution was adopted.

The secretary announced the president was about to sign House Bill No. 102,

A bill for a concurrent resolution suspending, delaying and postponing the operation of sections 1554 and 1571 of the Revised Codes of 1905, in so far as said sections relate to the attaching of penalties to delinquent personal and real property taxes assessed for the year 1906, until July 1st, 1907.

Also,

House Bill No. 290,

A bill for an act entitled "An act providing that when a change of venue is obtained in a civil action pending in a justice's court of this state that garnishment proceedings had in such action shall be transferred with such action and that such change of venue shall carry with it the garnishment proceedings in the action in which the change of venue is obtained.

Also,

House Bill No. 150,

A bill for an act amending section 2887 of the Revised Codes of 1905, relating to the powers of village marshals and to legalize past acts of village marshals.

Also,

House Bill No. 335,

A bill for an act to amend section 1845, chapter 23 of the political code of the state of North Dakota, Revised Codes of North Dakota of 1905, relating to drains.

Also,

House Bill No. 112,

A bill for an act to amend section 829 of the Revised Codes of North Dakota for 1905, relating to education.

Also,

House Bill No. 325,

Concurrent resolution for amendment to the constitution of the state of North Dakota relating to revenue and taxation.

Also,

House Bill No. 296,

A bill for an act entitled: "An act to amend sections 938, 939, 940, 941 and 943 of the Revised Codes of 1905 of the state of North Dakota, relating to the creation of

special school districts in incorporated cities, towns and villages constituting a part of a school district, and to divide the property and indebtedness of such school district."

And the president signed the same in the presence of the senate.

The secretary announced the president was about to sign House Bill No. 278,

A bill for an act to fix the number of the senate and representatives which shall compose the legislative assembly and to define the senatorial and representative districts of the state of North Dakota, and prescribe the number of senators and representatives therein.

Also,

House bill No. 345,

A bill for an act providing for summary administration when estate is of small value.

Also,

House Bill 343,

A bill for an act to amend section 7253 of the Revised Codes of 1905, relating to witnesses and evidence.

Also,

House Bill No. 309,

A bill for an act prohibiting the establishment of a hospital for the treatment of patients for pay in any residence block of any city without the consent of the inhabitants of such block.

Also,

House Bill No. 297,

A bill for an act to provide for a uniform system of accounting by the state institutions of North Dakota; prescribing the books, forms, the duties of the accounting officer, the state auditor, and the institution treasurer, with regard to such uniform system of accounting; also prescribing the forms of checks and receipts to be used and the manner of accounting to the state auditor and the state treasurer.

Also,

House Bill No. 291,

A bill for an act making it a misdemeanor for an employee to obtain railway or other transportation, or the

benefit of other advancements made by employers to be thereafter repaid in labor, to refuse to perform such labor or repay such advancements and providing for punishment thereof.

House Bill No. 167,

A bill for an act appropriating to Zeno Bruegger, clerk of the district court of Williams county, North Dakota, \$200 clerk's fees for services rendered in the unorganized territory attached to Williams county for judicial purposes during the years 1903 and 1904.

Also,

House bill No. 33,

A bill for an act to amend and re-enact chapter 146 of the laws of 1903, being section 4395 of the revised codes of North Dakota for 1905, relating to the maximum coal rate.

Also,

House Bill No. 207,

A bill for an act to amend section 1484 of the Political Code, Revised Codes of North Dakota of 1905.

Also,

House Bill No. 242,

A bill for an act to amend section 1584 of the Revised Codes of the state of North Dakota, relating to the rights of purchaser of land at sale for the nonpayment of taxes.

Also,

House Bill No. 243,

A bill for an act to amend section 2869 of the Revised Code of 1905, providing for the contracting of loans and for the incurring of indebtedness by villages and providing for the creation of a sinking fund for the liquidation of such loans and indebtedness.

Also,

House Bill No. 281,

A bill for an act to amend section 2596 of the Revised Codes of North Dakota of 1905, providing for clerk hire for the register of deeds office in the various counties in the state

And the president signed the same in the presence of the senate.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills to whom was referred

Senate Bill No. 53,

A bill for an act relating to the provisions of life insurance policies.

Also,

Senate Bill No. 90,

A bill for an act to amend section 122 of the Revised Codes of 1905 of the state of North Dakota, relating to state treasurers' bond.

Also,

Senate Bill No. 212,

A bill for an act to amend section 28 of the Revised Codes of North Dakota of 1905, relating to legislative officers and employes and their compensation.

Also,

Senate Bill No. 164,

A bill for an act to amend section 6241 of the Revised Codes of 1905, being section 4792 of the Revised Codes 1895, relating to the clerk's record of mechanics' liens.

Also,

Senate Bill 340,

A bill for an act entitled, "An act to amend sections 466 and 467 of chapter 7 of the Political Code of the state of North Dakota providing for the distribution of supreme court reports."

Also,

Senate Bill No. 1,

A bill for an act providing for the selection of candidates for election by popular vote and relating to their nomination and the perpetuation of political parties.

Also,

Senate Bill No. 321,

A bill for an act entitled: An act to provide for changing county lines of organized counties to include unorganized territory.

Also,

Senate Bill No. 177,

A bill for an act relating to the annual reports of life insurance companies.

Also,

Senate Bill No. 254,

A bill for an act regulating the organization and operation of corporations, associations and societies to do and transact upon the assessment plan the business of accident or sickness, or accident and sickness insurance, providing for the regulation and control of the same, and to regulate and control such corporations, associations and societies organized in other states, territories and countries and doing business in this state, prescribing the duties of the insurance commissioner of the state in relation thereto, and fixing the penalty for the violation of its provisions.

Also,

Senate Bill No. 313,

A bill for an act to amend section 4224 of the Revised Codes of the state of North Dakota, relating to the increasing or diminishing of the capital stock of corporations.

Also,

Senate Bill No. 321,

A bill for an act entitled: An act to provide for changing county lines of organized counties to include unorganized territory.

Also,

Senate Bill No. 325,

A bill for an act amending and re-enacting section 2592 of the Revised Codes of 1905, relating to salary of county auditors.

Also,

Senate Bill No. 290,

A bill for an act to amend and reenact section 468 of the Revised Codes of North Dakota for the year A. D. 1905, relating to judicial districts within the state.

Also,

Senate Bill No. 292,

A bill for an act creating and defining the Tenth judicial district within the state of North Dakota; providing for

the election of a judge therein and fixing the terms of court in said district.

Also,

Senate Bill No. 171,

A bill for an act to regulate the investment of the funds and the real estate holdings of life insurance companies.

Also,

Senate Bill No. 173,

A bill for an act relating to the salaries of officers and agents of life insurance companies.

Senate Bill No. 280,

A bill for an act entitled, "An act to amend subdivision 3 of section 7225 of the Revised Codes of North Dakota, relating to appeals to the supreme court from orders made in certain cases."

Also,

Senate Bill No. 311,

A bill for an act to prohibit discrimination between different sections, communities or localities; unfair competition, and providing penalties for the violation thereof.

Also,

Senate Bill No. 172,

A bill for an act establishing standard forms in which policies of life insurance may be issued in this state and in which policies of life insurance companies organized under the laws of this state may be issued; and regulating the conditions and provisions to be contained in policies of life insurance companies that do not adopt such standard forms.

Also,

Senate Bill No. 113,

A bill for an act to amend section 140 of the Revised Codes of 1905, relating to the appointment and qualification of the state examiner.

Also,

Senate Bill No. 71,

A bill for an act to amend section 3111 of the Revised Codes of North Dakota, 1905, relating to the term of office of township officers.

Also,

Senate Bill No. 61,

A bill for an act to require an annual apportionment and accounting of surplus of life insurance companies.

Also,

Senate bill No. 58,

A bill for an act defining the boundaries of the Second, Eighth and Ninth judicial districts of the state of North Dakota, and providing for terms of court in said districts.

Also,

Senate Bill No. 304,

A bill for an act to amend and re-enact section 2329 of the Revised Codes of 1905, relative to the division of counties.

Also,

Senate Bill No. 320,

A bill for an act to amend sections 1077, 1078, 1079, 1082, 1084, 1085, 1086, 1087, and 1090 of the Revised Codes of North Dakota of 1905, relative to the state normal schools at Valley City and Mayville.

Also,

Senate Bill No. 169,

A bill for an act to amend section 8149 of the Revised Codes of the state of North Dakota.

Have carefully examined the same and find the same correctly enrolled.

GEORGE M. YOUNG,
Chairman.

The secretary announced the president was about to sign Senate Bill No. 53,

A bill for an act relating to the provisions of life insurance policies.

Also,

Senate Bill No. 90,

A bill for an act to amend section 122 of the Revised Codes of 1905 of the state of North Dakota, relating to state treasurer's bond.

Also,

Senate Bill No. 212,

A bill for an act to amend section 28 of the Revised

Codes of North Dakota of 1905, relating to legislative officers and employees and their compensation.

Also,

Senate Bill No. 164,

A bill for an act to amend section 6241 of the Revised Codes of 1905, being section 4792 of the Revised Codes of 1895, relating to the clerk's record of mechanic's liens.

Also,

Senate Bill No. 340,

A Joint Resolution.

Also,

Senate Bill No. 1,

A bill for an act providing for the selection of candidates for election by popular vote and relating to their nomination and the perpetuation of political parties.

Also,

Senate Bill No. 321,

A bill for an act entitled: "An act to provide for changing county lines of organized counties to include unorganized territory.

Also,

Senate Bill No. 177,

A bill for an act relating to the annual reports of life insurance companies.

Also,

Senate Bill No. 254,

A bill for an act regulating the organization and operation of corporations, associations and societies to do and transact upon the assessment plan the business of accident or sickness, or accident and sickness insurance, providing for the regulation and control of the same, and to regulate and control such corporations, associations and societies organized in other states, territories and countries and doing business in this state, prescribing the duties of the insurance commissioner of the state in relation thereto, and fixing the penalty for the violation of its provisions.

Also,

Senate Bill No. 313,

A bill for an act to amend section 4224 of the Revised Codes of the state of North Dakota, relating to the increasing or diminishing of the capital stock of corporations.

Also,

Senate Bill No. 325,

A bill for an act amending and re-enacting section 2592 of the Revised Codes of 1905, relating to salary of county auditors.

Also,

Senate Bill No. 290,

A bill for an act to amend and re-enact section 468 of the Revised Codes of North Dakota for the year A. D. 1905, relating to judicial districts within the state.

Also,

Senate Bill No. 292,

A bill for an act creating and defining the Tenth judicial district within the state of North Dakota; providing for the election of a judge therein and fixing the terms of court in said district.

Also,

Senate Bill No. 171,

A bill for an act to regulate the investment of the funds and the real estate holdings of life insurance companies.

Also,

Senate Bill No. 173,

A bill for an act relating to the salaries of officers and agents of life insurance companies.

Also,

Senate Bill No. 311,

A bill for an act to prohibit discrimination between different sections, communities or localities; unfair competition, and providing penalties for the violation thereof.

Also,

Senate Bill No. 280,

A bill for an act entitled, "An act to amend subdivision 3 of section 7225 of the Revised Codes of North Dakota, relating to appeals to the supreme court from orders made in certain cases."

Also,

Senate Bill No. 172,

A bill for an act establishing standard forms in which policies of life insurance may be issued in this state and in which policies of life insurance companies organized under the laws of this state may be issued; and regulating

the conditions and provisions to be contained in policies of life insurance companies that do not adopt such standard forms.

Also,

Senate Bill No. 113,

A bill for an act to amend section 140 of the Revised Codes of 1905, relating to the appointment and qualification of the state examiner.

Also,

Senate Bill No. 71,

A bill for an act to repeal section 3111 of the Revised Codes of North Dakota, 1905, relating to the term of office of township officers.

Also,

Senate Bill No. 61,

A bill for an act to require an annual apportionment and accounting of surplus of life insurance companies.

Also,

Senate Bill No. 58,

A bill for an act to create the Ninth judicial district of the state of North Dakota, defining the boundaries of the Second, Eighth and Ninth judicial districts of said state, and providing for terms of court in the said districts.

Also,

Senate Bill No. 304,

A bill for an act to amend and re-enact section 2329 of the Revised Codes of 1905, relative to the division of counties.

Also,

Senate Bill No. 320,

A bill for an act to amend sections 1077, 1078, 1079, 1082, 1084, 1085, 1086, 1087, and 1090 of the Revised Codes of North Dakota of 1905, relative to the state normal schools at Valley City and Mayville.

Also,

Senate Bill No. 169,

A bill for an act to amend section 8149 of the Revised Codes of the state of North Dakota.

And the president signed the same in the presence of the senate.

Mr. Taylor moved

That as a token of its regard and appreciation, the senate present the chair he has occupied during the session to the presiding officer.

Which motion prevailed.

Mr. Little moved

That a committee of three be appointed to wait upon the governor and inform him that the senate was about to adjourn sine die, and to ask him if he had any further communication to make.

Which motion prevailed and

The president appointed Messrs. Little, Kraabel and Purcell.

The committee reported that they had waited upon the governor and that he had no further communication to make.

Mr. Hanna moved

That a committee of three be appointed to wait upon the house and inform that body that the senate was about to adjourn sine die.

Which motion prevailed, and

The chair named Messrs. Hanna, Simpson and Koffel.

The committee reported that it had performed its duty and informed the house that the senate was about to adjourn sine die.

A committee from the house announced that that body was about to adjourn sine die.

Mr. LaMoure moved

That the senate do now adjourn sine die.

Which motion prevailed, and

The senate adjourned sine die.

J. W. FOLEY,
Secretary.

REPORT OF SPECIAL COMMITTEE

CORRECTIONS IN PRINTED JOURNAL

BISMARCK, N. D., April 1, 1907.

Mr. President:

Your special committee appointed to revise and correct the Journal of the Sixtieth day and to compare the written Journal with the printed Journal, find the following corrections to be made in the printed Journal which should be read with the corrections, as indicated, wherever they appear:

On page 15, line 15, change the word "stenographer" to "journal clerk."

Page 18, line 12, after the word "Johnson" insert the words "of McLean."

Page 21, line 6, strike out the word "which."

Page 63, after line 29 insert the following: "which was read the first time."

Strike out line 21, page 81.

After the word "repealed" in line 2, page 88, insert the following: "and when so amended recommend that the same do pass."

Page 180, line 21, add after the word "prevailed" the following: "And the title as amended was agreed to."

Page 190, after line 22 insert the words "Mr. Talcott introduced."

Page 207, line 22, change the figure "4" to "5." Line 23, change the figure "6" to "5."

Page 212, line 18, change the word "defeated" to "deferred."

Page 213, line 17, change the words "do pass" to "be approved."

On page 345, after line 32 insert the following:

"Mr. Hanna introduced proposed constitutional amendment of section 158 of the constitution relating to the minimum price for the sale of state lands, which was numbered Senate Bill No. 302, and was read the first and second times.

"Mr. Cashel introduced proposed constitutional amendment of section 162 of the constitution relating to the investment of moneys of the permanent school fund, which was numbered Senate Bill No. 334, and was read the first and second times."

On page 357, line 19, change the words "do pass" to "be approved."

On page 420, after line 25 insert the words "Mr. President."

On page 489, line 14, change the word "house" to "senate."

Page 611, after line 5 insert "which motion prevailed and the amendment was adopted."

Page 635, after line 29 insert "which motion prevailed and the amendment was adopted."

Page 723, after line 25 insert "which motion prevailed and the amendment was adopted."

Page 726, fifth line from the bottom of the page, insert "which motion prevailed and the amendment was adopted."

Page 806, at the bottom of the page insert the following:

"House Bill No. 205,

"A bill for an act to repeal section 1195 and 1196 of the North Dakota revised codes of 1905, and section 1, 2, 3 and 4 of chapter 76 of the session laws of 1905, being sections 1910, 1911 and 1912 of the revised codes of North Dakota of 1905, and further to provide for the admission to the state hospital for the insane of residents of other states or territories and the payment for such care and treatment, and to provide for the payment by the proper county or the state at large for the care and treatment of all inmates of such state hospital for the insane, and to determine the legal residence of all such patients, and to provide for reimbursing of the county from the estate of the patient for such care and treatment.

"Was read the first and second times and referred to the committee on state affairs."

Page 824, third line from the bottom, change the word "senate" to "house."

Page 843, after line 27 insert "so the bill passed and the title was agreed to."

Page 811, line 24, change the word "house" to "senate" and strike out the title following and insert the following:

"A bill for an act regulating the organization and operation of corporations, associations and societies to do and transact upon the assessment plan the business of accident or sickness, or accident and sickness insurance, providing for the regulation and control of the same, and to regulate and control such corporations, associations and societies organized in other states, territories and countries and doing business in this state, prescribing the duties of the insurance commissioner of the state in relation thereto, and fixing the penalty for the violation of its provisions."

Page 829, line 32, change figures "292" to "299," and change title to read as follows: "A bill for an act to amend section 1882 of the revised codes of the state of North Dakota for 1905, relating to asylums and poor farms."

Page 851, strike out the figures "95" in line 13 and substitute the figures "93," and substitute the following title: "A bill for an act to provide for a division of funds and property owned jointly by a village and a township, when they become separate and independent municipalities, by said village becoming organized under chapter 31 of the political code of North Dakota."

Page 890, line 24, change the word "senate" to "house," and change the title of the bill to that of House Bill No. 335.

Page 890, change the word "senate" to "house," and change the title to that of House Bill No. 332.

Page 892, line 35, change the word "house" to "senate," and change the title to that of Senate Bill No. 338.

Page 924, after line 29 insert "nesses."

Page 958, insert as the fifth line from the bottom "Mr. Rice called Mr. Talcott to the chair."

Page 896, strike out line 7.

Page 1022, after line 38 insert "of county auditors."

Page 1025, line 16, change word "affirmative" to "negative."

Page 1104, line 31, change the word "house" to "senate."

On page 1068 of the printed journal insert before the last line on the page the following: "ment thereof."

On page 1075 omit the word "respectfully" before the name of the secretary.

On page 1079 strike out the words "which the house has amended," beginning at the middle of the first line.

After the word "adopted," in line 15, page 1087, insert the following: "And the further consideration of the bill was indefinitely postponed." Insert the same words after the word "adopted," in line 31. Insert the same words after the word "adopted," in line 4, page 1088. Insert the same words after the word "adopted," in lines 18 and 34 on page 1088, and after the word "adopted" in lines 8, 13 and 39 on page 1089.

On page 1104, line 31, strike out the word "house" and substitute the word "senate."

On page 1111, after line 4 insert the following: "Which motion prevailed and the amendment was adopted."

On page 1148 strike out lines 35, 36 and 37 and substitute the following: "civious or obscene language over telephones in this state."

On page 1150 strike out the figure "2" in line 2 and substitute the figure "7," and strike out the title of House Bill No. 102 and substitute the title of House Bill No. 107, as follows: "A bill for an act authorizing and prescribing the manner by which county work-houses may be erected and maintained."

On page 106 strike out lines 28, 29, 30 and 31.

On page 1156 after the words "North Dakota," in line 24, insert the following: "Also, Senate Bill No. 211, a bill for an act providing for the election of county surveyor and prescribing his duties and the manner in which his records shall be kept, and authorizing the board of county commissioners and township surveyors to make surveys, and authorizing and prescribing the manner for the payment of the expenses incurred therein."

On page 1159, before the second line from the bottom of the page insert the following: "Also, Senate Bill No. 211, a bill for an act providing for the election of county surveyor and prescribing his duties and the manner in which his records shall be kept, and authorizing the board of county commissioners and township surveyors to make surveys, and authorizing and prescribing the manner for the payment of the expenses incurred therein."

JAMES W. FOLEY,
GEO. WEATHERHEAD,
JAMES TWAMLEY,
Special Committee.

INDEX

RECORD OF BILLS IN THE SENATE

SENATE BILLS

Senate Bill No. 1—(Sharpe)

An act providing for the selection of candidates for election by popular vote, and relating to their nomination and the perpetuation of political parties.

Introduction and first reading, 17.

Second reading and reference, 19.

Reported back, 275.

Third reading, 303.

Passed, 303.

Received from house, 645-1003.

Amended, 645.

Amendments concurred in, 1006. Conference, 771.

Report of conference committee, 998.

Adopted, 1003.

Other action, 995.

Senate Bill No. 2—(Taylor)

An act to amend section 2740, article 17, immediately after section 1770, section 2778, section 2780, section 2782, section 2783, section 2769, section 2798, section 2815, and to repeal section 2779 of chapter 30 of the political code of the state of North Dakota, revised codes of 1905, relating to cities.

Introduction and first reading, 18.

Second reading and reference, 19.

Reported back, 68.

Referred, 399.

Third reading, 82.

Passed, 82.

Received from house, 373.

Amended, 373.

Amendments concurred in, 493.

Senate Bill No. 3—(Hanna)

A bill for an act to amend section 6710 of the civil code of the revised codes of North Dakota of 1905.

Introduction and first reading, 18.

Second reading and reference, 19.

Reported back, 68.

Third reading, 82.

Passed, 82.

Lost, 735.

Indefinitely postponed, 358.

Received from house, 358, 735.

Other action, 492.

Senate Bill No. 4—(Johnson of McLean)

A bill for an act relating to the qualifications of all state, county and city elective officers.

Introduction and first reading, 18.

Second reading and reference, 19.

Reported back, 89.

Referred, 121.

Reported back, 126.

Third reading, 120, 149.

Passed, 150, 151.

Indefinitely postponed, 652.

Received from house, 652.

Senate Bill No. 5—(Stade)

A bill for an act to repeal sections 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187 of the revised codes of North Dakota of 1905, relating to inspector of weights and measures, being chapter 194 of the session laws of 1905.

Introduction and first reading, 18.

Second reading and reference, 19.

Reported back, 127.

Referred, 127.

Senate Bill No. 6—(McArthur)

A bill for an act to repeal sections numbered 9456, 9457, 9458, 9459, 9460, 9461, 9462, 9468 and 9470 of article 1, chapter 22 of the revised codes of 1905, relating to game.

Introduction and first reading, 18.

Second reading and reference, 19.

Reported back, 877.

Indefinitely postponed, 877.

Senate Bill No. 7—(McArthur)

A bill for an act to repeal sections numbered 2180, 2181, 2182, 2184, 2185, 2186 and 2187 of article 39 of chapter 22 of the revised codes of 1905, relating to weights and measures.

Introduction and first reading, 18.

Second reading and reference, 19.

Reported back, 126.

Referred, 126.

Senate Bill No. 8—(Steele)

A bill for an act to amend and re-enact section 7459 of the revised code of 1905, relating to the foreclosure of mortgage on real property.

Introduction and first reading, 28.

Second reading and reference, 58.

Reported back, 76.

Referred, 76.

Reported back, 87.

Third reading, 120.

Passed, 120.

Received from house, 652.

Senate Bill No. 9—(Steele)

An act to amend and re-enact section 2330 of the revised codes of North Dakota of 1905, relative to division of counties.

Introduction and first reading, 29.

Second reading and reference, 58.

Reported back, 440.

Third reading, 511.

Passed, 511.

Received from house, 901.

Unchanged, 901.

Senate Bill No. 10—(Spoonheim)

An act requiring railroad companies to report all wrecks and casualties wherein any person is injured or killed, to the railroad commissioners.

Introduction and first reading, 29.

Second reading and reference, 58.

Reported back, 187.

Third reading, 248.

Passed, 249.

Received from house, 823.

Unchanged, 823.

Senate Bill No. 11—(Spoonheim)

A bill for an act amending and repealing sections 616, 617 and 618 of the 1905 revised codes of North Dakota, relating to elections and form of official ballots and arrangement of names of candidates thereon, the same being chapter 76 of the session laws of North Dakota for the year 1897.

Introduction and first reading, 29.

Second reading and reference, 58.

Reported back, 935.

Indefinitely postponed, 935.

Senate Bill No. 12—(Stade)

A bill for an act to provide for securing further evidence in the enforcement of the prohibitory law.

Introduction and first reading, 29.

Second reading and reference, 58.

Reported back, 106.

Referred, 178.

Reported back, 387.

Indefinitely postponed, 387.

Senate Bill No. 13—(Kraabel)

A bill for an act to create a state board of control, and to provide for the management and control of charitable, reformatory, penal and educational institutions of the state, and to make an appropriation therefor, and abolishing existing boards governing such institutions.

Senate Bill No. 13—Cont'd.

Introduction and first reading,
29.
Second reading and reference,
58.
Reported back, 866.

Senate Bill No. 14—(Taylor)

An act making appropriations for permanent improvements at the state university and school of mines of North Dakota.
Introduction and first reading,
29.
Second reading and reference,
59.
Reported back, 561.
Third reading, 587.
Passed, 587.
Received from house, 686.
Unchanged, 686.

Senate Bill No. 15—(Taylor)

An act for the creating of a public health laboratory, for the control of such laboratory, and duties of the director, for the appointment of a director of such laboratory who shall be ex-officio state bacteriologist.
Introduction and first reading,
30.
Second reading and reference,
59.
Reported back, 75.
Third reading, 119.
Passed, 119.
Received from house, 823.
Unchanged, 823.

Senate Bill No. 16—(Taylor)

An act providing for the erection of fire escapes in hotels, inns and public lodging houses, and regulating the conduct of such hotels, inns and public lodging houses, and providing for the appointment of an inspector of hotels, and his compensation therefor.
Introduction and first reading,
30.
Second reading and reference,
59.
Reported back, 86.
Referred, 86.
Reported back, 393.
Third reading, 458.
Passed, 458.

Senate Bill No. 16—Cont'd.

Received from house, 1016.
Unchanged, 1016.
Other action, 416.

Senate Bill No. 17—(Little)

An act making appropriations for the current and contingent expenses of the state penitentiary and for making permanent improvements and additions thereto.
Introduction and first reading,
30.
Second reading and reference,
59.
Reported back, 554.
Third reading, 588.
Passed, 588.
Received from house, 713.
Unchanged, 713.

Senate Bill No. 18—(Hanna)

An act appropriating money for the enforcement of the food law, drug law, formaldehyde and paris green laws, and the paint law; also for making such investigations as are deemed necessary for the purpose of gaining information under the laws mentioned and for the dissemination of information.
Introduction and first reading,
30.
Second reading and reference,
59.
Reported back, 549.
Third reading, 588.
Passed, 588.
Received from house, 713.
Unchanged, 713.

Senate Bill No. 19—(McArthur)

A bill for an act to regulate transfer facilities at points where different railway lines cross or intersect and providing a penalty for the violation of the same.
Introduction and first reading,
30.
Second reading and reference,
59.
Reported back, 106.
Rereferred, 193.

Senate Bill No. 20—(McArthur)

A bill for an act to amend section 2755 of the revised codes of the state of North Dakota for 1905, relating to the power of city councils to make contracts for water for fire protection and provide appropriations for the same.

Introduction and first reading, 30.
Second reading and reference, 60.

Senate Bill No. 21—(McArthur)

Concurrent resolution amending the state constitution.

Introduction and first reading, 31.
Second reading and reference, 60.
Reported back, 103.
Rereferred, 103.

Senate Bill No. 22—(Plain)

A bill for an act concerning land titles.

Introduction and first reading, 31.
Second reading and reference, 60.
Reported back, 316.
Rereferred, 417.
Reported back, 781.
Indefinitely postponed, 825.

Senate Bill No. 23.—(Young)

A bill for an act making it unlawful for any railroad company, express company, sleeping car company, telegraph company, telephone company, or any corporation, or any agent or representative thereof to issue, give or offer any free ticket, free pass, telegraph or telephone frank, express frank, or other privilege to any person or persons at rates less than charged the public, and making it unlawful for any person to ask for or accept from any railroad company, express company, sleeping car company, telegraph company, telephone company, or any corporation, or from any officer, agent or representative thereof, or use in any manner

Senate Bill No. 23—Cont'd.

or for any purpose any free ticket, free pass, telegraph or telephone frank, express or other privilege at rates less than charged the public, and prescribing penalties therefor.

Introduction and first reading, 31.
Second reading and reference, 60.
Reported back, 296.
Rereferred, 296.
Reported back, 403.
Third reading, 405.
Passed, 405.
Received from house, 1021.
Amended, 1021.
Conference, 1103.

Senate Bill No. 24—(Taylor)

An act to amend section 1016 of the revised codes of 1905, relating to report by city treasurer of receipts and disbursements of moneys of independent school districts.

Introduction and first reading, 54.
Second reading and reference, 65.
Reported back, 185.
Third reading, 249.
Passed, 249.
Received from house, 964.
Unchanged, 964.

Senate Bill No. 25—(Taylor)

A bill for an act to amend section 4788 of the revised codes of 1899, relating to mechanic's liens.

Introduction and first reading, 54.
Second reading and reference, 65.
Reported back, 103.
Indefinitely postponed, 103.

Senate Bill No. 26.—(Strom)

A bill for an act regulating the handling of freight in carload lots by railroad companies, shippers and consignees, and equalizing car service charges and penalties, for the use and detention of cars and failure to furnish cars and transport the same.

Introduction and first reading, 54.
Second reading and reference, 72.

Senate Bill No. 27—(Strom)

An act to amend section 155 of chapter 4 of the political code of the state of North Dakota, and all acts or parts of acts amendatory thereof, providing for the investment of moneys belonging to the permanent funds of the common schools, university, school of mines, reform school, agricultural college, school for the deaf and dumb, normal schools and all other permanent funds derived from the sale of public lands or any other source belonging to the school divisions of the state.

Introduction and first reading, 54.
Second reading and reference, 72.

Reported back, 204.

Third reading, 265.

Passed, 265.

Received from house, 986.

Amended, 986.

Amendments concurred in, 994.

Senate Bill No. 28—(Cashel)

An act to regulate the practice of pharmacy, and providing penalties for violating the provisions thereof.

Introduction and first reading, 55.
Second reading and reference, 93.

Reported back, 125.

Rereferred, 167, 260.

Reported back, 205, 279.

Third reading, 349.

Passed, 349.

Received from house, 987.

Amended, 987.

Amendments concurred in, 994.

Senate Bill No. 29—(Purcell)

A bill for an act to amend section 7252 of the revised code of 1905, relating to examination of an adverse party.

Introduction and first reading, 55.
Second reading and reference, 65.

Reported back, 77.

Third reading, 119.

Passed, 119.

Received from house, 300.

Amended, 300.

Amendments concurred in, 368.

Senate Bill No. 30—(Purcell)

An act to amend section 7252 of the revised codes of 1905, relating to examination of an adverse party.

Introduction and first reading, 55.
Second reading and reference, 65.

Senate Bill No. 31—(Purcell)

An act to amend section 9885 of the revised codes of 1905, relating to arraignment.

Introduction and first reading, 55.
Second reading and reference, 65.

Reported back, 88.

Third reading, 146.

Passed, 146.

Received from house, 300.

Unchanged, 300.

Other action, 342.

Senate Bill No. 32—(Purcell)

A bill for an act to amend section 7106 of the revised code of 1905, relating to property liable to execution. Manner of levy.

Introduction and first reading, 55.
Second reading and reference, 65.
Second reading and reference, 65.

Senate Bill No. 33—(Purcell)

An act to regulate the practice in appellate courts, as to the review of errors committed by trial courts in ruling upon demurrers to pleadings.

Introduction and first reading, 55.
93.

Reported back, 104.

Third reading, 146.

Passed, 146.

Received from house, 863.

Amended, 863.

Amendments concurred in, 938.

Senate Bill No. 34—(McArthur)

An act to provide for the bulletining of the time of arrival of passenger trains.

Introduction and first reading, 55.
Second reading and reference, 66.

Reported back, 104.

Third reading, 193.

Passed, 194.

Received from house, 1054.

Amended, 1054.

Amendments concurred in, 1059.

Senate Bill No. 35—(Sharpe)

A bill for an act to provide for licensing of auctioneers.

Introduction and first reading, 56.
Second reading and reference, 80.

Senate Bill No. 36—(Little)

A bill for an act relating to the granting of a new trial in all actions, civil or criminal, tried to a jury.

Introduction and first reading, 56.
Second reading and reference, 66.

Senate Bill No. 37—(Little)

A bill for an act amending sections one (1), two (2) and three (3), of chapter 24 of the special laws passed at the Sixteenth session of the legislative assembly of the territory of Dakota, approved March 10th, 1885, segregating from Burleigh county to Kidder county, townships 137, 138, 139, 140, 141, 142, 143 and 144, lying in range 74 west of the 5th P. M., and holding such townships not released from a just and equal proportion of the bonded indebtedness of said Burleigh county existing on said 10th day of March, 1885, and providing that said Kidder county shall assume and pay such proportion thereof, together with the interest thereon, any lapse of time or statute of limitations of actions to the contrary notwithstanding; and defining the manner of ascertaining the amount to be assumed and paid by such Kidder county to said Burleigh county, and designating such amount to be the same per centum of the bonded indebtedness of said Burleigh county existing March 10th, 1885, as the amount of the real property assessment in such townships bore to the entire real property assessment of such county for the year 1884, together with the interest thereon computed to July 1st, 1907. And providing for the issue of six per cent interest bearing

Senate Bill No. 37—Cont'd.

bonds in payment of the amount so found due and for the levying of a tax in such Kidder county each year to pay the interest on such bonds and the principal when due, and providing the method of compelling action under this act by an action or proceeding in court.

Introduction and first reading, 56.
Second reading and reference, 93.

Reported back, 105.

Third reading, 165.

Passed, 165, 166.

Indefinitely postponed, 773.

Received from house, 773.

Senate Bill No. 38—(Rice)

A bill for an act amending section 6130 of the revised codes of 1905, relative to liens upon future interest.

Introduction and first reading, 56.
Second reading and reference, 94.

Senate Bill No. 39—(Stade)

An act to provide for making needed permanent improvements for the school for the deaf at Devils Lake, and making an appropriation therefor.

Introduction and first reading, 57.
Second reading and reference, 72.

Reported back, 551.

Third reading, 590.

Passed, 590.

Received from house, 690.

Amendmed, 690.

Amendments concurred in, 710.

Senate Bill No. 40—(Spoonheim)

An act to promote the safety of employes and travelers upon railroads by limiting the hours of service of employes thereon, and making the violation thereof a misdemeanor, providing a punishment therefor, requiring railroad commissioners to investigate the same and notify the attorney general thereof, whose duty it shall be to prosecute the same.

Introduction and first reading, 57.
Second reading and reference, 80.

Senate Bill No. 40—Cont'd.

Reported back, 188.
 Rereferred, 250.
 Reported back, 279.
 Third reading, 250, 349.
 Passed, 350.
 Received from house, 901.
 Unchanged, 901.

Senate Bill No. 41—(Plain)

A concurrent resolution, amending the constitution of the state of North Dakota, relating to the legislative department and providing for direct legislation and reference of laws.
 Introduction and first reading, 63.
 Second reading and reference, 80.
 Reported back, 390.
 Third reading, 398, 422.
 Passed, 398, 422.

Senate Bill No. 42—(Spoonheim)

An act to regulate the consolidation and reinsurance of domestic insurance companies transacting business of life, accident or health insurance.
 Introduction and first reading, 63.
 Second reading and reference, 94.
 Reported back, 298.
 Third reading, 424.
 Passed, 424.
 Received from house, 915.
 Unchanged, 915.

Senate Bill No. 43—(Cashel)

A bill for an act to amend section 4316, revised statutes of 1905, regulating the rate per mile for railroad corporations to transport passengers, prohibiting discrimination in rates of classes of tickets issued and providing penalties for their violation.
 Introduction and first reading, 63.
 Second reading and reference, 80.
 Reported back, 359.
 Indefinitely postponed, 359.

Senate Bill No. 44—(Cashel)

A bill for an act to repeal chapter 128 of the laws of 1905, be-

Senate Bill No. 44—Cont'd.

ing "An act defining criminal libel and conspiracy to libel, and providing punishment therefor."
 Introduction and first reading, 64.
 Second reading and reference, 81.

Senate Bill No. 45—(Simpson)

A bill for an act defining and providing for the assessment of express companies.
 Introduction and first reading, 64.
 Second reading and reference, 94.
 Reported back, 186.
 Third reading, 286.
 Passed, 286.
 Indefinitely postponed, 888.
 Received from house, 888.

Senate Bill No. 46—(Rice)

A bill for an act amending section 89 of the revised codes of 1905 of the state of North Dakota, relative to salary of governor.
 Introduction and first reading, 64.
 Second reading and reference, 81.

Senate Bill No. 47—(Little)

An act to amend section 241, chapter 4 of the the revised codes of 1905, relating to the duties of the State Historical Society of North Dakota, and to the publication of the same.
 Introduction and first reading, 64.
 Second reading and reference, 81.
 Reported back, 130.
 Third reading, 165.
 Passed, 165.
 Received from house, 955.
 Unchanged, 955.

Senate Bill No. 48.—(Little)

* An act to repeal sections 395, 396, 397, 398 and 399 of the revised codes of 1905, relating to state weather bureau.
 Introduction and first reading, 64.
 Second reading and reference, 81.

Senate Bill No. 48—Cont'd.

Reported back, 89.
Third reading, 147.
Received from house, 822.
Unchanged, 822.

Senate Bill No. 49—(Stade)

A bill for an act to amend section 4928 of the revised codes of 1905, relating to the validity of titles by occupancy.
Introduction and first reading, 64.
Second reading and reference, 81.
Reported back, 88.
Indefinitely postponed, 88.

Senate Bill No. 50—(Talcott)

A bill for an act to encourage elementary education and appropriate money therefor.
Introduction and first reading, 64.
Second reading and reference, 114.
Reported back, 867.

Senate Bill No. 51—(Purcell)

Memorial in relation to restraint of trade.
Introduction and first reading, 65.
Second reading and reference, 81.
Reported back, 104.

Senate Bill No. 52—(Simpson)

An act regulating life insurance companies and prohibiting the diversion of funds for political purposes.
Introduction and first reading, 70.
Second reading and reference, 94.
Reported back, 297.
Third reading, 454.
Passed, 454.
Indefinitely postponed, 888.
Received from house, 888-1016.
Unchanged, 1016.
Other action, 892.

Senate Bill No. 53—(Simpson)

An act relating to the provisions of life insurance policies.
Introduction and first reading, 70.

Senate Bill No. 53—Cont'd.

Second reading and reference, 81.
Reported back, 622.
Third reading, 800.
Passed, 801.
Received from house, 1133.
Unchanged, 1133.

Senate Bill No. 54—(Kraabel)

An act for making an appropriation for a deficit in expenses for the construction of additions to present buildings, for heating plant, erection and equipment of a dormitory for state normal school at Mayville, and for interest on overdue warrants issued in connection therewith.
Introduction and first reading, 70.
Second reading and reference, 94.
Reported back, 550.
Third reading, 589.
Passed, 589.
Received from house, 714.
Unchanged, 714.

Senate Bill No. 55—(Johnson of McLean)

An act to provide for the making of certain abstracts of title prima facie evidence of title and to provide for the recording of the same.
Introduction and first reading, 70.
Second reading and reference, 94.
Reported back, 105.
Third reading, 147.
Indefinitely postponed, 735.
Received from house, 735, 985.
Amended, 985.
Amendments concurred in, 1059.
Other action, 823.

Senate Bill No. 56—(Little)

An act to amend section 242, chapter 4 of the revised codes of 1905, relating to appropriations of the state historical society of North Dakota.
Introduction and first reading, 70.
Second reading and reference, 95.

Senate Bill No. 56—Cont'd.

Reported back, 572.
 Third reading, 611.
 Passed, 611.
 Received from house, 1016.
 Unchanged, 1016.

Senate Bill No. 57—(Hanna)

An act to prevent the adulteration and misbranding of foods and beverages, and providing for the proper labeling of all foods and beverages.

Introduction and first reading, 70.

Second reading and reference, 114.

Reported back, 142.

Rereferred, 196.

Reported back, 241.

Third reading, 195, 265.

Passed, 266.

Received from house, 862.

Unchanged, 863.

Senate Bill No. 58—(Rice)

An act defining the boundaries of the second, eighth and Ninth judicial districts of the state of North Dakota and providing for terms of court in said districts.

Introduction and first reading, 71.

Second reading and reference, 114.

Reported back, 520.

Rereferred, 520, 530.

Reported back, 673.

Third reading, 844.

Passed, 845.

Received from house, 1053, 1127.

Unchanged, 1127.

Other action, 1107.

Senate Bill No. 59—(Rice)

An act to require an annual apportionment and accounting of surplus of life insurance companies as to policies heretofore issued.

Introduction and first reading, 71.

Second reading and reference, 115.

Reported back, 390.

Third reading, 428.

Passed, 428.

Received from house, 900.

Unchanged, 900.

Senate Bill No. 60—(Rice)

A bill for an act providing for and regulating the election of directors of mutual life insurance companies.

Introduction and first reading, 71.

Second reading and reference, 95.

Reported back, 623.

Third reading, 835.

Passed, 836.

Indefinitely postponed, 1128.

Received from house, 1128.

Senate Bill No. 61—(Rice)

An act to require an annual apportionment and accounting of surplus of life insurance companies.

Introduction and first reading, 71.

Second reading and reference, 115.

Reported back, 620.

Third reading, 801.

Passed, 802.

Received from house, 1133.

Unchanged, 1133.

Senate Bill No. 62—(Young)

An act providing for the erection of a building upon the agricultural grounds in which to conduct the experiments provided for in section 1118 of the revised codes of North Dakota to determine the milling values of wheat and to install therein necessary machinery, providing for the maintenance of the same and making an appropriation therefor.

Introduction and first reading, 71.

Second reading and reference, 95.

Reported back, 556.

Third reading, 590.

Passed, 590.

Received from house, 687.

Unchanged, 687.

Senate Bill No. 63—(Gilbert)

An act to prevent adulteration, misbranding and selling of adulterated and insufficiently labeled "Concentrated Commercial Feeding Stuff," prescribing a penalty for the vio-

Senate Bill No. 63—Cont'd.

lation thereof, providing for the inspection, testing and analysis of said feeding stuffs, charging the North Dakota Government Agricultural Experiment Station with the duty thereof, and charging the state's attorney with the enforcement thereof.

Introduction and first reading,

71.

Second reading and reference,

95.

Reported back, 124.

Third reading, 179.

Passed, 180.

Received from house, 861.

Unchanged, 861.

Senate Bill No. 64—(Sharpe)

An act appropriating money for paying the indebtedness on superintendent's residence and for building a machine shed and seed house and for other improvements at Edgeley Sub-Experiment Station.

Introduction and first reading,

72.

Second reading and reference,

95.

Reported back, 556.

Third reading, 591.

Passed, 591.

Received from house, 688.

Unchanged, 688.

Other action, 797.

Senate Bill No. 65—(Taylor)

A bill for an act to amend section 1582 of the revised codes of 1905, relating to redemption from sale of real estate for taxes, time of payment of subsequent taxes, and rate of interest thereon.

Introduction and first reading,

78.

Second reading and reference,

115.

Reported back, 186.

Rereferred, 250.

Reported back, 273.

Third reading, 250.

Indefinitely postponed, 273.

Senate Bill No. 66—(Pierce)

An act to establish a parole system, and providing for inde-

Senate Bill No. 66—Cont'd.

terminate sentences of persons convicted of certain crimes, and prescribing the duties of officials in connection therewith.

Introduction and first reading,

79.

Second reading and reference,

115.

Reported back, 469.

Third reading, 635.

Passed, 635.

Received from house, 984.

Unchanged, 984.

Senate Bill No. 67—(Pierce)

An act to amend section 5404 of the revised codes of 1905, relating to effect of highways or railways or right-of-way therefor, over or upon lands conveyed.

Introduction and first reading,

79.

Second reading and reference,

96.

Reported back, 385.

Third reading, 475.

Passed, 475.

Received from house, 901.

Unchanged, 901.

Senate Bill No. 68—(Talcott)

A bill for an act to amend section 764 of the revised codes of 1905, relating to education.

Introduction and first reading,

79.

Second reading and reference,

115.

Reported back, 929.

Indefinitely postponed, 929.

Senate Bill No. 69—(Kraabel)

An act making an appropriation for carrying into effect provisions of law relating to the duties of the commissioner of agriculture and labor.

Introduction and first reading,

79.

Second reading and reference,

96.

Reported back, 550.

Third reading, 591.

Passed, 591.

Received from house, 714.

Unchanged, 714.

Senate Bill No. 70—(Little)

A bill for an act entitled: "An act to amend section 10387 of the revised codes of 1905, as to the twine plant at the state penitentiary fixing the fiscal year in connection therewith, authorizing an enlargement of said twine plant by the use of money now in the operating and sinking funds thereof and increasing the limit of said operating fund and creating a new sinking fund after such increase shall have taken place.

Introduction and first reading, 79.

Second reading and reference, 96.

Senate Bill No. 71—(Stade)

An act to repeal section 3111 of the revised codes of North Dakota, 1905, relating to the term of office of township officers.

Introduction and first reading, 79.

Second reading and reference, 96.

Reported back, 442.

Rereferred, 484.

Reported back, 579.

Third reading, 479, 834.

Passed, 479, 834.

Received from house, 1141.

Unchanged, 1141.

Other action, 484.

Senate Bill No. 72—(Palmer)

An act defining pools and trusts and providing the penalties and remedies therefor, and to repeal chapter 53 of the penal code of the revised codes of 1905.

Introduction and first reading, 80

Second reading and reference, 115.

Reported back, 499.

Third reading, 718.

Passed, 718.

Received from house, 842.

Amended, 842.

Amendments concurred in, 855.

Senate Bill No. 73—(Sharpe)

An act to amend section 4449 of the revised codes of 1905, re-

Senate Bill No. 73—Cont'd.

lating to mutual insurance companies engaged in hail insurance.

Introduction and first reading, 80.

Second reading and reference, 96.

Reported back, 339.

Third reading, 425.

Passed, 425.

Received from house, 958.

Unchanged, 958.

Senate Bill No. 74—(Koffel)

A bill for an act to amend section 155 of chapter 4 of the political code of the state of North Dakota and all act or acts amendatory thereof, providing for the investment of moneys belonging to the permanent funds of the common schools, university, school of mines, reform school, agricultural college, school for the deaf and dumb, normal schools, and all other permanent funds derived from the sale of public lands or from any other source belonging to the school divisions of the state.

Introduction and first reading, 90.

Second reading and reference, 116.

Senate Bill No. 75—(Kraabel)

A bill for an act to amend section 5049 of the revised codes of 1905 relating to homestead exemptions.

Introduction and first reading, 90.

Second reading and reference, 116.

Reported back, 387.

Indefinitely postponed, 387.

Senate Bill No. 76—(Kraabel)

An act to amend section 4082 of the revised codes of 1905, relating to separate and mutual rights and liabilities of husband and wife.

Introduction and first reading, 90.

Second reading and reference, 116.

Reported back, 242.

Third reading, 266.

Senate Bill No. 76—Cont'd.

Passed, 266.
 Received from house, 911.
 Amended, 911.
 Amendments concurred in, 1058.

Senate Bill No. 77—(Pierce)

An act to amend section 5039 of the revised codes of 1905, relating to conveyances.
 Introduction and first reading, 91.
 Second reading and reference, 116.
 Reported back, 127.
 Third reading, 178.
 Passed, 178.
 Received from house, 861.
 Unchanged, 861.

Senate Bill No. 78—(Pierce)

An act to prohibit the soliciting of orders for the future delivery without this state of intoxicating liquors to be transported into this state to be used or sold in violation of the laws thereof, and providing a penalty for its violation.
 Introduction and first reading, 91.
 Second reading and reference, 116.
 Reported back, 203.
 Rereferred, 208.
 Reported back, 215, 256.
 Third reading, 286.
 Passed, 287.
 Received from house, 861.
 Unchanged, 861.

Senate Bill No. 79—(Johnson of Walsh)

A bill for an act entitled: "An act to amend section 1008 of the revised codes 1905 relating to the assessment of bank stock, where and at what valuation listed."
 Introduction and first reading, 91.
 Second reading and reference, 116.
 Reported back, 293.
 Indefinitely postponed, 293.

Senate Bill No. 80—(Sharpe)

A bill for an act entitled: "An act defining the duties of district school boards in relation to the planting, cultivation and

Senate Bill No. 80—Cont'd

protection of trees and shrubs upon school house grounds.
 Introduction and first reading, 91.
 Second reading and reference, 117.
 Reported back, 129.
 Third reading, 179.
 Passed, 179.
 Received from house, 837.

Senate Bill No. 81—(Cashel)

An act making it a felony for any person who with intent to commit any crime breaks into or enters a building, and commits or attempts to commit a crime by the use of nitro-glycerine, dynamite, gunpowder or any other high explosive, and providing a penalty therefor.
 Introduction and first reading, 91.
 Second reading and reference, 117.
 Reported back, 127.
 Third reading, 194.
 Passed, 195.
 Received from house, 300.
 Unchanged, 300.
 Other action, 342.

Senate Bill No. 82—(Cashel)

A bill for a concurrent resolution to amend the constitution of the state of North Dakota.
 Introduction and first reading, 91.
 Second reading and reference, 117.
 Reported back, 142.

Senate Bill No. 83—(LaMoure)

An act regulating public printing and binding prescribing the duties of public boards and officials in relation thereto.
 Introduction and first reading, 92.
 Second reading and reference, 117.
 Reported back, 170.
 Rereferred, 170.
 Reported back, 184.
 Third reading, 209.
 Passed, 210.
 Received from house, 973.
 Amended, 973.
 Amendments concurred in, 975.

Senate Bill No. 84—(LaMoure)

An act making an appropriation for the completion of the buildings for the North Dakota blind asylum, for a boiler house and connections for the same and for furniture and fixtures.

Introduction and first reading, 92.

Second reading and reference, 117.

Reported back, 548.

Third reading, 592.

Passed, 592.

Received from house, 713.

Unchanged, 713.

Senate Bill No. 85.—(Stade)

A bill for an act to amend section 1554 of the revised codes of 1905, relating to delinquent personal taxes, and amending chapter 145 of the session laws of 1905

Introduction and first reading, 92.

Second reading and reference, 117.

Reported back, 338.

Indefinitely postponed, 338.

Senate Bill No. 86—(Purcell)

An act to amend sections 838, 839, 840, 841 and 842, chapter 9, of the political code of the state of North Dakota, revised codes of 1905, relating to education.

Introduction and first reading, 92.

Second reading and reference, 118.

Reported back, 277.

Rereferred, 277.

Reported back, 466.

Third reading, 487.

Passed, 487.

Received from house, 684.

Unchanged, 684.

Senate Bill No. 87—(Hanna)

An act making an appropriation towards paying deficiency or debts on armories already constructed, or towards the construction of armories for the various military companies of the state of North Dakota, and for the creating of a board of

Senate Bill No. 87—Cont'd.

armory supervisors and defining its duties, for the transfer of armories upon the mustering out of any military organization enumerated, and defining the duties of the state treasurer in carrying out the provisions of this act.

Introduction and first reading, 92.

Second reading and reference, 118.

Reported back, 129.

Rereferred, 129.

Reported back, 553.

Third reading, 593.

Passed, 593.

Received from house, 712.

Unchanged, 712.

Senate Bill No. 88—(Little)

An act to provide a site for the statute of Sakawea, the Indian guide of the Lewis and Clark expedition.

Introduction and first reading, 92.

Second reading and reference, 118.

Reported back, 128.

Rereferred, 128.

Reported back, 543.

Third reading, 593.

Passed, 593.

Received from house, 712.

Unchanged, 712.

Senate Bill No. 89.—(Pierce)

A bill for an act to provide for the maintenance of highways over which rural mail delivery routes are established.

Introduction and first reading, 108.

Second reading and reference, 144.

Reported back, 256.

Rereferred, 287.

Reported back, 359.

Indefinitely postponed, 359.

Senate Bill No. 90—(Kraabel)

An act to amend section 122 of the revised codes of 1905 of the state of North Dakota, relating to state treasurer's bond.

Introduction and first reading, 108.

Second reading and reference, 162.

Senate Bill No. 90—Cont'd.

Reported back, 218.
 Rereferred, 287.
 Reported back, 439.
 Third reading, 514.
 Passed, 514.
 Received from house, 794, 1141.
 Unchanged, 1141.
 Other action, 801.

Senate Bill No. 91—(Kraabel)

An act making an appropriation for completing the present building and for furniture, fixtures and improvements for the state normal school at Mayville and for the erection of a women's dormitory for said school.

Introduction and first reading, 108.
 Second reading and reference, 162.
 Reported back, 552.
 Third reading, 594.
 Passed, 594.
 Received from house, 685.
 Unchanged, 685:

Senate Bill No. 92—(Spoonheim)

A bill for an act entitled: "An act regulating the granting of franchises, rights and privileges in and to the streets, highways, alleys and public places of incorporated cities of the state of North Dakota."

Introduction and first reading, 109.
 Second reading and reference, 162.
 Reported back, 443.
 Indefinitely postponed, 443.

Senate Bill No. 93—(Johnson of Walsh)

A bill for an act entitled "An act to amend section 746 of the revised codes of 1905, relating to the amount of population of cities and villages in which registration of voters is required."

Introduction and first reading, 109.
 Second reading and reference, 162.
 Reported back, 277.
 Third reading, 350.
 Passed, 350.

Senate Bill No. 93—Cont'd.

Indefinitely postponed, 861.
 Received from house, 861.

Senate Bill No. 94—(Cashel)

An act for the reservation of lands for the preservation of the Fort Clark and Mandan village sites on certain school lands in Mercer county, North Dakota.

Introduction and first reading, 109.
 Second reading and reference, 162.
 Reported back, 220.
 Third reading, 250.
 Passed, 251.
 Received from house, 823.
 Unchanged, 823.

Senate Bill No. 95—(Simpson)

An act appropriating money from the state treasury, not otherwise appropriated, to compensate the clerk of the district court of Stark county, in this state, for the years 1905 and 1906, for services in connection with his office, required by law to be by him performed for cases arising in unorganized territory attached to Stark county for judicial purposes.

Introduction and first reading, 109.
 Second reading and reference, 163.
 Reported back, 573.
 Third reading, 595.
 Passed, 595.
 Received from house, 1052.
 Unchanged, 1052.

Senate Bill No. 96—(Steele)

An bill for an act to define the senatorial and representative districts of the state of North Dakota and prescribe the number of senators and representatives therein.

Introduction and first reading, 109.
 Second reading and reference, 177.

Senate Bill No. 97—(Simpson)

A bill for an act relating to practice on appeals in cases tried

Senate Bill No. 97—Cont'd.

by a district court without a jury.
Introduction and first reading, 109.
Second reading and reference, 144.
Reported back, 656.

Senate Bill No. 98—(Pierce)

A bill for an act relating to the admission of students and courses of instruction at the University of North Dakota.
Introduction and first reading, 110.
Second reading and reference, 163.

Senate Bill No. 99—(Pierce)

A bill for an act to amend section 1531 of the revised codes relative to the election, qualification and duties of the state board of equalization.
Introduction and first reading, 110.
Second reading and reference, 144.

Senate Bill No. 100—(Simpson)

A bill for an act fixing the salaries and providing for the payment of necessary expenses for the judges of the district courts of the state of North Dakota.
Introduction and first reading, 110.
Second reading and reference, 163.
Reported back, 240.
Third reading, 267.
Passed, 267.

Senate Bill No. 101—(Simpson)

A bill for an act making an appropriation to the Dickinson experiment station located at the city of Dickinson in Stark county.
Introduction and first reading, 110.
Second reading and reference, 144.
Reported back, 551.
Third reading, 596.
Passed, 596.
Received from house, 714.
Unchanged, 714.
Other action, 797.

Senate Bill No. 102—(Spoonheim)

A bill for an act to prohibit the manufacture and sale of cigarettes, cigarette paper or wrappers, or substitutes therefor, and providing a penalty for the violation thereof.
Introduction and first reading, 110.
Second reading and reference, 136.
Reported back, 294.
Rereferred, 294.
Reported back, 492.
Third reading, 759.
Passed, 759.
Indefinitely postponed, 1078.
Received from house, 1078.

Senate Bill No. 103—(Johnson of McLean)

A bill for an act locating a state normal school at the city of Washburn, in the county of McLean.
Introduction and first reading, 110.
Second reading and reference, 163.
Reported back, 391.
Rereferred, 391.
Third reading, 886.
Passed, 886.

Senate Bill No. 104—(Young)

An act making it unlawful for any corporation to use any of its money or property or anything of value in political campaigns or for any political purpose, also making it unlawful to solicit or knowingly receive any such money, property or anything of value, and prescribing penalties therefor.
Introduction and first reading, 110.
Second reading and reference, 177.
Reported back, 390.
Third reading, 426.
Passed, 426.
Received from house, 965.
Unchanged, 965.

Senate Bill No. 105—(McArthur)

An act making an appropriation for the erection of a building and greenhouse for the school of forestry, located at Botti-

Senate Bill No. 105—Cont'd.

neau, Bottineau county, and for the proper furnishing and equipment of the same.
Introduction and first reading, 111.
Second reading and reference, 144.
Reported back, 541.
Third reading, 597.
Passed, 597.
Received from house, 712.
Unchanged, 712.

Senate Bill No. 106—(McArthur)

A bill for an act to repeal sections numbered 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554 of article 20, chapter 28 of the revised codes of 1905, relating to public administrator.
Introduction and first reading, 111.
Second reading and reference 144.

Senate Bill No. 107—(Cashel)

A bill for an act to regulate the selling, offering or exposure of seeds for sale.
Introduction and first reading, 111.
Second reading and reference, 145.

Senate Bill No. 108—(Cashel)

An act to provide an appropriation for the current and contingent expenses and for permanent improvements of the institution for the feeble minded at Grafton.
Introduction and first reading, 111.
Second reading and reference, 163.
Reported back, 544.
Third reading, 597.
Passed, 597.
Received from house, 713.
Unchanged, 713.

Senate Bill No. 109—(Cashel)

An act amending sections 6, 8 and 9 of chapter 108 of the laws of 1903, being sections 1165, 1167 and 1168 of the revised Codes of 1905, and repealing chapter 76 of the laws of

Senate Bill No. 109—Cont'd.

1905, in so far as the same applies to the institution for feeble minded.
Introduction and first reading, 111.
Second reading and reference, 163.
Reported back, 219.
Third reading, 251.
Passed, 252.
Received from house, 833.
Unchanged, 833.

Senate Bill No. 110—(McLean)

An act to provide for the better enforcement of the laws against the manufacture and sale of intoxicating liquors, and to repeal section 9395 of the revised codes of 1905, being chapter 39 of the session laws of 1903.
Introduction and first reading, 112.
Second reading and reference, 164.
Reported back, 395.
Third reading, 636.
Passed, 636.
Received from house, 965.
Unchanged, 965.

Senate Bill No. 111—(McLean)

An act creating and establishing an agricultural experiment station at or near Hannah or Langdon in Cavalier county, providing for its management, and making an appropriation therefor.
Introduction and first reading, 112.
Second reading and reference, 136.
Reported back, 564.
Third reading, 598.
Passed, 598.
Received from house, 774.
Amended, 774.
Conference, 952.
Report of conference committee, 1004.
Other action, 942, 1056.

Senate Bill No. 112—(Crane)

A bill for an act to regulate the transportation of persons by common carriers operating railroads within or through

Senate Bill No. 112—Cont'd.

the state of North Dakota, and furnishing and use of free transportation.
Introduction and first reading, 112.
Second reading and reference, 114.
Reported back, 295.
Rereferred, 296.

Senate Bill No. 113—(Regan)

An act to amend section 140 of the revised code of 1905, relating to the appointment and qualifications of the state examiner.
Introduction and first reading, 112.
Second reading and reference, 164.
Reported back, 278.
Third reading, 764.
Passed, 764.
Received from house, 1142.
Unchanged, 1142.

Senate Bill No. 114—(Little)

An act to amend section 10381 of the revised codes of 1905, relating to the manner of disposing of the product of the state binder twine plant, and prescribing duties of accounting officer.
Introduction and first reading, 112.
Second reading and reference, 145.
Reported back, 187.
Rereferred, 252.
Reported back, 316.
Third reading, 252, 369.
Passed, 369.
Received from house, 986.
Amended, 986.
Amendments concurred in, 1058.

Senate Bill No. 115—(Talcott)

A bill for an act providing that nature study and elementary agriculture shall be taught in the public schools of North Dakota.
Introduction and first reading, 112.
Second reading and reference, 164.
Reported back, 221.
Indefinitely postponed, 281.

Senate Bill No. 116—(Hanna)

An act appropriating money for buildings, for repairs and for making improvements at the North Dakota agricultural college and experimental station at Fargo.
Introduction and first reading, 113.
Second reading and reference, 145.
Reported back, 562.
Third reading, 598.
Passed, 598.
Received from house, 686.
Unchanged, 686.

Senate Bill No. 117—(Gilbert)

An act appropriating money for the construction and equipment of an engineering building and for making improvements in the mechanical laboratories and shops of North Dakota agricultural college.
Introduction and first reading, 113.
Second reading, and reference, 145.
Reported back, 549.
Third reading, 599.
Passed, 599.
Received from house, 714.
Unchanged, 714.

Senate Bill No. 118—(Purcell)

An act making an appropriation for the purchase of a building, paying indebtedness on a machine shop, paying sewer assessment, making repairs on building, for furniture and equipment and for library, bookcases and library furniture.
Introduction and first reading, 113.
Second reading and reference, 164.
Reported back, 561.
Third reading, 600.
Passed, 600.
Received from house, 686.
Unchanged, 686.

Senate Bill No. 119—(Purcell)

A bill for an act to repeal sections 2297, 2298 and 2299 of chapter 28 of the political code as compiled in the revised codes

Senate Bill No. 119—Cont'd.

of North Dakota for 1905, and to re-enact sections 2300, 2301 and 2302 of said chapter 28 of the said political code of North Dakota as compiled in the revised codes of North Dakota for 1905.

Introduction and first reading, 113.

Second reading and reference, 164.

Reported back, 655.

Indefinitely postponed, 655.

Senate Bill No. 120—(Purcell)

An act to repeal chapter 59 of the session laws of 1897, being section 5334 of the revised codes of 1905, in relation to the method of proof of written instruments and contracts to which there are one or more subscribing witnesses, and to re-enact the same.

Introduction and first reading, 113.

Second reading and reference, 145.

Reported back, 171.

Rereferred, 195.

Reported back, 315.

Third reading, 425.

Passed, 425.

Received from house, 901.

Unchanged, 901.

Senate Bill No. 121—(Regan)

A bill for an act amending and re-enacting section 36 of the revised codes of 1905.

Introduction and first reading, 114.

Second reading and reference, 190.

Senate Bill No. 122—(Talcott)

A bill for an act providing for instruction in educational methods and the pedagogy of elementary agricultural and nature study at the agricultural college.

Introduction and first reading, 114.

Second reading and reference, 114.

Senate Bill No. 123—(Simpson)

A bill for "an act regulating fraternal beneficiary societies, orders or associations, establishing a standard mortality table therefor, requiring adequate rates with an actual accounting and distribution, providing for valuation of certificates, designating plans of insurance and beneficiaries and declaring any contract in conflict herewith void.

Introduction and first reading, 134.

Second reading and reference, 177.

Reported back, 575.

Rereferred, 626.

Senate Bill No. 124—(Simpson)

An act providing that in actions hereafter brought in the justice courts of this state, filing of an affidavit of the amount due shall be considered as prima facie evidence of the indebtedness sued on.

Introduction and first reading, 134.

Second reading and reference, 177.

Reported back, 439.

Third reading, 539.

Passed, 539.

Received from house, 1053.

Unchanged, 1053.

Senate Bill No. 125—(Pierce)

An act to amend section 638 of the revised codes, relating to the conduct of elections.

Introduction and first reading, 134.

Second reading and reference, 191.

Reported back, 437.

Third reading, 539.

Passed, 539.

Received from house, 964, 1027.

Amended, 1027.

Amendments concurred in, 1027.

Senate Bill No. 126—(McArthur)

A bill for an act to repeal section 7184 of the revised codes of North Dakota of 1905 and to amend section 8183 of the revised codes of North Dakota of 1905, relating to fees and

Senate Bill No. 126—Cont'd.

compensation of executors and administrators.
Introduction and first reading, 134.
Second reading and reference, 191.
Reported back, 240.
Indefinitely postponed, 240.

Senate Bill No. 127—(Purcell)

An act to reimburse judges of the supreme court for their actual and necessary expenses while absent from home in the discharge of official duties.
Introduction and first reading, 135.
Second reading and reference, 191.
Reported back, 701.
Third reading, 839.
Passed, 840.
Received from house, 1054.
Amended, 1054.
Amendments concurred in, 1104.

Senate Bill No. 128—(Strom)

A bill for an act providing for the surveying of lands and the establishing of corner posts and making a record thereof and requiring land owners to participate in such survey and to pay their proportion of the cost thereof.
Introduction and first reading, 135.
Second reading and reference, 191.

Senate Bill No. 129—(Cashel)

An act to amend and re-enact sections 1034, 1035 and 1036 of the revised codes of 1905, relating to education.
Introduction and first reading, 135.
Second reading and reference, 178.
Reported back, 185.
Rereferred, 185.
Reported back, 555.
Third reading, 600.
Passed, 600.
Received from house, 714.
Unchanged, 714.

Senate Bill No. 130—(Cashel)

A bill for an act to prevent the development and dissemination

Senate Bill No. 130—Cont'd.

of the seeds of noxious weeds.
Introduction and first reading, 135.
Second reading and reference, 191.
Reported back, 360.
Rereferred, 360.
Reported back, 868.

Senate Bill No. 131—(Wagner)

An act to amend section 1597 of the revised codes of 1905 of the state of North Dakota, relative to duty of county auditor.
Introduction and first reading, 135.
Second reading and reference, 191.
Reported back, 500.
Third reading, 640.
Passed, 640.
Received from house, 985.
Unchanged, 985.

Senate Bill No. 132—(Young)

An act to provide for the making of permanent improvements at the Valley City state normal school, to assist in the maintenance thereof, and for other purposes, and making appropriations therefor.
Introduction and first reading, 135.
Second reading and reference, 192.
Reported back, 542.
Third reading, 601.
Passed, 601.
Received from house, 685.
Unchanged, 685.

Senate Bill No. 133—(Sifton)

An act to provide an appropriation for the current and contingent expenses for the state hospital for the insane at Jamestown.
Introduction and first reading, 143.
Second reading and reference, 192.
Reported back, 543.
Third reading, 601.
Passed, 601.
Received from house, 712.
Unchanged, 812.

Senate Bill No. 134—(Hanna)

An act establishing and naming a state flower for the state of North Dakota.
 Introduction and first reading, 144.
 Second reading and reference, 192.
 Reported back, 203.
 Third reading, 252.
 Passed, 253.
 Received from house, 822.
 Unchanged, 822.

Senate Bill No. 135—(Sifton)

An act to provide for the erection of necessary additional buildings and other improvements at the state hospital for the insane at Jamestown, North Dakota, and for a deficit on buildings erected in the years 1905 and 1906 for the hospital for the insane at Jamestown, North Dakota.
 Introduction and first reading, 160.
 Second reading and reference, 192.
 Reported back, 557.
 Third reading, 602.
 Passed, 602.
 Received from house, 688.
 Unchanged, 688.

Senate Bill No. 136—(Thatcher)

An act to amend and re-enact section 2625 of the revised codes of 1905, relating to fees for interpreters.
 Introduction and first reading, 160.
 Second reading and reference, 192.
 Reported back, 241.
 Third reading, 267.
 Passed, 268.
 Received from house, 823.
 Unchanged, 823.

Senate Bill No. 137—(Talcott)

An act amending section 9245, relating to unauthorized wearing or use of badges, name, title or officers, insignia, ritual or ceremonies of certain orders and societies, and the penalties provided therefor.
 Introduction and first reading, 161.

Senate Bill No. 137—Cont'd.

Second reading and reference, 192.
 Reported back, 219.
 Third reading, 253.
 Passed, 253.
 Received from house, 862.
 Unchanged, 862.

Senate Bill No. 138—(Talcott)

A bill for an act to amend and re-enact section 2613 of the revised codes of 1905.
 Introduction and first reading, 161.
 Second reading and reference, 193.
 Reported back, 220.
 Third reading, 268.
 Passed, 268.
 Indefinitely postponed, 471.
 Received from house, 471.

Senate Bill No. 139—(Thatcher)

An act to provide for making necessary improvements at the industrial school and school for manual training, located at Ellendale, providing for the payment of interest on certificates of indebtedness and making an appropriation therefor.
 Introduction and first reading, 175.
 Second reading and reference, 230.
 Reported back, 547.
 Third reading, 603.
 Passed, 603.
 Received from house, 713.
 Unchanged, 713.

Senate Bill No. 140—(Spoonheim)

A bill for an act to create a permanent state board of equalization, and making an appropriation therefor.
 Introduction and first reading, 176.
 Second reading and reference, 231.
 Reported back, 866.

Senate Bill No. 141—(Young)

A bill for an act to repeal section 9238 of the revised codes of North Dakota of 1905, which section excepted from the provisions of chapter 53 of the penal code relative to trusts,

Senate Bill No. 141—Cont'd.

pools, and combinations, agricultural products, or live stock while in the hands of the producer or raiser.
Introduction and first reading, 176.
Second reading and reference, 231.

Senate Bill No. 142 (Johnson of McLean)

A bill for an act to amend section 1504 of article 4, of chapter 20 of the political code entitled "Revenue and taxation," as the same appears in the revised codes of North Dakota of 1905.
Introduction and first reading, 176.
Second reading and reference, 193.
Reported back, 387, 409.
Rereferred, 387, 409.

Senate Bill No. 143—(Albright)

A bill for an act to amend section 472 of the revised codes of 1905 relating to the boundaries and terms of court in the Fourth judicial district of the state of North Dakota.
Introduction and first reading, 176.
Second reading and reference, 231.
Reported back, 255.
Third reading, 351.
Passed, 351.
Indefinitely postponed, 802.
Received from house, 802.

Senate Bill No. 144—(Talcott)

An act to amend section 949 of the revised codes of 1905, relating to education.
Introduction and first reading, 176.
Second reading and reference, 231.
Reported back, 257.
Third reading, 288.
Passed, 288.
Received from house, 964.
Unchanged, 964.

Senate Bill No. 145—(Talcott)

A bill for an act to amend section

Senate Bill No. 145—Cont'd.

998 of the revised codes of 1905.
Introduction and first reading, 176.
Second reading and reference, 193.

Senate Bill No. 146—(Rice)

A bill for an act defining the practice in county courts having increased jurisdiction and all matters relating thereto; fixing the terms of court, compensation of judges and clerks and other officers of said courts and their duties. And repealing sections 8289 to 8319 inclusive, of the revised codes of 1905 of the state of North Dakota.
Introduction and first reading, 177.
Second reading and reference, 231.

Senate Bill No. 147—(Sifton)

A bill for an act to amend sections 2661 and 2687 of chapter 30 of the political code of the state of North Dakota, revised codes of 1905, relating to the number of aldermen in cities and the term of office of such aldermen.
Introduction and first reading, 189.
Second reading and reference, 232.

Senate Bill No. 148—(Sifton)

A bill for an act entitled, "An act to amend section 2887 of the political code of the state of North Dakota, revised codes of 1905, relating to the powers of village marshals and the service of civil processes by them."
Introduction and first reading, 190.
Second reading and reference, 232.
Reported back, 656.
Indefinitely postponed, 656.

Senate Bill No. 149—(Hanna)

A bill for an act to amend section 8542 of the penal code of the revised codes of 1905 of the

Senate Bill No. 149—Cont'd.

state of North Dakota, relating to misdemeanors.
Introduction and first reading, 190.
Second reading and reference, 232.
Reported back, 618.
Indefinitely postponed, 618.

Senate Bill No. 150—(Hanna)

A bill for an act to amend section 8346 of the revised codes of 1905 of the state of North Dakota relating to criminal jurisdiction.
Introduction and first reading, 190.
Second reading and reference, 232.
Reported back, 618.
Indefinitely postponed, 618.

Senate Bill No. 151—(Talcott)

An act to prohibit unfair commercial discrimination between different sections, communities or localities, or unfair competition, and providing penalties therefor.
Introduction and first reading, 190.
Second reading and reference, 232.
Reported back, 242.
Third reading, 288.
Passed, 289.
Received from house, 862.
Unchanged, 862.

Senate Bill No. 152—(Taylor)

An act to provide for the safe keeping of documents and bonds required to be deposited in the office of the county auditor.
Introduction and first reading, 190.
Second reading and reference, 232.
Third reading, 423.
Passed, 423.
Received from house, 900.
Unchanged, 900.

Senate Bill No. 153—(Leutz)

An act making appropriations for the current and contingent expenses of the state reform school of North Dakota, and

Senate Bill No. 153—Cont'd.

for making permanent improvements thereto.
Introduction and first reading, 208.
Second reading and reference, 233.
Reported back, 560.
Third reading, 604.
Passed, 604.
Received from house, 686.
Unchanged, 686.

Senate Bill No. 154—(Purcell)

A bill for an act entitled, an act to reimburse judges of the district court for their actual and necessary expenses while absent from home engaged in the discharge of official duties and while absent from home engaged in the discharge of the duties of a judge of the supreme court.
Introduction and first reading, 208.
Second reading and reference, 233.
Reported back, 865.

Senate Bill No. 155—(Gilbert)

A bill for an act to amend section 317, revised code of 1905, relating to examinations and qualifications of practitioners of dentistry in this state.
Introduction and first reading, 209.
Second reading and reference, 233.
Reported back, 408.
Indefinitely postponed, 408.

Senate Bill No. 156—(Hanna)

A bill for an act to amend section 8083 of the revised codes of 1905, relating to inventory and appraisalment of the decedent's estate.
Introduction and first reading, 209.
Second reading and reference, 233.
Reported back, 667.
Third reading, 838.
Passed, 838.
Indefinitely postponed, 1055.
Received from house, 1055.

Senate Bill No. 157—(Hanna)

A bill for an act to amend section 8087 of the revised codes of 1905, relating to the possession of the homestead after the death of either husband or wife.
 Introduction and first reading, 209.
 Second reading and reference, 233.

Senate Bill No. 158—(Sharpe)

An act to amend section 1172 of the revised codes of 1905, relating to the industrial school and school for manual training.
 Introduction and first reading, 209.
 Second reading and reference, 233.
 Reported back, 391.
 Third reading, 489.
 Passed, 489.
 Received from house, 964.
 Unchanged, 964.
 Other action, 415.

Senate Bill No. 159—(Thatcher)

An act designed to define the powers and increase the efficiency of the state normal and industrial school.
 Introduction and first reading, 224.
 Second reading and reference, 234.
 Reported back, 391.
 Third reading, 537.
 Passed, 537.
 Received from house, 1051.
 Unchanged, 1051.
 Other action, 415.

Senate Bill No. 160—(Purcell)

An act to amend section 182 of the revised codes of 1905, relating to the assignee of purchasers of school lands.
 Introduction and first reading, 225.
 Second reading and reference, 234.
 Reported back, 386.
 Third reading, 429.
 Passed, 429.
 Received from house, 862.
 Unchanged, 862.

Senate Bill No. 161—(Pierce)

A bill for an act to amend section 1484 of the political code, revised codes of North Dakota 1905.
 Introduction and first reading, 225.
 Second reading and reference, 234.
 Reported back, 314.
 Third reading, 423.
 Passed, 423.
 Indefinitely postponed, 887.
 Received from house, 887.

Senate Bill No. 162—(Talcott)

An act to amend section 894 of the revised codes of 1905, relating to education.
 Introduction and first reading, 225.
 Second reading and reference, 234.
 Reported back, 258.
 Third reading, 454.
 Passed, 454.
 Indefinitely postponed, 965.
 Received from house, 965.

Senate Bill No. 163—(Talcott)

An act to amend sections 747, 778, 799, 819, 836, 847, 879, 892, 912 of the revised codes of 1905, relating to education.
 Introduction and first reading, 225.
 Second reading and reference, 234.
 Reported back, 277.
 Rereferred, 312.
 Reported back, 392.
 Third reading, 456.
 Passed, 456.
 Received from house, 1053.
 Amended, 1053.
 Amendments concurred in, 1060.

Senate Bill No. 164—(Young)

An act to amend section 6241 of the revised codes of 1905, being section 4792 of the revised codes of 1895, relating to the clerk's record of mechanic's liens.
 Introduction and first reading, 225.
 Second reading and reference, 234.
 Reported back, 242.
 Third reading, 351.

Senate Bill No. 164—Cont'd.

Passed, 352.
Received from house, 1133.
Unchanged, 1133.

Senate Bill No. 165—(Sharpe)

A bill for an act to amend section 1934 of the revised code of 1905, relating to county commissioners vote on abolishing provisions of article 9, revised codes of 1905, entitled herd law; how conducted; and repealing sections 1935, 1936 and 1937 revised code of 1905.
Introduction and first reading, 225.
Second reading and reference, 234.
Reported back, 243.
Third reading, 366.
Passed, 366.
Indefinitely postponed, 652.
Received from house, 652.

Senate Bill No. 166—(Sharpe)

A bill for an act to amend sections 367 and 369 of the revised codes of 1905 relating to powers and duties of the commission of railroads.
Introduction and first reading, 226.
Second reading and reference, 235.
Rereferred, 282.
Reported back, 866.

Senate Bill No. 167—(Sharpe)

An act to amend section 2245 of the revised codes of 1905, of the state of North Dakota, relating to licensing of public warehouses.
Introduction and first reading, 226.
Second reading and reference, 235.
Reported back, 273.
Rereferred, 366.
Reported back, 496.
Third reading, 683.
Passed, 683.
Received from house, 1141.
Unchanged, 1141.
Other action, 1130.

Senate Bill No. 168—(Talcott)

A bill for an act to amend sections 977 and 998 of the revised

Senate Bill No. 168—Cont'd.

codes of 1905, relating to education.
Introduction and first reading, 226.
Second reading and reference, 235.
Reported back, 258.
Third reading, 289.
Passed, 289.
Indefinitely postponed, 861.
Received from house, 861.

Senate Bill No. 169—(Rice)

An act to amend section 8149 of the 1905 revised codes of the state of North Dakota.
Introduction and first reading, 226.
Second reading and reference, 235.
Reported back, 658.
Third reading, 837.
Passed, 838.
Received from house, 1054.
Amended, 1054.
Amendments concurred in, 1113.

Senate Bill No. 170—(Rice)

A bill for an act amending section 2016 of the revised codes of 1905 of the state of North Dakota, relative to qualification of veterinarians.
Introduction and first reading, 226.
Second reading and reference, 235.

Senate Bill No. 171—(Little)

An act to regulate the investment of the funds and the real estate holdings of life insurance companies.
Introduction and first reading, 226.
Second reading and reference, 235.
Reported back, 621.
Third reading, 833.
Passed, 834.
Received from house, 1133.
Unchanged, 1133.

Senate Bill No. 172—(Simpson)

An act establishing standard forms in which policies of life insurance may be issued in this state in which policies of life insurance companies organ-

Senate Bill No. 172—Cont'd.

ized under the laws of this state may be issued, and regulating the conditions and provisions to be contained in policies of life insurance companies that do not adopt such standard forms.

Introduction and first reading, 226.

Second reading and reference, 235.

Third reading, 846.

Reported back, 525

Passed, 847.

Received from house, 1140.

Unchanged, 1140.

Senate Bill No. 173—(Simpson)

An act relating to the salaries of officers and agents of life insurance companies.

Introduction and first reading, 227.

Second reading and reference, 236.

Reported back, 621.

Third reading, 812.

Passed, 812.

Received from house, 1127.

Unchanged, 1127.

Senate Bill No. 174—(Sifton)

An act to prohibit the issuance of non-participating policies by certain life insurance companies.

Introduction and first reading, 227.

Second reading and reference, 236.

Reported back, 388.

Third reading, 429.

Passed, 429.

Received from house, 914.

Unchanged, 914.

Senate Bill No. 175—(Sifton)

An act defining the status of persons soliciting life insurance.

Introduction and first reading, 227.

Second reading and reference, 236.

Reported back, 388.

Third reading, 430.

Passed, 430.

Received from house, 901.

Unchanged, 901.

Senate Bill No. 176—(Sifton)

An act to prohibit misrepresentations by life insurance companies.

Introduction and first reading, 227.

Second reading and reference, 236.

Reported back, 389.

Third reading, 455.

Passed, 455.

Received from house, 902.

Unchanged, 902.

Senate Bill No. 177—(Simpson)

An act relating to the annual reports of life insurance companies.

Introduction and first reading, 227.

Second reading and reference, 236.

Reported back, 624.

Third reading, 803.

Passed, 804.

Received from house, 1127.

Unchanged, 1127.

Senate Bill No. 178—(Simpson)

A bill for an act prohibiting corporations or stock companies acting as agents or solicitors for life insurance companies.

Introduction and first reading, 227.

Second reading and reference, 236.

Reported back, 620.

Third reading, 813.

Passed, 813.

Received from house, 1128.

Senate Bill No. 179—(Simpson)

An act to prohibit discrimination by life insurance companies and providing penalties for violation thereof.

Introduction and first reading, 227.

Second reading and reference, 237.

Reported back, 389.

Third reading, 428.

Passed, 428.

Received from house, 901.

Unchanged, 901.

Senate Bill No. 180—(Strom)

A bill for an act to amend section 9354, chapter 65, of the penal

Senate Bill No. 180—Cont'd.

code, revised codes of state of North Dakota of 1905, relating to druggists' permits, and how the same may be obtained.
 Introduction and first reading, 230.
 Second reading and reference, 248.
 Reported back, 294.
 Indefinitely postponed, 294.

Senate Bill No. 181—(Spoonheim)

A bill for an act to amend section 911 of the revised code of North Dakota for 1905, relating to notice of elections to vote bonds for school districts.
 Introduction and first reading, 230.
 Second reading and reference, 248.
 Reported back, 521.
 Third reading, 760.
 Passed, 760.
 Indefinitely postponed, 888.
 Received from house, 888.

Senate Bill No. 182—(Strom and Koffel)

A bill for an act to amend section 4337 of the revised codes of the state of North Dakota of 1905, relating to the distribution of cars between shippers by railroad companies.
 Introduction and first reading, 230.
 Second reading and reference, 262.

Senate Bill No. 183—(Swenson)

An act regulating the retirement of capital stock in certain cases.
 Introduction and first reading, 230.
 Second reading and reference, 248.
 Reported back, 388.
 Third reading, 475.
 Passed, 475.
 Received from house, 902.
 Unchanged, 902.
 Other action, 966.

Senate Bill No. 184—(Swenson)

A bill for an act to provide a method whereby assessment

Senate Bill No. 184—Cont'd.

life insurance companies may be reincorporated as legal reserve life insurance companies.
 Introduction and first reading, 230.
 Second reading and reference, 248.
 Reported back, 622.
 Third reading, 812.
 Passed, 812.
 Indefinitely postponed, 1128.
 Received from house, 1128.

Senate Bill No. 185—(Taylor)

An act appropriating money to provide for the equipment and maintenance of a public health laboratory in the medical department of the state university and school of mines at Grand Forks.
 Introduction and first reading, 245.
 Second reading and reference, 263.
 Reported back, 563.
 Third reading, 604.
 Passed, 604.
 Received from house, 685.

Senate Bill No. 186—(Taylor)

An act making appropriation for expenses incurred in repairs made to the so-called main building at the state university and school of mines of North Dakota during the summer of 1906.
 Introduction and first reading, 245.
 Second reading and reference, 263.
 Reported back, 558.
 Third reading, 605.
 Passed, 605.
 Received from house, 688.
 Unchanged, 688.

Senate Bill No. 187—(Pierce)

An act to provide for the protection of purchasers at judicial or foreclosure sales of real estate in the payment of taxes, assessments, prior liens or insurance premiums becoming delinquent during the year of redemption.
 Introduction and first reading, 246.

Senate Bill No. 187—Cont'd.

Second reading and reference,
263.
Reported back, 315.
Third reading, 367.
Passed, 367.
Received from house, 986.
Unchanged, 986.
Amendments concurred in, 1057.

Senate Bill No. 188—(Koffel)

A bill for an act to amend section 9371 of the revised codes of 1905, of the state of North Dakota, providing for the state's attorney to prosecute persons for unlawful dealing in intoxicating liquors and bring suits upon bonds or undertakings forfeited and to recover fines, and penalties, and the creation of a special fund.
Introduction and first reading, 246.
Second reading and reference, 263.
Reported back, 394.
Third reading, 427.
Passed, 427.
Indefinitely postponed, 652.
Received from house, 652.

Senate Bill No. 189—(Simpson)

An act providing that the amount of insurance written upon real property shall be taken conclusively to be the true value thereof.
Introduction and first reading, 246.
Second reading and reference, 263.
Reported back, 468.
Third reading, 638.
Passed, 638.
Indefinitely postponed, 833.
Received from house, 832-1016.
Unchanged, 1016.
Other action, 837, 850.

Senate Bill No. 190—(Swenson)

A bill for an act to amend section 928 of the revised codes of North Dakota for 1905, relating to maximum rate of interest on call deposits.
Introduction and first reading, 246.
Second reading and reference, 284.

Senate Bill No. 190—Cont'd.

Reported back, 292.
Indefinitely postponed, 293.

Senate Bill No. 191—(Talcott)

A bill for an act to amend section 832 of the revised codes of 1905, relating to education.
Introduction and first reading, 246.
Second reading and reference, 284.
Reported back, 292.
Indefinitely postponed, 292.

Senate Bill No. 192—(Little)

An act regulating disbursements by life insurance companies.
Introduction and first reading, 247.
Second reading and reference, 285.
Reported back, 339.
Third reading, 366.
Passed, 366.
Received from house, 862.
Unchanged, 862.

Senate Bill No. 193—(Steele)

A bill for an act to amend and re-enact section 7117 of the revised codes of North Dakota of 1905, relating to exemptions.
Introduction and first reading, 247.
Second reading and reference, 285.
Reported back, 702.
Indefinitely postponed, 702.

Senate Bill No. 194—(Turner)

An act providing for the giving of notice by merchants to their creditors before making sale of their entire stock or business.
Introduction and first reading, 247.
Second reading and reference, 263.
Reported back, 438.
Third reading, 476.
Passed, 476.
Received from house, 915.
Unchanged, 915.

Senate Bill No. 195—(Hanna)

An act providing for the naming by the governor of the state of a board of grain commission, prescribing their duties and

Senate Bill No. 195—Cont'd.

providing an appropriation therefor.
Introduction and first reading, 247.
Second reading and reference, 285.
Reported back, 559.
Third reading, 605.
Passed, 605.
Received from house, 687.
Unchanged, 687.

Senate Bill No. 196—(Stade)

A bill for an act to amend section 4073 of the revised codes of the state of North Dakota of the revision of 1905, being chapter 78 of the session laws of 1899, relating to the granting of alimony in divorce cases.
Introduction and first reading, 247.
Second reading and reference, 264.
Reported back, 386.
Indefinitely postponed, 386.

Senate Bill No. 197—(Committee on Ways and Means)

A bill for an act regulating the salaries of state officers, expenses, residence and penalty.
Introduction and first reading, 260.
Second reading and reference, 309.
Reported back, 338.
Rereferred, 338.
Reported back, 484, 856.

Senate Bill No. 198—(Committee on Ways and Means)

A bill for an act designating the sheriff and his deputies of each county inspector and sealer of weights and measures, prescribing his powers, duties and compensation, defining the standard of weights and measures for the inspector and prescribing the penalties for the violation of this act.
Introduction and first reading, 260.
Second reading and reference, 310.

Senate Bill No. 199—(Simpson)

An act to provide for organizing counties from the unorganized territory in this state.
Introduction and first reading, 260.
Second reading and reference, 310.
Reported back, 522.
Third reading, 724.
Passed, 724.
Received from house, 947.
Amended, 947.
Amendments concurred in, 947.

Senate Bill No. 200—(Hanna)

A bill for an act concerning labor, and providing means for protecting the liberty, safety and health of laborers, providing for its enforcement by the department of agriculture and labor.
Introduction and first reading, 260.
Second reading and reference, 310.
Reported back, 386.
Third reading, 456.
Passed, 456.
Indefinitely postponed, 1078.
Received from house, 1078.

Senate Bill No. 201—(Talcott).

(Substitute for senate bill No. 68.)
A bill for an act to provide for the nonpartisan nomination and election of state superintendent of public instruction and county superintendent of schools.
Introduction and first reading, 260.
Second reading and reference, 364.

Senate Bill No. 202—(Simpson)

An act to repeal sections 2297 to 2321, both inclusive, of the revised codes of North Dakota for the year A. D. 1905, relating to organization of counties.
Introduction and first reading, 261.
Second reading and reference, 285.
Reported back, 523.
Third reading, 724.
Passed, 724.

Senate Bill No. 202—Cont'd.

Received from house, 947.
Unchanged, 947.

Senate Bill No. 203—(McArthur)

A bill for an act to regulate the employment and occupation of railway telegraphers, and establishing a board of telegraph examiners.

Introduction and first reading, 261.

Second reading and reference, 364.

Reported back, 494.

Rereferred, 676.

Reported back, 784.

Third reading, 854.

Passed, 855.

Indefinitely postponed, 1055.

Received from house, 1055.

Other action, 676.

Senate Bill No. 204—(Koffel)

A bill for an act to amend section 1428 of the revised codes of 1905 of the state of North Dakota, providing for the payment and commutation of poll and road tax, and the manner of expending the same.

Introduction and first reading, 261.

Second reading and reference, 285.

Reported back, 669.

Senate Bill No. 205—(Cashel)

An act to amend sections 1819, 1820, 1821, 1822, 1823, 1827, 1828, 1831, 1832, 1835, 1840 and 1849 of the revised codes of 1905, the same being embraced in chapter 23 of the political code, relating to drainage.

Introduction and first reading, 261.

Second reading and reference, 310.

Reported back, 409.

Third reading, 515.

Passed, 515.

Received from house, 911.

Amended, 911.

Amendments concurred in, 938.

Senate Bill No. 206—(Cashel)

An act defining a water course.

Introduction and first reading, 261.

Senate Bill No. 206—Cont'd.

Second reading and reference, 285.

Reported back, 293.

Third reading, 352.

Passed, 352.

Received from house, 862.

Unchanged, 862.

Senate Bill No. 207—(Cashel)

An act creating a state library commission, defining its duties and providing an appropriation for its maintenance.

Introduction and first reading, 261.

Second reading and reference, 365.

Reported back, 393.

Rereferred, 393.

Reported back, 570.

Third reading, 612.

Passed, 612.

Received from house, 685.

Unchanged, 685.

Senate Bill No. 208—(Cashel)

A bill for an act to regulate the selling, offering or exposure of seeds for sale.

Introduction and first reading, 262.

Second reading and reference, 310.

Reported back, 360.

Rereferred, 360.

Reported back, 869.

Senate Bill No. 209—(Talcott)

A bill for an act to amend section 1496 of the revised codes, 1905, relating to the assessment of personal property.

Introduction and first reading, 262.

Second reading and reference, 310.

Reported back, 410.

Rereferred, 410.

Senate Bill No. 210—(Talcott)

An act in relation to the taxation of grain grown within this state and held therein in elevators, warehouses and granaries.

Introduction and first reading, 262.

Second reading and reference, 285.

Senate Bill No. 210—Cont'd.

Reported back, 444.
 Third reading, 536.
 Passed, 536.
 Received from house, 902.
 Unchanged, 902.

Senate Bill No. 211—(Strom)

An act providing for the election of county surveyor and prescribing his duties and the manner in which his records shall be kept, and authorizing the board of county commissioners and the board of township supervisors to make surveys, and authorizing and prescribing the manner for the payment of the expenses incurred therein.

Introduction and first reading, 262.

Second reading and reference, 311.

Reported back, 358.

Third reading, 458.

Passed, 458.

Received from house, 1054.

Amended, 1054.

Amendments concurred in, 1111.

Senate Bill No. 212—(Spoonheim)

An act to amend section 28 of the revised codes of North Dakota of 1905, relating to legislative officers and employes and their compensation.

Introduction and first reading, 262.

Second reading and reference, 311.

Reported back, 395.

Rereferred, 396.

Reported back, 576.

Third reading, 849.

Passed, 850.

Received from house, 1101.

Amended, 1101.

Amendments concurred in, 1102.

Senate Bill No. 213—(Purcell)

An act to amend section 9921 of the revised codes of the state of North Dakota, relative to change of place of trial.

Introduction and first reading, 283.

Second reading and reference, 311.

Senate Bill No. 213—Cont'd.

Reported back, 699.

Third reading, 840.

Passed, 840.

Received from house, 1053.

Unchanged, 1053.

Senate Bill No. 214—(Purcell)

A bill for an act to amend section 9929 of the revised codes of the state of North Dakota.

Introduction and first reading, 283.

Second reading and reference, 419.

Senate Bill No. 215—(Kraabel)

An act requiring the party in charge of a state institution to make an inventory of property therein.

Introduction and first reading, 283.

Second reading and reference, 419.

Reported back, 437.

Third reading, 536.

Passed, 536.

Received from house, 915.

Unchanged, 915.

Senate Bill No. 216—(Kraabel)

A bill for an act to amend sections 1287 and 1288 of the revised codes of 1905 relative to insurance of public buildings.

Introduction and first reading, 283.

Second reading and reference, 311.

Reported back, 338.

Third reading, 368.

Passed, 368.

Senate Bill No. 217—(Leutz)

A bill for an act to provide for the establishment and maintenance of county training schools for teachers.

Introduction and first reading, 283.

Second reading and reference, 365.

Reported back, 864.

Rereferred, 889.

Reported back, 929.

Other action, 889.

Senate Bill No. 218—(Rice)

Concurrent resolution for an act locating a state normal school at the city of Towner, in the county of McHenry.
 Introduction and first reading, 283.
 Second reading and reference, 365.
 Reported back, 392.
 Other action, 416.

Senate Bill No. 219—(Wagner)

A bill for an act to provide for the payment of necessary expenses for the governor of the state of North Dakota.
 Introduction and first reading, 284.
 Second reading and reference, 311.
 Reported back, 867.

Senate Bill No. 220—(Simpson)

A bill for an act to amend and reenact section 2442 of the revised codes of North Dakota for the year 1905, relating to the designating of county depositories.
 Introduction and first reading, 284.
 Second reading and reference, 311.
 Reported back, 670.
 Indefinitely postponed, 670.

Senate Bill No. 221—(Young)

A bill for an act entitled an act concerning artesian wells and the regulation and acquirement of rights to the use of water therefrom.
 Introduction and first reading, 284.
 Second reading and reference, 365.
 Reported back, 574.
 Third reading, 725.
 Passed, 725.
 Indefinitely postponed, 861.
 Received from house, 861.

Senate Bill No. 222—(McDonald, at request of the United States census bureau)

An act to provide for the immediate registration of all births and deaths throughout the state of North Dakota, by

Senate Bill No. 222—Cont'd.

means of certificates of births and deaths, and burial or removal permits; to establish a bureau of vital statistics at the capitol of the state; and to insure the thorough organization and efficiency of the registration of vital statistics through-

Senate Bill No. 223—(Leutz)

A bill for an act to amend section 2979 of the revised codes of 1905, authorizing certain cities to issue bonds for the construction of waterworks.
 Introduction and first reading, 304.
 Second reading and reference, 304.

Senate Bill No. 224—(Leutz)

An act providing for the placing of the inmates of the reform school of the state of North Dakota under the guardianship and control of the board of trustees of said reform school.
 Introduction and first reading, 304.
 Second reading and reference, 304.
 Reported back, 358.
 Third reading, 457.
 Passed, 457.
 Received from house, 964.
 Unchanged, 964.

Senate Bill No. 225—(Leutz)

An act making it a misdemeanor to fraudulently connect wires or instruments with electric wires or altering meters for the purpose of evading payment for electric current.
 Introduction and first reading, 304.
 Second reading and reference, 304.
 Third reading, 477.
 Passed, 477.
 Received from house, 915.
 Unchanged, 915.

Senate Bill No. 226—(Leutz)

An act for paroling inmates of the reform school.
 Introduction and first reading, 305.

Senate Bill No. 226—Cont'd.

Second reading and reference, 305.
 Reported back, 465.
 Third reading, 535.
 Passed, 535.
 Received from house, 915.
 Unchanged, 915.

Senate Bill No. 227—(Leutz)

A concurrent resolution amending the constitution of the state of North Dakota relating to changing the name of the state reform school.
 Introduction and first reading, 305.
 Second reading and reference, 305.
 Reported back, 669, 780.
 Third reading, 888.
 Passed, 889.
 Indefinitely postponed, 1127.
 Received from house, 1127.
 Other action, 710.

Senate Bill No. 228—(Leutz)

A bill for an act to amend section 4449 of the revised codes of 1905, authorizing the transaction of hail insurance business in this state, by mutual companies, having not less than \$25,000 net assets and making hail insurance premiums or liabilities a lien upon the insured property; and also to repeal sections 4447, 4448, 4450, 4452-4453-4454 of the revised codes of 1905.
 Introduction and first reading, 305.
 Second reading and reference, 305.

Senate Bill No. 229—(Little)

A bill for an act amending sections 1278 and 1279 of the revised codes of North Dakota.
 Introduction and first reading, 305.
 Second reading and reference, 305.
 Reported back, 410.
 Third reading, 512.
 Passed, 512, 514.
 Indefinitely postponed, 1128.
 Received from house, 1128.
 Other action, 513.

Senate Bill No. 230—(Pierce)

A bill for an act regulating railroad passenger rates.
 Introduction and first reading, 305.
 Second reading and reference, 305.

Senate Bill No. 231—(Hanna)

A bill for an act to provide an annual contingency fund, to be placed at the disposal of the commissioner of insurance.
 Introduction and first reading, 305.
 Second reading and reference, 305.
 Reported back, 624, 660.
 Indefinitely postponed, 661.

Senate Bill No. 232—(Taylor)

A bill for an act authorizing cities incorporated under the laws of this state to regulate and fix the rates to be charged by persons, firms or corporations furnishing water, light, or other public service or utility to such cities and the inhabitants thereof.
 Introduction and first reading, 306.
 Second reading and reference, 306.

Senate Bill No. 233—(Senate Committee on Judiciary)

An act making it unlawful for boards of trustees, commissioners, directors, regents, person or persons having control or management of the state institutions of North Dakota to expend amounts in excess of appropriation, providing for monthly reports to the governor, and repealing sections 1283 and 1284 of the revised codes of the state of North Dakota of 1905.
 Introduction and first reading, 306.
 Second reading and reference, 306.
 Reported back, 501.
 Third reading, 723.
 Passed, 723.
 Received from house, 1052.
 Unchanged, 1052.

Senate Bill No. 234—(Talcott)

A bill for an act to regulate, restrain and prohibit the soliciting, giving, issuing and accepting of free passes, free tickets, franks and other free privileges, and to prevent discrimination in the issuing and selling of tickets, passes, franks and other privileges.

Introduction and first reading, 306.

Second reading and reference, 306.

Senate Bill No. 235—(Talcott)

An act to establish the live stock sanitary board of North Dakota and to provide for the suppression and control of dangerous, contagious and infectious diseases of domestic animals.

Introduction and first reading, 306.

Second reading and reference, 306.

Reported back, 660, 697.

Passed, 765.

Received from house, 971.

Unchanged, 971.

Other action, 710.

Senate Bill No. 236—(Wagner)

A bill for an act regulating the duties of keepers of slaughter houses, power and duties of county boards of health, and providing a penalty for the violation thereof.

Introduction and first reading, 307.

Second reading and reference, 307.

Reported back, 408.

Third reading, 635.

Passed, 635.

Received from house, 1142.

Senate Bill No. 237—(Swenson)

A bill for an act to create the North Dakota state board of horticulture, to prescribe its powers and duties, and to appropriate money therefor.

Introduction and first reading, 307.

Second reading and reference, 307.

Reported back, 865.

Senate Bill No. 238—(Stade)

A bill for an act to punish public officials, their assistants, deputies, clerks, and employes of such officers, and all persons who attempt improperly to influence such officers, clerks, etc., and providing for their punishment, and declaring an emergency.

Introduction and first reading, 307.

Second reading and reference, 307.

Reported back, 784.

Indefinitely postponed, 784.

Senate Bill No. 239—(Stade)

A bill for an act entitled "An act to prohibit the publication of the names of the persons by whom bills are introduced in the legislative assembly, while the same is in session."

Introduction and first reading, 307.

Second reading and reference, 307.

Reported back, 656.

Indefinitely postponed, 656.

Senate Bill No. 240—(Strom)

A bill for an act to divide the state of North Dakota into two (2) congressional districts, and defining the boundaries of each of said congressional districts of the state of North Dakota.

Introduction and first reading, 307.

Second reading and reference, 307.

Reported back, 524.

Third reading, 761.

Passed, 761.

Other action, 365, 676.

Senate Bill No. 241—(LaMoure)

A bill for an act to prohibit the manufacture, sale or use of adulterated cigarettes and prohibiting the use of tobacco by minor persons and by all minor pupils of public schools, and providing penalties therefor.

Introduction and first reading, 308.

Second reading and reference, 308.

Senate Bill No. 242—(LaMoure)

An act making an appropriation to pay the interest due in the years 1907 and 1908 upon certain so-called institution bonds now held in the permanent school fund of the state.

Introduction and first reading, 308.

Second reading and reference, 308.

Reported back, 558.

Third reading, 606.

Passed, 606.

Received from house, 687.

Unchanged, 687.

Senate Bill No. 243—(LaMoure)

An act to reimburse the person or persons who advanced certain sums of money for the use and benefit of the state normal school at Mayville, the state normal school at Valley City and the industrial school at Ellendale, to provide for the interest on the said sums and making an appropriation therefor.

Introduction and first reading, 308.

Second reading and reference, 308.

Reported back, 548.

Third reading, 607.

Passed, 607.

Received from house, 713.

Unchanged, 713.

Senate Bill No. 244—(LaMoure)

An act prescribing the duties and authority of the commissioners of public printing, and making an appropriation for public printing and binding.

Introduction and first reading, 308.

Second reading and reference, 308.

Reported back, 565.

Third reading, 607.

Passed, 607.

Received from house, 685.

Unchanged, 685.

Senate Bill No. 245—(LaMoure)

An act to amend section 393 of the revised codes of 1905, providing for an appropriation for

Senate Bill No. 245—Cont'd.

supplies for the capitol building, executive mansion and the public grounds and parks connected therewith and for necessary repairs upon the capitol building and executive mansion.

Introduction and first reading, 308.

Second reading and reference, 308.

Reported back, 559.

Passed, 608.

Received from house, 687.

Unchanged, 687.

Senate Bill No. 246—(LaMoure)

An act making an appropriation to pay the deficiency in the appropriation for the maintenance of the capitol for the years 1905 and 1906.

Introduction and first reading, 309.

Second reading and reference, 309.

Reported back, 560.

Passed, 608.

Received from house, 686.

Unchanged, 686.

Senate Bill No. 247—(Johnson of McLean)

An act to amend section 7598 of the revised codes of 1905, relating to the law of eminent domain.

Introduction and first reading, 309.

Second reading and reference, 309.

Reported back, 500.

Passed, 680.

Received from house, 984.

Unchanged, 984.

Senate Bill No. 248—(Movius)

A bill for an act to amend section 6146 of the revised codes of 1905 of the state of North Dakota, relating to extinction of liens.

Introduction and first reading, 309.

Second reading and reference, 309.

Reported back, 501.

Passed, 640, 677.

Indefinitely postponed, 794.

Received from house, 794.

Other action, 676.

Senate Bill No. 249—(Movius)

A bill for an act to amend section 2928 of the revised codes of the state of North Dakota for 1905, relating to establishing permanent corners in cities and towns.

Introduction and first reading, 309.

Second reading and reference, 309.

Reported back, 441.

Passed, 477.

Indefinitely postponed, 754.

Received from house, 754.

Senate Bill No. 250—(Movius)

An act to amend section 2771 of the revised codes of North Dakota, regulating sewers.

Introduction and first reading, 309.

Second reading and reference, 309.

Reported back, 443.

Passed, 513.

Received from house, 901.

Unchanged, 901.

Senate Bill No. 251—(Purcell)

An act making entries in a book or other permanent form evidence in certain cases.

Introduction and first reading, 345.

Second reading and reference, 345.

Reported back, 617.

Third reading, 800.

Passed, 800.

Received from house, 1051.

Unchanged, 1051.

Senate Bill No. 252—(Purcell)

A bill for an act to amend sections 7083 and 7085 of the revised codes of the state of North Dakota for the year 1905, relating to the method of renewing liens and judgments and providing for renewing the same without suit for an additional term of ten years and allowing execution thereon after renewal.

Introduction and first reading, 346.

Second reading and reference, 346.

Reported back, 657.

Indefinitely postponed, 657.

Senate Bill No. 253—(Plain)

An act to legalize the execution and acknowledgement of certain deeds, mortgages and other instruments in writing, and the record thereof, and making the same or certified copies thereof admissible in evidence.

Introduction and first reading, 346.

Second reading and reference, 346.

Reported back, 523.

Passed, 738.

Received from house, 1051.

Unchanged, 1051.

Senate Bill No. 254—(Sifton)

An act regulating the organization and operation of corporations, associations and societies to do and transact upon the assessment plan the business of accident or sickness, or accident and sickness insurance, and providing for the regulation and control of the same, and to regulate and control such corporations, associations and societies organized in other states, territories and countries and doing business in this state, prescribing the duties of the insurance commissioner of the state in relation thereto, and fixing the penalty for the violation of its provisions.

Introduction and first reading, 346.

Second reading and reference, 346.

Reported back, 575.

Third reading, 811.

Passed, 812.

Received from house, 1127.

Unchanged, 1127.

Senate Bill No. 255—(Little)

Amending the constitution of the state of North Dakota, relating to the number of judges of the supreme court.

Introduction and first reading, 346.

Second reading and reference, 346.

Reported back, 438.

Passed, 478.

Received from house, 1052.

Unchanged, 1052.

Senate Bill No. 256—(Turner)

A bill for an act to prevent frauds on the exemption laws of this state and providing a penalty for its violation.
 Introduction and first reading, 347.
 Second reading and reference, 347.
 Reported back, 522.
 Indefinitely postponed, 522.

Senate Bill No. 257—(Turner)

A bill for an act to amend section 687 of the revised code of 1905.
 Introduction and first reading, 347.
 Second reading and reference, 347.
 Reported back, 929.
 Indefinitely postponed, 929.

Senate Bill No. 258—(Turner)

A bill for an act to amend section 684 of the revised code of 1905.
 Introduction and first reading, 347.
 Second reading and reference, 347.
 Reported back, 930.
 Indefinitely postponed, 930.

Senate Bill No. 259—(Crane)

A bill for an act to amend and reenact sections 4639-4655 and 4662 of chapter 21, of the revised codes of 1905, relating to banking corporations.
 Introduction and first reading, 347.
 Second reading and reference, 347.
 Reported back, 504.
 Passed, 637.
 Received from house, 1053.

Senate Bill No. 260—(Simpson)

A bill for an act to amend and reenact sections 2245 and 2246, relating to the licensing of public warehouses, of the revised codes of North Dakota, for the year 1905.
 Introduction and first reading, 347.
 Second reading and reference, 347.

Senate Bill No. 261—(Talcott)

A bill for an act granting recognition to diplomas issued by first class high schools as teacher's certificates.
 Introduction and first reading, 347.
 Second reading and reference, 347.
 Reported back, 655.

Senate Bill No. 262—(Spoonheim)

An act relating to the licensing of transient merchants and providing a penalty for the violation thereof.
 Introduction and first reading, 348.
 Second reading and reference, 348.
 Reported back, 466.
 Passed, 538.
 Received from house, 915.
 Unchanged, 915.

Senate Bill No. 263—(Palmer)

A bill for an act prohibiting servants and employees on sleeping cars and dining cars from accepting gratuities or tips, and prohibiting persons giving gratuities or tips.
 Introduction and first reading, 348.
 Second reading and reference, 348.
 Reported back, 495.
 Passed, 681.
 Received from house, 963.
 Unchanged, 963.

Senate Bill No. 264—(Palmer)

A bill for an act authorizing and empowering mechanics, watchmakers, goldsmiths, and repairers, to sell articles and implements to reimburse them for labor or material expended on such articles and implements; and regulating the disposition of the proceeds of such sale.
 Introduction and first reading, 348.
 Second reading and reference, 348.
 Reported back, 703.
 Indefinitely postponed, 703.

Senate Bill No. 265—(Kraabel)

A bill for an act to amend and re-enact section 2245 of the revised codes of 1905 relative to license for public grain warehouses.

Introduction and first reading, 348.

Second reading and reference, 348.

Senate Bill No. 266—(Rice)

A bill for an act to amend section 1031, 1032, 1033, 1034, 1035, 1036 and 1037 of chapter 9, article 25 of the revised code of 1905, relating to education and creating a new section providing that high schools may be classified as accredited schools of the University of North Dakota, and repealing all acts in conflict therewith.

Introduction and first reading, 348.

Second reading and reference, 348.

Reported back, 653.

Senate Bill No. 267—(Purcell)

An act to amend section 7176 of the 1905 revised codes of North Dakota, relating to attorney's fees on foreclosures.

Introduction and first reading, 349.

Second reading and reference, 349.

Reported back, 617.

Third reading, 799.

Passed, 799.

Received from house, 1052.

Unchanged, 1052.

Senate Bill No. 268—(Little)

An act making an appropriation to pay for certain books for the state law library.

Introduction and first reading, 363.

Second reading and reference, 419.

Reported back, 563.

Passed, 609.

Received from house, 686.

Unchanged, 686.

Senate Bill No. 269—(Steele)

An act to amend and re-enact section 2894 of the revised codes of North Dakota for 1905, relating to extension of corporate limits of villages.

Introduction and first reading, 363.

Second reading and reference, 419.

Reported back, 442.

Passed, 537.

Received from house, 965.

Unchanged, 965.

Senate Bill No. 270—(Wagner)

An act to provide for the payment of the necessary expenses of the state officers of the state of North Dakota.

Introduction and first reading, 363.

Second reading and reference, 419.

Reported back, 571.

Passed, 609.

Received from house, 686.

Unchanged, 686.

Senate Bill No. 271—(Purcell)

An act to amend section 7246 of the revised codes of 1905, relating to examination of parties.

Introduction and first reading, 363.

Second reading and reference, 419.

Reported back, 658.

Third reading, 835.

Passed, 835.

Received from house, 1051.

Unchanged, 1051.

Senate Bill No. 272—(Purcell)

A bill for an act entitled an act to amend sections 938, 939, 940, 942 and 943 of article 19 of chapter 9 of the political code of North Dakota, revised codes of 1905, relating to school districts.

Introduction and first reading, 363.

Second reading and reference, 419.

Senate Bill No. 273—(McArthur)

An act to amend section 4392 of the revised codes of the state

Senate Bill No. 273—Cont'd.

of North Dakota of 1905, relating to the construction of "Ys" and transfer facilities at railroad crossings, and providing a penalty for the violation thereof

Introduction and first reading, 363.

Second reading and reference, 418.

Reported back, 438.

Passed, 478.

Received from house, 910.

Amended, 910.

Amendments concurred in, 942.

Senate Bill No. 274—(Leutz)

An act requiring the secretary or other executive officer of every county, district or state fair association or other exhibit at which the resources or products of the state are placed an exhibition, to file with the commissioner of agriculture a list of the dates claimed by said association for the purpose of conducting the same.

Introduction and first reading, 364.

Second reading and reference, 418.

Reported back, 464.

Passed, 534.

Received from house, 902.

Unchanged, 902.

Senate Bill No. 275—(Crane)

An act making an appropriation for the state historical society of North Dakota.

Introduction and first reading, 364.

Second reading and reference, 472.

Reported back, 546.

Passed, 610.

Received from house, 713.

Unchanged, 713.

Senate Bill No. 276—(Gilbert)

An act relating to liability of common carriers to their employes.

Introduction and first reading, 364.

Second reading and reference, 472.

Reported back, 617.

Third reading, 726.

Senate Bill No. 276—Cont'd.

Received from house, 984.

Unchanged, 984.

Senate Bill No. 277—(Sharpe)

An act providing the manner in which the right-of-way for railroad companies over lands belonging to wards or deceased persons may be acquired.

Introduction and first reading, 364.

Second reading and reference, 418.

Reported back, 522.

Passed, 727.

Received from house, 1053.

Unchanged, 1053.

Senate Bill No. 278—(Senator Hanna and Representative Peake)

An act to provide for a commission system of government in cities which shall adopt the provisions of this act.

Introduction and first reading, 400.

Second reading and reference, 472.

Reported back, 497.

Passed 679.

Received from house, 955.

Unchanged, 955.

Other action, 680.

Senate Bill No. 279—(Purcell)

An act authorizing the use of type-written abstracts and briefs in certain criminal cases on appeal to the supreme court.

Introduction and first reading, 400.

Second reading and reference, 473.

Reported back, 701.

Third reading, 841.

Passed, 841.

Received from house, 1052.

Unchanged, 1052.

Senate Bill No. 280—(Purcell)

An act to amend subdivision 3 of section 7225 of the revised codes of 1905 of North Dakota, relating to appeals to the supreme court from order made in certain cases.

Introduction and first reading, 400.

Senate Bill No. 280—Cont'd.

Second reading and reference, 473.
 Reported back, 739.
 Third reading, 848.
 Passed, 849.
 Received from house, 1127.
 Unchanged, 1127.

Senate Bill No. 281—(Hanna)

A bill for an act entitled an act to provide for the vacation of alleys in cemeteries owned by cemetery corporations.
 Introduction and first reading, 400.
 Second reading and reference, 473.
 Reported back, 496.
 Passed, 681.

Senate Bill No. 282—(McArthur)

An act to establish regular sessions for state board of railway commissioners and fixing the time, manner and place where such sessions shall be held, and otherwise defining their powers and duties; also defining the duties of the attorney general in relation thereto.
 Introduction and first reading, 400.
 Second reading and reference, 473.
 Reported back, 495.
 Passed, 639.
 Received from house, 965.
 Unchanged, 965.

Senate Bill No. 283—(Taylor)

A bill for an act to provide a building for the model high school in connection with teachers' college at the state university and school of mines of North Dakota, and making an appropriation therefor.
 Introduction and first reading, 401.
 Second reading and reference, 418.
 Reported back, 868.

Senate Bill No. 284—(Taylor)

A bill for an act to provide equipment for the mechanical laboratory of the college of mechanical and electrical engineering at the state university and

Senate Bill No. 284—Cont'd.

school of mines of North Dakota and making an appropriation.
 Introduction and first reading, 401.
 Second reading and reference, 418.
 Reported back, 868.

Senate Bill No. 285—(Taylor)

An act to foster the development of mineral and allied industries by providing for experimentation, encouragement, publicity and practical tests under the direction of the school of mines.
 Introduction and first reading, 401.
 Second reading and reference, 418.
 Reported back, 545.
 Passed, 611.
 Received from house, 685.
 Unchanged, 685.

Senate Bill No. 286—(Koffel)

An act to authorize holders of state or school land contracts for lands over which railroads have been or may be located and established subsequent to the issuance of such contracts, to surrender such contracts, and obtain new contracts for the land less the rights-of-way required for such railroad, and providing for the payment to the state of the balance of the purchase price of the land required for such rights-of-way and issuance of deeds therefor.
 Introduction and first reading, 401.
 Second reading and reference, 473.
 Reported back, 498.
 Passed, 683.
 Received from house, 984.
 Unchanged, 984.

Senate Bill No. 287—(Koffel)

An act to amend section 183 of the revised codes of 1905 of chapter 4 of the political code of the state of North Dakota, providing for the surrender of state or school land contracts and division of the land cov-

Senate Bill No. 287—Cont'd.

ered thereby, and the issuance of new contracts for such subdivisions.
 Introduction and first reading, 401.
 Second reading and reference, 474.
 Reported back, 498.
 Passed, 641.
 Received from house, 984.
 Unchanged, 984.

Senate Bill No. 288—(Koffel)

A bill for an act to amend section 4400 of the revised codes of 1905 of the state of North Dakota, relating to railroads' liability for damages to employees.
 Introduction and first reading, 402.
 Second reading and reference, 474.
 Reported back, 619.

Senate Bill No. 289—(Plain)

An act to amend section 2231 of the revised codes of North Dakota for 1905, relating to abstractors of title, bonds to be given.
 Introduction and first reading, 402.
 Second reading and reference, 474.
 Reported back, 520.
 Passed, 729.
 Received from house, 1078.
 Unchanged, 1078.

Senate Bill No. 290—(Simpson)

An act to amend and re-enact section 468 of the revised codes of North Dakota for the year A. D. 1905, relating to judicial districts within the state.
 Introduction and first reading, 402.
 Second reading and reference, 474.
 Reported back, 574.
 Third reading, 761.
 Passed, 761.
 Received from house, 1126.
 Unchanged, 1126.

Senate Bill No. 291.—(Simpson)

A bill for an act defining the sixth judicial district within the

Senate Bill No. 291—Cont'd.

state of North Dakota.
 Introduction and first reading, 402.
 Second reading and reference, 474.
 Reported back, 784.
 Indefinitely postponed, 784.

Senate Bill No. 292—(Simpson)

An act creating and defining the tenth judicial district within the state of North Dakota, providing for the election of a judge therein and fixing the terms of court in said district.
 Introduction and first reading, 402.
 Second reading and reference, 474.
 Reported back, 573.
 Third reading, 763.
 Passed, 763.
 Received from house, 1126.
 Unchanged, 1126.

Senate Bill No. 293—(Kraabel)

An act to amend section 394 of chapter 5 of the political code of the revised codes of 1905 for North Dakota, relative to verified claims against the state.
 Introduction and first reading, 402.
 Second reading and reference, 474.
 Reported back, 521.
 Third reading, 728.
 Received from house, 985.
 Unchanged, 985.

Senate Bill No. 294—(Kraabel)

A bill for an act to amend and re-enact section 40 of the revised codes of 1905.
 Introduction and first reading, 402.
 Second reading and reference, 475.
 Reported back, 578.
 Third reading, 796.
 Passed, 796.
 Indefinitely postponed, 1128.
 Received from house, 1128.

Senate Bill No. 295—(Crane)

An act to amend section 8983 of the revised codes of 1905.
 Introduction and first reading, 403.

Senate Bill No. 295—Cont'd.

Second reading and reference,
475.
Reported back, 492.
Passed, 684.
Received from house, 965.
Unchanged, 965.

Senate Bill No. 296—(Rice)

A bill for a concurrent resolution
to amend section 182 of the
constitution of the state of
North Dakota, relating to a
public debt and public works.
Introduction and first reading,
417.
Second reading and reference,
417.
Reported back, 502.
Passed, 682.
Indefinitely postponed, 963.
Received from house, 963.

Senate Bill No. 297—(Rice)

A bill for an act requiring county
officers to reside at and main-
tain their offices at the county
seat of their respective coun-
ties.
Introduction and first reading,
451.
Second reading and reference,
472.
Reported back, 499.
Passed, 641, 679, 759.
Received from house, 1078.
Other action, 711.

Senate Bill No. 298—(Halliday)

A bill for an act requiring each
county officer who receives
from any county a stated sal-
ary of not less than \$2,000 per
annum, to keep a record of the
fees received by him as such
officer and to pay such fees into
the county treasury, and mak-
ing it a misdemeanor for any
such officer to neglect or omit
to charge or collect the fees
which he is by law allowed to
charge or collect, or to fail to
keep a record of the same, or
to fail to turn over or pay the
same into the county treasury.
Introduction and first reading,
451.
Second reading and reference,
533.
Reported back, 703.

Senate Bill No. 298—Cont'd.

Third reading, 891.
Passed, 892.
Indefinitely postponed, 1142.
Received from house, 1142.

Senate Bill No. 299—(Rice)

A bill for an act to amend sections
1484, 1487, 1490, 1492, 1494,
1495, 1496, 1497, 1500, 1503,
1504, 1517, 1519, 1520, 1521,
1523, 1528, and to repeal sec-
tions 1498, 1505, 1507, 1508,
1509, 1510, 1512, 1518, 1522
and 1529.
Introduction and first reading,
451.
Second reading and reference,
533.
Reported back, 661.
Indefinitely postponed, 661.

Senate Bill No. 300—(Talcott)

A bill for an act to license each
person, firm or corporation
transacting a telephone busi-
ness in the state of North Da-
kota, and fixing license fees;
to prevent discrimination, and
fixing rules for the conducting
of such business, and making
it a misdemeanor to charge toll
for such service until such li-
cense is issued and posted.
Introduction and first reading,
452.
Second reading and reference,
533.
Reported back, 827.
Other action, 885.

Senate Bill No. 301—(LaMoure)

A joint resolution authorizing the
state auditing board in their
discretion, from time to time,
as the necessities may arise,
to employ additional clerical
assistance in the various state
offices, and authorizing an ap-
propriation for the payment
therefor.
Introduction and first reading,
452.
Second reading and reference,
452.
Reported back, 464.
Passed, 488.
Received from house, 685.
Unchanged, 685.

Senate Bill No. 302.

A concurrent resolution amending section 158 of the constitution of the state of North Dakota, relating to the sale of state lands.
 Introduction and first reading, 344.
 Second reading and reference, 345.
 Passed, 634.
 Received from house, 971.
 Unchanged, 971.

Senate Bill No. 303—(Rice)

A bill for an act to amend section 7033 of the revised codes of North Dakota of 1905, relating particularly to special verdicts, when to be submitted, what to embrace, and instructions of court to jury thereunder.
 Introduction and first reading, 472.
 Second reading and reference, 472.
 Reported back, 702.
 Indefinitely postponed, 702.

Senate Bill No. 304—(LaMoure)

An act to amend and re-enact section 232 of the revised codes of North Dakota for the year 1905, relative to the division of counties.
 Introduction and first reading, 472.
 Second reading and reference, 472.
 Reported back, 663.
 Third reading, 839.
 Passed, 839.
 Received from house, 1127.
 Unchanged, 1127.

Senate Bill No. 305—(Young)

A bill for an act to amend section 1572 of the revised codes of North Dakota of 1905, being section 72 of chapter 126 of the laws of 1897, relating to the lien of taxes.
 Introduction and first reading, 508.
 Second reading and reference, 534.
 Reported back, 658.
 Indefinitely postponed, 658.

Senate Bill No. 306—(Simpson)

An act to provide for the assessment of lignite coal and minerals underlying lands in cases of severed ownership.
 Introduction and first reading, 508.
 Second reading and reference, 534.
 Reported back, 576.
 Third reading, 798.
 Passed, 799.
 Received from house, 1051.
 Unchanged, 1051.

Senate Bill No. 307—(Kelly)

A bill for an act prescribing additional duties of the county surveyor.
 Introduction and first reading, 509.
 Second reading and reference, 534.
 Reported back, 696.
 Reported back, 830.
 Third reading, 895.
 Passed, 895.
 Indefinitely postponed, 696, 1146.
 Received from house, 1141, 1146.
 Other action, 751, 1143.

Senate Bill No. 308—(Senate Committee on Judiciary)

An act to amend sections 8289, 8292, 8295, 8304, 8311, 8316 and 8318 of the revised codes of North Dakota for 1905, relating to the practice in the county courts.
 Introduction and first reading, 509.
 Second reading and reference, 534.
 Reported back, 619.
 Passed, 769.
 Received from house, 965.
 Unchanged, 965.

Senate Bill No. 309—(McDonald)

A bill for an act defining freight line companies and equipment companies, telegraph and telephone companies, and providing for ascertaining the value as nearly as possible for the assistance of assessors in the assessment of their property and the taxation of the same.

Senate Bill No. 309—Cont'd.

Introduction and first reading,
509.
Second reading and reference,
534.

Senate Bill No. 310—(Talcott)

A bill for an act to regulate the public service of stallions and jacks in the state of North Dakota.

Introduction and first reading,
509.
Second reading and reference,
534.
Reported back, 659.
Passed, 771.
Received from house, 964.
Unchanged, 964.

Senate Bill No. 311—(Koffel)

An act to prohibit discrimination between different sections, communities or localities, unfair competition and providing penalties for the violation thereof.

Introduction and first reading,
531.
Second reading and reference,
531.
Reported back, 623.
Third reading, 798.
Passed, 798.
Received from house, 1143.
Unchanged, 1143.

Senate Bill No. 312—(Purcell)

A bill for an act to amend sections, 1311, 1312 and to repeal section 1315 of the revised codes of 1905, relating to county fairs.

Introduction and first reading,
531.
Second reading and reference,
531.
Reported back, 672.
Indefinitely postponed, 672.

Senate Bill No. 313—(Kelly)

An act to amend section 4224 of the revised codes of the state of North Dakota, relating to the increasing or diminishing of the capital stock of corporations.

Introduction and first reading,
531.
Second reading and reference,
531.

Senate Bill No. 313—Cont'd.

Reported back, 664.
Third reading, 836.
Passed, 836.
Received from house, 1133.
Unchanged, 1133.

Senate Bill No. 313—(Simpson)

A bill for an act to amend section 4224 fo the revised codes of the state of North Dakota, relating to the increasing or diminishing of the capital stock of corporations.

Introduction and first reading,
532.
Second reading and reference,
532.
Reported back, 864.

Senate Bill No. 315—(Pierce)

A bill for an act authorizing and empowering the governor of the state to remove and suspend certain officers who have been guilty of malfeasance or nonfeasance in the performance of their official duties, or guilty of habitual drunkenness, and providing for the filling of vacancies caused by such suspension or removal.

Introduction and first reading,
532.
Second reading and reference,
532.
Reported back, 666.

Senate Bill No. 316—(McLean)

A bill for an act entitled an act to provide for two judges of the district court in the sixth judicial district.

Introduction and first reading,
532.
Second reading and reference,
532.
Reported back, 657.
Indefinitely postponed, 657.

Senate Bill No. 317—(Johnson of McLean)

A bill for an act entitled an act to amend and re-enact sections 474 of the revised codes of 1905.

Introduction and first reading,
532.
Second reading and reference,
532.

Senate Bill No. 317—Cont'd.

Reported back, 776.
Indefinitely postponed, 776.

Senate Bill No. 318—(Spoonheim)

An act to amend sections 1872 and 1877 of the revised codes of 1905, relating to duty of superintendent of county asylum and poor farm.

Introduction and first reading, 532.

Second reading and reference, 522.

Reported back, 695.

Third reading, 842.

Passed, 842.

Received from house, 1052.

Unchanged, 1052.

Senate Bill No. 319—(Turner)

A bill for an act prohibiting black-listing and coercion of employees and providing a penalty for its violation.

Introduction and first reading, 532.

Second reading and reference, 532.

Senate Bill No. 320—(Young)

An act to amend sections 1078, 1079, 1084, 1085, 1086, 1087 and 1090 of the revised codes of North Dakota of 1905, relative to the state normal schools at Valley City and Mayville.

Introduction and first reading, 532.

Second reading and reference, 532.

Reported back, 654.

Passed, 726.

Received from house, 1053.

Amended, 1053.

Amendments concurred in, 1111.

Senate Bill No. 321—(Simpson)

A bill for an act entitled: An act to provide for changing county lines of organized counties to include unorganized territory.

Introduction and first reading, 531.

Second reading and reference, 614.

Reported back, 662.

Third reading, 843.

Passed, 844.

Received from house, 1141.

Unchanged, 1141.

Senate Bill No. 322—(Leutz)

A bill for an act prescribing additional duties of county surveyors and prescribing their compensation therefor.

Introduction and first reading, 613.

Second reading and reference, 613.

Reported back, 696.

Passed, 696.

Senate Bill No. 323—(Pierce)

A concurrent resolution.

Introduction and first reading, 613.

Second reading and reference, 613.

Senate Bill No. 324—(Purcell)

A bill for an act to amend sections 1213, 1216, 1221 and 1227 of the revised codes of the state of North Dakota of 1905, relating to the soldiers' home at Lisbon, N. D.

Introduction and first reading, 613.

Second reading and reference, 613.

Reported back, 696.

Indefinitely postponed, 697.

Senate Bill No. 325—Johnson of McLean)

An act amending and re-enacting section 2592 of the revised codes of 1905, relating to salary of county Auditors.

Introduction and first reading, 614.

Second reading and reference, 614.

Reported back, 873.

Third reading, 889.

Passed, 890.

Received from house, 1142.

Unchanged, 1142.

Senate Bill No. 326—(Regan)

An act to provide for owners and managers of elevators and warehouses to make annual reports to the commissioner of agriculture and labor.

Introduction and first reading, 614.

Second reading and reference, 614.

Senate Bill No. 326—Cont'd.

Reported back, 706.
 Third reading, 845.
 Passed, 845.
 Received from house, 1050.
 Unchanged, 1050.

Senate Bill No. 327—(McLean)

A bill for an act to amend and reenact section 3054 of the revised codes of 1905 of the state of North Dakota, relating to how civil townships may be formed.

Introduction and first reading, 614.
 Second reading and reference, 614.
 Reported back, 695.
 Third reading, 843.
 Passed, 843.

Senate Bill No. 328—(Johnson of McLean)

A bill for an act to amend section 9765 of the revised codes of the state of North Dakota for 1905, relating to preliminary examinations.

Introduction and first reading, 634.
 Second reading and reference, 634.
 Reported back, 738.
 Third reading, 845.
 Passed, 846.

Senate Bill No. 329—(Johnson of McLean)

A bill for an act to amend section 8894 of the revised codes of the state of North Dakota for 1905, defining rape.

Introduction and first reading, 634.
 Second reading and reference, 634.
 Reported back, 738.
 Indefinitely postponed, 738.

Senate Bill No. 330 (McArthur.)

A bill for an act to prevent monopoly and for the protection of traders.

Introduction and first reading, 678.
 Second reading and reference, 678.
 Reported back, 828.
 Indefinitely postponed, 828.

Senate Bill No. 331—(Steele)

A concurrent resolution for an act locating the public institutions and locating a state normal school at such place in the counties of McHenry or Ward as the legislative assembly may hereafter determine.

Introduction and first reading, 678.
 Second reading and reference, 678.
 Reported back, 786.

Senate Bill No. 332—(Hanna)

A bill for an act to prevent the exhaustion of the fertility of the soil.

Introduction and first reading, 678.
 Second reading and reference, 678.
 Reported back, 875.
 Indefinitely postponed, 875.

Senate Bill No. 333—(Senate Committee on Education)

An act to amend sections 1050, 1051, 1082, 1092 and 1231 of the revised Codes of 1905, relating to education.

Introduction and first reading, 679.
 Second reading and reference, 679.
 Reported back, 785.
 Third reading, 855.
 Passed, 856.
 Received from house, 1016.
 Unchanged, 1016.

Senate Bill No. 334—(Cashel)

Amending section 162 of the constitution of the state of North Dakota, relating to the investment of permanent school funds.

Introduction and first reading, 344.
 Second reading and reference, 345.
 Third reading, 788.
 Passed, 788.
 Received from house, 1052.
 Unchanged, 1052.

Senate Bill No. 335—(Simpson)

A bill for an act providing that all public buildings hereafter erected in this state shall be

Senate Bill No. 335—Cont'd.

constructed so far as practicable from material manufactured or produced in the state of North Dakota.

Introduction and first reading, 717.

Second reading and reference, 796.

Reported back, 828.

Indefinitely postponed, 829.

Senate Bill No. 336—(Crane)

A bill for an act providing that boards of trustees of the state institutions shall file with the governor in each even numbered year a statement of needs for permanent improvements.

Introduction and first reading, 717.

Second reading and reference, 796.

Reported back, 829.

Third reading, 893.

Passed, 894.

Indefinitely postponed, 1055.

Received from house, 1055.

Senate Bill No. 337—(Sharpe)

An act authorizing the city council to re-district into wards any city in this state of less than two thousand population.

Introduction and first reading, 731.

Second reading and reference, 731.

Reported back, 770.

Third reading, 848.

Passed, 848.

Received from house, 1051.

Unchanged, 1051.

Senate Bill No. 338—(Crane)

An act requiring the governor to furnish each legislative assembly a financial and statistical report on state institutions, re-

Senate Bill No. 338—Cont'd.

quiring institutional trustees to furnish data demanded by the governor for this purpose and providing for payment of the necessary clerical and printing costs of such statements.

Introduction and first reading, 751.

Second reading and reference, 833.

Third reading, 892.

Passed, 892.

Received from house, 1017.

Unchanged, 1017.

Other action. See Corrections.

Senate Bill No. 339—(Simpson)

An act making an appropriation for the Dickinson Experiment Station, located in the city of Dickinson, in Stark county.

Introduction and first reading, 839.

Second reading and reference, 839.

Reported back, 864.

Third reading, 887.

Passed, 887.

Received from house, 966.

Unchanged, 966.

Senate Bill No. 340—(Pierce and Koffel)

Joint resolution creating board to obtain information regarding public service corporations, their values and management.

Introduction and first reading, 839.

Second reading and reference, 839.

Reported back, 927.

Third reading, 950.

Passed, 950.

Received from house, 1078.

Unchanged, 1078.

Other action, 938-949.

HOUSE BILLS**House Bill No. 1—(Stevens.)**

An act to amend section 155 of chapter 4 of the political code of the state of North Dakota, providing for the investment of moneys belonging to the permanent funds of the common

House Bill No. 1—Cont'd.

schools, university, school of mines, reform school, agricultural college, school for the deaf and dumb, normal schools, and all other permanent funds derived from the sale of public

House Bill No. 1—Cont'd.

lands or any other source belonging to the school divisions of the state.
 Received from house, 20.
 First reading, 21.
 Second reading and reference, 21.
 Reported back, 27.
 Third reading, 28.
 Passed, 28.

House Bill No. 7—(Mockler.)

An act requiring railway companies owning or operating a line of railway in this state, to construct, maintain and keep in repair suitable fences and cattle guards, making said company liable for stock killed or injured by reason of its failure to fence and construct cattle guards and regulating speed of trains at depot grounds.
 Received from house, 633.
 First reading, 633.
 Second reading and reference, 633.
 Reported back, 750.
 Third reading, 1022.
 Passed, 1022.

House Bill No. 10—(Pugh.)

A bill for an act to amend section 10401 of the revised codes of North Dakota for the year 1905, relating to commitments to the reform school.
 Received from house, 154.
 First reading, 180.
 Second reading and reference, 180.
 Reported back, 257.
 Indefinitely postponed, 257.

House Bill No. 11—(Duncan.)

An act to amend section 1854 of the revised codes of 1905, relating to residence of the poor.
 Received from house, 271, 803.
 First reading, 352.
 Second reading and reference, 352.
 Reported back, 779, 817.
 Third reading, 1038.
 Passed, 1038.

House Bill No. 12—(Berndt Anderson.)

An act providing for the opening, grading, improving and vacat-

House Bill No. 12—Cont'd.

ing of streets, alleys, etc., in incorporated villages.
 Received from house, 300.
 First reading, 354.
 Second reading and reference, 354.
 Reported back, 665.
 Third reading, 916.
 Passed, 916.

House Bill No. 14—(Berndt Anderson.)

An act to amend section 2864 of the revised codes of North Dakota for 1905, relating to the general powers of the board of trustees of incorporated villages.
 Received from house, 372.
 First reading, 452.
 Second reading and reference, 452.
 Reported back, 707.
 Third reading, 956.
 Passed, 956.

House Bill No. 15—(Streeter.)

A bill for an act entitled an act requiring railway companies to provide at stations or sidings where an agent is not employed prompt means for sealing loaded cars and receipting for their contents.
 Received from house, 715.
 First reading, 807.
 Second reading and reference, 807.
 Reported back, 827.
 Third reading, 1035.
 Passed, 1035.

House Bill No. 17—(Duncan.)

An act to amend section 2082 of the revised codes of 1905, relating to forest tree culture.
 Received from house, 154.
 First reading, 180.
 Second reading and reference, 180.
 Reported back, 408.
 Third reading, 904.
 Passed, 904.

House Bill No. 18—(White.)

An act providing for a maximum rate of fare to be charged and collected by railroads, railroad corporations and common car-

House Bill No. 18—Cont'd.

riers, for the transportation of passengers and baggage, and providing a penalty for the violation thereof.

Received from house, 198.

First reading, 237.

Second reading and reference, 237, 274.

Reported back, 274, 340.

Third reading, 482.

Passed, 482.

Other action, 943, 946, 951, 955, 967, 1007, 1008.

House Bill No. 20—(Sorley.)

A bill for an act to amend section 7459 of the revised codes of 1905, relating to the publication of notice in the foreclosure of real estate mortgages by advertisement.

Received from house, 819.

First reading, 850.

Second reading and reference, 850.

Reported back, 1089.

Indefinitely postponed, 1089.

House Bill No. 21—(Sorley.)

A bill for an act to amend section 5541 of the revised codes of 1895, being section 5541 of the revised codes of 1899, relating to property sold subject to redemption.

Received from house, 154.

First reading, 180.

Second reading and reference, 180.

Reported back, 1088.

Indefinitely postponed, 1088.

House Bill No. 22—(Tuft.)

A bill for an act to regulate the marriage of persons having been divorced and the issuing of marriage licenses to such persons.

Received from house, 405.

First reading, 452.

Second reading and reference, 452.

Reported back, 927.

Indefinitely postponed, 927.

House Bill No. 23—(Haugen.)

A bill for an act making it unlawful for any person to solicit orders for the sale of intoxicat-

House Bill No. 25—Cont'd.

ing liquors in the state of North Dakota and providing a penalty therefor.

Received from house, 183.

First reading, 208.

Second reading and reference, 208.

Reported back, 1088.

Indefinitely postponed, 1088.

House Bill No. 26—(Ueland.)

For an amendment to the constitution providing for the initiative and referendum.

Received from house, 413.

First reading, 454.

Second reading and reference, 454.

Reported back, 738.

Third reading, 1025.

Passed, 1025.

House Bill No. 28—(Buttz.)

An act making appropriation to cover deficiency on monument, for sewer and reconstruction of plumbing, for remodeling for new dormitory, and for construction of an administration building at Soldier's Home.

Received from house, 595.

First reading, 631.

Second reading and reference, 631.

Reported back, 691.

Third reading, 752.

Passed, 752.

House Bill No. 32—(Shirley.)

A bill for an act entitled an act to amend section 4064 of the revised code of 1899, being section 5511 of the revised codes of 1905. Usury defined.

Received from house, 272.

First reading, 353.

Second reading and reference, 353.

Reported back, 410.

Indefinitely postponed, 410.

House Bill No. 33—(Oveson.)

An act to amend and re-enact chapter 146 of the laws of 1903, being section 4395 of the revised codes of North Dakota for 1905, relating to the maximum coal rate.

Received from house, 133.

House Bill No. 33—Cont'd.

First reading, 808.
 Second reading and reference,
 808.
 Reported back, 931.
 Third reading, 1134.
 Passed, 1135.

House Bill No. 34—(Storey.)

An act to amend section 4302 of
 the revised codes of North Da-
 kota of 1905, relating to stop-
 ping of trains at county seats.
 Received from house, 183.
 First reading, 211.
 Second reading and reference,
 211.
 Reported back, 748.
 Third reading, 1020.
 Passed, 1020.

House Bill No. 36—(Storey.)

An act to amend section 2825 of
 the revised codes of North Da-
 kota of 1905, relating to ex-
 tension of corporate limits of
 cities.
 Received from house, 183.
 First reading, 211.
 Second reading and reference,
 211.
 Reported back, 443.
 Third reading, 905.
 Passed, 905.

House Bill No. 37—(Storey.)

A bill for an act to amend section
 1348 of the revised codes of
 North Dakota of 1905, relat-
 ing to public roads.
 Received from house, 272.
 First reading, 353.
 Second reading and reference,
 353.
 Reported back, 704.
 Indefinitely postponed, 704.

House Bill No. 40—(Burdick.)

An act to amend section 6173 of
 the revised codes of 1905 of
 North Dakota, relating to the
 release of mortgages.
 Received from house, 300.
 First reading, 354.
 Second reading and reference,
 354.
 Reported back, 700.
 Third reading, 970.
 Passed, 970.

House Bill No. 41—(Sorley.)

A bill for an act providing for the
 selection of candidates for elec-
 tion by popular vote including
 selection of members of the na-
 tional committee and relating
 to their nomination and the
 perpetuation of political part-
 ies.
 Received from house, 372.
 First reading, 452.
 Second reading and reference,
 452.
 Reported back, 1089.
 Indefinitely postponed, 1089.

House Bill No. 42—(Casey.)

A bill for a concurrent resolution
 amending the state constitu-
 tion for the selection of county
 superintendents.
 Received from house, 214.
 First reading, 237.
 Second reading and reference,
 237.

House Bill No. 43—(Sorley.)

A concurrent resolution amending
 the constitution of the state of
 North Dakota, relating to rail-
 road corporations and requir-
 ing them to maintain a public
 office or place in the state for
 the transacting of business.
 Received from house, 183.
 First reading, 211.
 Second reading and reference,
 211.
 Reported back, 818.
 Third reading, 1037.
 Passed, 1037.

House Bill No. 45—(White.)

A bill for a concurrent resolution
 amending the constitution of
 the state of North Dakota, re-
 lating to the investment of
 school funds.
 Received from house, 182.
 First reading, 211.
 Second reading and reference,
 211.

House Bill No. 46—(Piper.)

An act amending section 1116 of
 the revised codes of 1895, be-
 ing section 1410 of the revised
 codes of 1905, relating to the
 duties of road overseers.
 Received from house, 197.

House Bill No. 46—Cont'd.

First reading, 237.
 Second reading and reference,
 237.
 Reported back, 274.
 Third reading, 355.
 Passed, 355.

House Bill No. 49—(Martin of Mor-
ton).

An act to amend section 429 of
 chapter 6 of the political code
 of 1905, relating to vacancies
 on the board of county com-
 missioners.
 Received from house, 183.
 First reading, 211.
 Second reading and reference,
 211.
 Reported back, 873.
 Third reading, 1066.
 Passed, 1066.

House Bill No. 52—(Deane).

An act providing that whenever
 any court in passing sentence
 on any person convicted of a
 misdemeanor sentences such
 person to confinement in the
 court jail the court shall, if
 in his opinion such person is
 capable of performing manual
 labor, sentence such person to
 confinement in the county jail
 at hard labor.
 Received from house, 271.
 First reading, 353.
 Second reading and reference,
 353.
 Reported back, 817.
 Third reading, 1038.
 Passed, 1038.

House Bill No. 53—(Griffith).

An act to amend section 6295 of
 the revised codes of 1905, pro-
 viding for a lien for repairs of
 personalty.
 Received from house, 405.
 First reading, 452.
 Second reading and reference,
 452.
 Reported back, 818.
 Third reading, 1099.
 Passed, 1099.

House Bill No. 54—(Halaas).

An act amending section 2439 of
 the revised codes of 1905, re-
 lating to county funds.

House Bill No. 54—Cont'd.

Received from house, 183.
 First reading, 211.
 Second reading and reference,
 211.
 Reported back, 816.
 Third reading, 1040.
 Passed, 1040.

House Bill No. 59—(J. M. Anderson).

An act to provide for the satisfac-
 tion of liens and mortgages up-
 on the property before date of
 maturity, and for the discharge
 of the same by the laws now in
 force in the state of North Da-
 kota.
 Received from house, 154.
 First reading, 180.
 Second reading and reference,
 180.
 Reported back, 780.
 Third reading, 978.
 Passed, 978.

House Bill No. 60—(Tufte).

An act to amend section 4036 of
 the revised codes of North Da-
 kota for 1905, relating to who
 may solemnize marriages and
 to marriage license.
 Received from house, 154.
 First reading, 181.
 Second reading and reference,
 181.
 Reported back, 815.
 Third reading, 1041.
 Passed, 1041.

House Bill No. 63—(Haugen).

An act prescribing a penalty for
 letting any building or portion
 of any building, knowingly, for
 the purpose of unlawful deal-
 ing in intoxicating liquors.
 Received from house, 271.
 First reading, 353.
 Second reading and reference,
 353.
 Reported back, 396.
 Third reading, 904.
 Passed, 904.

House Bill No. 64—(Casey).

An act providing for the revision
 and compilation of the school
 laws of the state of North Da-
 kota.
 Received from house, 197.

House Bill No. 64—Cont'd.

First reading, 237.
 Second reading and reference,
 237.
 Reported back, 565.
 Third reading, 908.
 Passed, 908.

House Bill No. 68—(Connolly).

An act to amend section 6130 of
 the revised codes of North Da-
 kota for the year 1905, relat-
 ing to liens on future interest.
 Received from house, 183.
 First reading, 212.
 Second reading and reference,
 212.
 Reported back, 781.
 Third reading, 977.
 Passed, 977.

House Bill No. 72—(Walker).

An act to amend section 835 of the
 revised codes of 1905, provid-
 ing for the enumeration of
 children of school age.
 Received from house, 716.
 First reading, 806.
 Second reading and reference,
 806.
 Reported back, 876.
 Third reading, 1065.
 Passed, 1065.

House Bill No. 76—(Sorlie).

A bill for an act permitting farm-
 ers and land owners to drain
 their land into road ditches and
 other depressions, when such
 ditch or depression is wholly
 upon the owner's land.
 Received from house, 716.
 First reading, 806.
 Second reading and reference,
 806.
 Reported back, 1087.
 Indefinitely postponed, 1087.

House Bill No. 79—(Stevens).

An act to amend section 4610 of
 the revised codes of 1905, relat-
 ing to building and loan as-
 sociations.
 Received from house, 182.
 First reading, 212.
 Second reading and reference,
 212.
 Reported back, 655.
 Third reading, 915.
 Passed, 915.

House Bill No. 81—(Ueland).

An act requiring biennial reports
 to be made by the superintend-
 ents of sub-experiment sta-
 tions.
 Received from house, 183.
 First reading, 212.
 Second reading and reference,
 212.
 Reported back, 445.
 Third reading, 905.
 Passed, 905.

House Bill No. 84—(Treat).

An act to prevent adulteration,
 misbranding and selling of
 adulterated and insufficiently
 labeled drugs or medicines, re-
 stricting or prohibiting the
 sale of certain drugs, prescrib-
 ing a penalty for the violation
 thereof, providing for the in-
 spection, testing and analyzing
 of said drugs and medicines,
 charging the North Dakota Ex-
 periment station with the duty
 thereof, and charging the states
 attorney with the enforcement
 thereof.
 Received from house, 510.
 First reading, 629.
 Second reading and reference,
 629.
 Reported back, 706.
 Third reading, 967.
 Passed, 967.

House Bill No. 90—(Rose).

An act requiring elevator compan-
 ies transacting business in this
 state to return certificate of
 inspection and weighmaster's
 certificate of weight to the
 local buyer.
 Received from house, 271.
 First reading, 353.
 Second reading and reference,
 353.
 Reported back, 499.
 Third reading, 907.
 Passed, 907.

House Bill No. 92—(Hemmingsen).

An act to amend sections 3063 and
 3133 of the revised codes of
 the state of North Dakota of
 1905 relating to the powers of
 electors and supervisors in or-
 ganized townships.
 Received from house, 271.

House Bill No. 92—Cont'd.

First reading, 353.
 Second reading and reference,
 353.
 Reported back, 927.
 Third reading, 1062.

House Bill No. 93—(Hemmingsen).

An act to provide for the division of funds and property owned jointly by a village and a township, when they become separate and independent municipalities, by said village becoming organized under chapter 31, of the political code of North Dakota.

Received from house, 819.
 First reading, 851.
 Second reading and reference,
 851.
 Reported back, 934.
 Third reading, 1102.
 Passed, 1102.

House Bill No. 94—(Peake).

A bill for an act to provide for the safekeeping of the public funds.
 Received from house, 850.
 First reading, 851.
 Second reading and reference,
 851.
 Reported back, 988.
 Indefinitely postponed, 1101.

House Bill No. 96—(Midgarden).

A bill for an act to amend section 4466 of the revised code of North Dakota of 1905.
 Received from house, 733.
 First reading, 809.
 Second reading and reference,
 809.
 Reported back, 937.

House Bill No. 98—(Midgarden).

An act to amend section 4440 of the revised codes of North Dakota of 1905, relating to premiums and liabilities of insurance companies.
 Received from house, 733.
 First reading, 809.
 Second reading and reference,
 809.
 Reported back, 926.
 Third reading, 1105.
 Passed, 1105.

House Bill No. 99—(Pugh).

An act to amend section 872 of the political code of the revised codes of 1905, of the codes of North Dakota, relating to examinations and certificates for teachers in public schools.

Received from house, 461.
 First reading, 628.
 Second reading and reference,
 628.
 Reported back, 654.
 Third reading, 917.
 Passed, 917.

House Bill No. 100—(Pugh).

A bill for an act to amend section 1313 of the revised codes of North Dakota, relating to county fairs.

Received from house, 819.
 First reading, 851.
 Other action, 899.

House Bill No. 107—(Dean).

An act authorizing and prescribing the manner in which county workhouses may be erected and maintained.

Received from house, 820.
 First reading, 850.
 Second reading and reference,
 850.
 Reported back, 936.
 Third reading, 1074, 1110.
 Passed, 1074, 1110.

House Bill No. 108—(Dean).

An act amending section 10088 of the revised codes of 1905, relating to criminal procedure.

Received from house, 511.
 First reading, 629.
 Second reading and reference,
 629.
 Reported back, 699.
 Third reading, 972.
 Passed, 972.

House Bill No. 110—(Casey).

A bill for an act to prevent corrupt practices in election, to limit the expenses of candidates, to prescribe the duties of candidates and political committees, and provide penalties and remedies for the violation of this act.

Received from house, 802.
 First reading, 810.

House Bill No. 110—Cont'd.

Second reading and reference,
810.

Reported back, 930.

Indefinitely postponed, 930.

House Bill No. 112—(Casey).

An act to amend section 829 of the revised codes of North Dakota for 1905, relating to education.

Received from house, 895.

First reading, 953.

Second reading and reference,
953.

Reported back, 988.

Third reading, 1104.

Passed, 1104.

House Bill No. 115—(Mockler).

A bill for an act to protect the traveling public from being compelled to eat adulterated food stuffs served in hotels, restaurants, and boarding houses in the state of North Dakota, without having due notice thereof.

Received from house, 372.

First reading, 543.

Second reading and reference,
543.

Reported back, 874.

Indefinitely postponed, 1066.

House Bill No. 116—(C. A. Johnson).

Amending the constitution of the state of North Dakota, establishing and locating a state normal school in the city of Minot, county of Ward.

Received from house, 802.

First reading, 810.

Second reading and reference,
810.

Reported back, 875.

Third reading, 898.

Passed, 898.

House Bill No. 119—(Graham).

A bill for an act to amend and re-enact section 1582 of the revised codes of North Dakota of 1905, relating to the redemption of real estate from tax sale.

Received from house, 462.

First reading, 628.

Second reading and reference,
628.

Reported back, 661.

Indefinitely postponed, 1020.

House Bill No. 120—(Moore).

An act to amend chapter 65 of the penal code of the revised codes of 1905 of the state of North Dakota, relating to the enforcement of the prohibition law.

Received from house, 373.

First reading, 453.

Second reading and reference,
453.

Reported back, 521.

Third reading, 908.

Passed, 908.

House Bill No. 129—(Brodie).

An act making an appropriation to pay school teachers for teaching under contract in school districts in unorganized territory in this state, which school districts were not lawfully organized, and providing the manner of submitting their respective claims.

Received from house, 486.

First reading, 629.

Second reading and reference,
629.

Reported back, 692.

Third reading, 754.

Passed, 754.

House Bill No. 131—(Dibley).

An act appropriating an annual sum of money for the use of the government experiment station at Fargo for conducting demonstration farms and for co-operating with farmers, for making experiments in the manufacture of denatured alcohol, for publishing reports and bulletins, for analysis of fertilizers and stock foods, for complying with the provisions of the pure paint, paris green and formaldehyde laws, and for making other experiments.

Received from house, 594.

First reading, 631.

Second reading and reference,
631.

Reported back, 690.

Third reading, 752.

Passed, 752.

House Bill No. 132—(Cunningham).

An act to regulate the manufacture and sale of dairy products and imitations and substitutes

House Bill No. 132—Cont'd.

therefor, prescribing penalties for violations, to create the office of Assistant Dairy Commissioner, prescribing his duties and fixing his salary, and to repeal sections 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105 and 2106 of the revised codes of 1905.

Received from house, 372.
First reading, 453.
Second reading and reference, 453.
Reported back, 497.
Third reading, 906.
Passed, 906.

House Bill No. 134—(Peake).

An act to appropriate \$5,894.93 to balance overdraft and reimburse citizens who advanced money to help defray expenses incurred in making the state's exhibit at the Portland (Lewis and Clark) exposition.

Received from house, 510.
First reading, 630.
Second reading and reference, 630.
Reported back, 691.
Third reading, 753.
Passed, 753.

House Bill No. 135—(Tofsrud).

A bill for an act to amend section 1216 of the revised codes of 1895, being section 1531 of the revised codes of North Dakota, relating to the state board of equalization.

Received from house, 372.
First reading, 453.
Second reading and reference, 453.
Reported back, 465.
Indefinitely postponed, 465.

House Bill No. 137—(O. J. Sorlie).

An act relating to the use of railroad tracks for highway purposes.

Received from house, 372.
First reading, 453.
Second reading and reference, 453.
Reported back, 496.

House Bill No. 137—Cont'd.

Third reading, 907.
Passed, 907.

House Bill No. 138—(Piper).

A bill for an act to amend section 850 of the revised codes of 1905 of the state of North Dakota, concerning report of treasurers of school districts.

Received from house, 271.
First reading, 354.
Second reading and reference, 354.
Reported back, 668.
Indefinitely postponed, 668.

House Bill No. 142—(Freeman)

A bill for an act providing a method of taking away the jurisdiction of county courts.

Received from house, 372.
First reading, 454.
Second reading and reference, 454.
Reported back, 1088.
Indefinitely postponed, 1088.

House Bill No. 144—(Dean)

An act providing a contingent fund for the use of the state's attorney for the payment of such expenses as are necessary and not otherwise provided for in securing evidence in criminal cases, and providing for the auditing and payment of such expenditures.

Received from house, 272.
First reading, 354.
Second reading and reference, 354.
Reported back, 817.
Third reading, 1039.
Passed, 1039.

House Bill No. 150—(Miller)

An act amending section 2887 of the revised codes of 1905, relating to the powers of village marshals and to legalize past acts of village marshals.

Received from house, 819.
First reading, 851.
Second reading and reference, 851.
Reported back, 878.
Third reading, 1131.
Passed, 1131.

House Bill No. 151—(Burgum)

A bill for an act to amend section 5743 of the revised codes of the state of North Dakota for the year 1905, relating to the foreclosure of mortgages of real property containing a power of sale, and limiting the time in which such mortgages may be foreclosed by advertisement.

Received from house, 733.

First reading, 808.

Second reading and reference, 808.

Reported back, 871.

Indefinitely postponed, 871.

House Bill No. 152—(Shirley)

An act to amend section 469 of the revised codes of North Dakota of 1905, relating to the boundaries and terms of court in the first judicial district.

Received from house, 271.

First reading, 354.

Second reading and reference, 354.

Reported back, 778.

Third reading, 1015.

Passed, 1015.

House Bill No. 153—(Shirley)

An act to regulate the operation of passenger and freight trains over railway lines in this state, and to regulate the receipt, transportation and delivery of freight by common carriers, and providing penalties for violations of the act.

Received from house, 510.

First reading, 567.

Second reading and reference, 567.

Reported back, 749.

Third reading, 824.

Passed, 824.

House Bill No. 154—(Tuftte)

A bill for an act to amend section 1508 of the revised codes of 1905, relating to assessment of bank stocks.

Received from house, 715.

First reading, 807.

Second reading and reference, 807.

Reported back, 1086.

Indefinitely postponed, 1086.

House Bill No. 159—(Shirley)

An act to amend section 2580 of the revised codes of North Dakota for 1905, relating to the salaries of clerks of the district court.

Received from house, 714.

First reading, 808.

Second reading and reference, 808.

Reported back, 870.

Third reading, 1070.

Passed, 1070.

House Bill No. 161—(Rose)

A bill for an act regulating the date of the meeting of the county commissioners.

Received from house, 515.

First reading, 630.

Second reading and reference, 630.

Reported back, 671.

Indefinitely postponed, 671.

House Bill No. 162—(Treat)

An act providing for placing dependent children under sixteen years of age in family homes when parents or custodians fail to support.

Received from house, 272.

First reading, 354.

Second reading and reference, 354.

Reported back, 777.

Third reading, 1018.

Passed, 1018.

House Bill No. 165—(Garden)

An act providing for the levy and collection of road taxes in incorporated villages.

Received from house, 716.

First reading, 806.

Second reading and reference, 806.

Reported back, 991.

Third reading, 1072.

Passed, 1072.

House Bill No. 167—(Chapman)

An act appropriating to Zeno Bruegger, clerk of the district court of Williams county, North Dakota, \$200 clerk's fees for services rendered in the unorganized territory attached to Williams county for judicial purposes during the

House Bill No. 167—Cont'd.

years 1903 and 1904.
 Received from house, 822.
 First reading, 851.
 Second reading and reference,
 851.
 Reported back, 990.
 Third reading, 1128.
 Passed, 1129.

House Bill No. 168— (Anderson of Grand Forks)

An act to provide for the lighting
 of depot platforms.
 Received from house, 433.
 First reading, 627.
 Second reading and reference,
 627.
 Reported back, 705.
 Third reading, 968.
 Passed, 968.

House Bill No. 169—(Putnam)

For an amendment to the consti-
 tution of the state of North Da-
 kota, providing for the pur-
 chase of and sale of school
 and public lands.
 Received from house, 860.
 First reading, 953.
 Second reading and reference,
 953.
 Reported back, 993.
 Third reading, 1108.
 Passed, 1108.

House Bill No. 175—(Shirley)

An act to amend section 9921 of
 the revised codes of the state
 of North Dakota of 1905, re-
 lating to the removal of action.
 Received from house, 471.
 First reading, 628.
 Second reading and reference,
 628.
 Reported back, 780.
 Third reading, 1015.
 Passed, 1015.

House Bill No. 176—(Shirley)

An act to amend section 9929 of
 the revised codes of 1905, of
 the state of North Dakota, re-
 lating to prejudice of judge.
 Received from house, 462.
 First reading, 628.
 Second reading and reference,
 628.
 Reported back, 777.

House Bill No. 176—Cont'd.

Third reading, 1017.
 Passed, 1017.

House Bill No. 179—(Ueland)

An act appropriating money for
 the benefit of the North Da-
 kota Live Stock Association
 and prescribing its duties.
 Received from house, 595.
 First reading, 631.
 Second reading and reference,
 631.
 Reported back, 692.
 Third reading, 757.
 Passed, 757.

**House Bill No. 182—(O. P. N. An-
derson)**

An act to amend sections 466 and
 467 of chapter 7 of the politi-
 cal code of the state of North
 Dakota, providing for the dis-
 tribution of supreme court re-
 ports.
 Received from house, 299.
 First reading, 354.
 Second reading and reference,
 354.
 Reported back, 778.
 Third reading, 1017.
 Passed, 1017.

House Bill No. 183—(Burgum)

A bill for an act to amend chapter
 24 of the laws of 1905, being
 sections 2213, 2218 and 2226,
 in relation to oil inspection.
 Received from house, 819.
 First reading, 851.
 Second reading and reference,
 851.
 Reported back, 897.
 Third reading, 902.
 Passed, 902.

House Bill No. 184—(Steen)

A bill for an act to amend section
 2245 of the revised codes of
 1905, relating to the license
 of grain warehouses.
 Received from house, 733.
 First reading, 808.
 Second reading and reference,
 808.

**House Bill No. 189—(Johnson of
Sargent)**

An act to amend section 1367 of
 the revised codes of 1905 of

House Bill No. 189—Cont'd.

North Dakota, relating to highways on county and township lines.
 Received from house, 462.
 First reading, 628.
 Second reading and reference, 628.
 Reported back, 705.
 Third reading, 969.
 Passed, 969.

House Bill No. 190—(Haugen)

An act providing for the seizure and confiscation of intoxicating liquors imported into the state of North Dakota in violation of law.
 Received from house, 433.
 First reading, 627.
 Second reading and reference, 627.
 Reported back, 697.
 Third reading, 1009.
 Passed, 1009.
 Other action, 973, 1005.

House Bill No. 195—(Haugen)

An act providing for the publication and registration of special tax receipts or licenses from the government of the United States to sell distilled, malt and fermented liquors, issued to persons in North Dakota, the payment and collection of registration fees and publication fees, regulating the posting and exhibiting of such tax receipts or licenses, prescribing the duties of officials and owners and lessors of property in relation thereto, prescribing penalties for failure to perform the duties prescribed and other regulations pertaining to the sale of intoxicating liquors.
 Received from house, 433.
 First reading, 627.
 Second reading and reference, 627.
 Reported back, 665.
 Third reading, 909.
 Passed, 909.

House Bill No. 198—(Chapman)

An act to amend section 777 of the revised codes of 1905, relating to education.

House Bill No. 198—Cont'd.

Received from house, 486.
 First reading, 630.
 Second reading and reference, 630.
 Reported back, 653.
 Third reading, 917.
 Passed, 917.

House Bill No. 199—(Nelson of Traill)

An act to amend section 9366 of the revised codes of 1905, same being section 7598 of the revised codes of 1899, defining what shall be considered and held to be intoxicating liquors.
 Received from house, 433.
 First reading, 627.
 Second reading and reference, 627.
 Reported back, 665.
 Third reading, 918.
 Passed, 918.

House Bill No. 201—(Stevens)

An act to amend section 8022 of the revised codes of 1905, relating to letters of administration, and who entitled to same.
 Received from house, 462.
 First reading, 628.
 Second reading and reference, 628.
 Reported back, 700.
 Third reading, 972.
 Passed, 972.

House Bill No. 203—(Anderson of Grand Forks)

An act to amend section 4516 of the revised codes of North Dakota for 1905, relating to corporations.
 Received from house, 462.
 First reading, 628.
 Second reading and reference, 628.
 Reported back, 664.
 Third reading, 956.
 Passed, 956.

House Bill No. 205—(Sinclair)

An act to repeal sections 1195 and 1196 of the North Dakota revised codes of 1905, and sections 1, 2, 3 and 4 of chapter 76 of the session laws of 1905, being

House Bill No. 205—Cont'd.

sections 1910, 1911 and 1912 of the revised codes of North Dakota of 1905, and further to provide for the admission to the state hospital for the insane of residents of other states and territories, and for the payment for such care and treatment and to provide for the payment by the proper county or the state at large for the care and treatment of all inmates of such state hospital for the insane, and to determine the legal residence of all such patients, and to provide for reimbursing of the county from the estate of the patient for such care and treatment, and to provide penalties for the non-enforcement of this act.

Received from house, 774.
First reading, 806.
Second reading and reference, 806.
Reported back, 831.
Third reading, 1019.
Passed, 1019.

House Bill No. 206—(Buttz)

An act fixing the salaries and providing for the payment of necessary expenses for the judges of the district courts of the state of North Dakota.

Received from house, 462.
First reading, 628.
Second reading and reference, 628.
Reported back, 693.
Third reading, 903.
Passed, 903.

House Bill No. 207—(Midgarden)

An act to amend section 1484 of the political codes of North Dakota, 1905, relating to property exempt from taxation.

Received from house, 822.
First reading, 853.
Second reading and reference, 853.
Reported back, 926.
Third reading, 1105.
Passed, 1105.

House Bill No. 208—(Stevens)

A bill for an act entitled, an act to amend section 1933, of the revised codes of 1905, relating

House Bill No. 208—Cont'd.

to when stock may run at large.
Received from house, 822.
First reading, 853.
Second reading and reference, 853.
Reported back, 936.
Indefinitely postponed, 1074.

House Bill No. 210—(Collins)

An act to amend section 5572 of the revised codes of 1905, relating to master and servant.
Received from house, 822.
First reading, 853.
Second reading and reference, 853.
Reported back, 870.
Third reading, 1070.
Passed, 1070.

House Bill No. 211—(Bergum)

An act to provide an appropriation for the payment of premiums and awards by the North Dakota Poultry Association, and to provide for the establishment of a state poultry association.

Received from house, 793.
First reading, 810.
Second reading and reference, 810.
Reported back, 815.
Third reading, 975.
Passed, 975.

House Bill No. 214—(Moore)

An act empowering boards of county commissioners to dispose of property which any county may have acquired through purchase, forfeiture or operation of law.

Received from house, 485.
First reading, 630.
Second reading and reference, 630.
Reported back, 669.
Third reading, 913.
Passed, 913.

House Bill No. 218—(Bernt Anderson)

A bill for an act to repeal section 3111 of the revised codes of North Dakota, 1905, relating to terms of office of township officers.

House Bill No. 218—Cont'd.

Received from house, 733.
 First reading, 809.
 Second reading and reference,
 809.
 Reported back, 830.
 Indefinitely postponed, 830.

House Bill No. 219—(Dibley)

An act to amend sections 1378 and
 1380 of the revised codes of
 1905, relating to location and
 building of bridges.
 Received from house, 820.
 First reading, 853.
 Second reading and reference,
 853.
 Reported back, 880.
 Third reading, 1063.
 Passed, 1063.

House Bill No. 220—(Ueland)

An act amending sections 7608 and
 7609 of the revised codes of
 1905, and making the state
 engineer ex-officio coal mine in-
 spector of the state.
 Received from house, 821.
 First reading, 852.
 Second reading and reference,
 852.
 Reported back, 937.
 Third reading, 1073.
 Passed, 1073.

**House Bill No. 221—(Anderson of
Grand Forks)**

An act authorizing the state au-
 ditor to audit the salary and ex-
 pense account of E. F. Chandler,
 state engineer, for the
 months of February and March,
 1905, and making an appro-
 priation to pay the same.
 Received from house, 486.
 First reading, 630.
 Second reading and reference,
 630.
 Reported back, 693.
 Third reading, 756.
 Passed, 756.

House Bill No. 224—(Stevens)

A bill for an act to repeal article
 1 of chapter 30 of the code of
 civil procedure relating to the
 foreclosure of mortgages by
 advertisement.
 Received from house, 462.
 First reading, 629.

House Bill No. 224—Cont'd.

Second reading and reference,
 629.
 Reported back, 778.
 Indefinitely postponed, 778.

**House Bill No. 225—(House Com-
mittee on Live Stock)**

An act indemnifying owners for
 animals killed or destroyed ac-
 cording to law for being af-
 fected with the disease known
 as glanders.
 Received from house, 515.
 First reading, 630.
 Second reading and reference,
 630.
 Reported back, 668.
 Third reading, 912.
 Passed, 912.

House Bill No. 227—(White)

A bill for an act to amend section
 2441 revised codes of 1905, re-
 lating to designation of county
 depositories.
 Received from house, 625.
 First reading, 632.
 Second reading and reference,
 632.
 Reported back, 672, 710, 748.
 Indefinitely postponed, 748.

House Bill No. 230—(Thoreson)

An act to amend section 1937 of
 the revised codes of 1905, re-
 lating to estrays.
 Received from house, 462.
 First reading, 629.
 Second reading and reference,
 629.
 Reported back, 777.
 Third reading, 977.
 Passed, 977.

**House Bill No. 232—(Martin of Mor-
ton)**

An act to amend section 9312 of
 the revised codes of 1905,
 making it a misdemeanor to
 injure or obstruct electric wire.
 Received from house, 625.
 First reading, 632.
 Second reading and reference,
 632.
 Reported back, 671.
 Third reading, 913.
 Passed, 913.

House Bill No. 233—(Haugen, by request)

A bill for an act entitled, an act making the use of any store, house, shop or other building or any basement or room therein, or any lot, block or other parcel of land situated within this state, for the purpose of carrying on the business of selling intoxicating liquor therein or thereon or keeping for sale, intoxicating liquors, or maintaining thereon a place where intoxicating liquors are sold or kept with intent to be sold, an unlawful use of said premises, and providing for the assessment and levying of a tax against any such premises so used; and providing for the collection of such tax and the procedure for the removal thereof, when unlawfully assessed.

Received from house, 732.
First reading, 809.
Second reading and reference, 809.

Reported back, 932.
Third reading, 1135.
Passed, 1136.

House Bill No. 234—(Pugh)

A bill for an act to amend section 9358 of the revised codes of the state of North Dakota for the year 1905, relating to prohibition, and to repeal sections 9354, 9355, 9356, 9357 and 9358 of said codes.

Received from house, 732.
First reading, 809.
Second reading and reference, 809.

Reported back, 878.
Indefinitely postponed, 938.

House Bill No. 237—(J. A. Sorley)

An act to amend section 444 of the revised codes of North Dakota for 1905, relating to the employment of stenographer by the supreme court.

Received from house, 486.
First reading, 630.
Second reading and reference, 630.

Reported back, 667.
Third reading, 914.
Passed, 914.

House Bill No. 240—(Chapman)

An act creating and establishing an irrigation and dry farming experiment station at or near Williston, in Williams county, providing for its management and making an appropriation therefor.

Received from house, 970.
First reading, 977.
Second reading and reference, 977.

Reported back, 990.
Third reading, 1067.
Passed, 1067.

House Bill No. 241—(Burgum)

An act amending and re-enacting sections 2361 and 2364 of the revised codes of 1905, relating to county seats.

Received from house, 625.
First reading, 632.
Second reading and reference, 632.

Reported back, 832.
Third reading, 1028.
Passed, 1028.

House Bill No. 242—(Collins)

An act to amend section 1584 of the revised codes of the state of North Dakota, relating to the rights of purchaser of land at sale for the non-payment of taxes.

Received from house, 803.
First reading, 811.
Second reading and reference, 811.

Reported back, 935.
Third reading, 1101.
Passed, 1101.

House Bill No. 243—(Adams)

An act to amend section 2869 of the revised codes of 1905, providing for the contracting of loans and for the incurring of indebtedness by villages and providing for the creation of a sinking fund for the liquidation of such loans and indebtedness.

Received from house, 821.
First reading, 851.
Second reading and reference, 851.

Reported back, 931.
Third reading, 1133.
Passed, 1134.

House Bill No. 248—(Giedt)

An act to amend section 5678 of the civil code of the revised codes of the state of North Dakota, edition of 1905 (being section 4230 of the civil code of the revised codes of the state of North Dakota, edition of 1895), and re-enact the same as amended.

Received from house, 511.
First reading, 630.
Second reading and reference, 630.
Reported back, 705.
Third reading, 968.
Passed, 968.

House Bill No. 249—(Berndt Anderson)

A bill for an act to enable purchasers of any article of commerce to set up defects in such article of commerce as a counter claim in an action for the purchase price thereof, notwithstanding provisions of the contract of sale to the contrary.

Received from house, 894.
First reading, 954.
Second reading and reference, 954.
Reported back, 997.

House Bill No. 252—(Tofsrud)

A bill for an act regulating the employment of legislative lobby council and agents and prohibiting such council and agents from attempting to influence members of the legislature other than by appearing before the committees thereof, also providing for the return of legislative expenses.

Received from house, 625.
First reading, 632.
Second reading and reference, 632.
Reported back, 694.
Indefinitely postponed, 694.

House Bill No. 259—(Tofsrud)

A bill for an act to provide for the collection of delinquent personal taxes.

Received from house, 714.
First reading, 805.
Reported back, 925.
Indefinitely postponed, 925.

House Bill No. 262—(Dibley)

An act to amend sections 4608 and 4609 of chapter 18 of the revised codes of North Dakota, 1905, relating to, debts limited, and income and expenses, respectively, of agricultural fair corporations.

Received from house, 715.
First reading, 806.
Second reading and reference, 806.
Reported back, 816.
Third reading, 1041.
Passed, 1041.

House Bill No. 263—(Brodie)

An act providing for the keeping of books containing statistical information to be furnished to the commissioner of agriculture and labor, and for the making of reports regarding such statistics, and prescribing a penalty for violation.

Received from house, 820.
First reading, 852.
Second reading and reference, 852.
Reported back, 875.
Third reading, 1062.
Passed, 1062.

House Bill No. 271—(Burdick)

A bill for an act to amend section 6266 of chapter 82 of the revised codes of North Dakota for 1905 relating to liens for keeping and pasturing stock.

Received from house, 486.
First reading, 631.
Second reading and reference, 631.
Reported back, 694.

House Bill No. 274—(Giedt)

An act for the organization of villages, towns or cities in territory embracing more than one county.

Received from house, 625.
First reading, 632.
Second reading and reference, 632.
Reported back, 663.
Third reading, 916.
Passed, 916.

House Bill No. 275—(Special Committee on Weights and Measures)

House Bill No. 275—Cont'd.

An act designating the sheriff of each county inspector and sealer of weights and measures, prescribing his powers, duties and compensation, defining the standard of weights and measures for the inspector and prescribing the penalties for violation of this act.

Received from house, 595.

First reading, 631.

Second reading and reference, 631.

Reported back, 662.

Third reading, 911.

Passed, 911.

House Bill No. 278—(House committee on Apportionment)

An act to fix the number of the senate and representatives which shall compose the legislative assembly and to define the senatorial and representative districts of the state of North Dakota, and to prescribe the number of senators and representatives therein.

Received from house, 652.

First reading, 729.

Second reading and reference, 729.

Reported back, 740, 741, 897.

Third reading, 960.

Passed, 960, 1138.

Other action, 959, 1056, 1118, 1137, 1138.

House Bill No. 279—(Duncan)

An act to amend section 165 of the revised codes of 1905, of chapter 4, of the political code of the state of North Dakota, providing for the appointment of a deputy commissioner of university and school lands.

Received from house, 716.

First reading, 806.

Second reading and reference, 806.

Reported back, 876.

Third reading, 1071.

Passed, 1071.

House Bill No. 281—(Johnson of Ward)

An act to amend section 2596 of the revised codes of North Dakota of 1905, providing the

House Bill No. 281—Cont'd.

clerk hire for the register of deeds office in the various counties in the state.

Received from house, 820.

First reading, 853.

Second reading and reference, 853.

Reported back, 1090.

Third reading, 1137.

Passed, 1138.

House Bill No. 283.—(Thoreson)

A bill for an act to amend section 408 of the revised codes of 1905, relating to the bonding of certain officers.

Received from house, 625.

First reading, 632.

Second reading and reference, 632.

Reported back, 779.

Indefinitely postponed, 779.

House Bill No. 284—(Committee on Taxation and Tax Laws)

An act defining express companies, freight line companies and equipment companies, telegraph and telephone companies and providing for the assessment of their property and the taxation of the same.

Received from house, 633.

First reading, 633.

Second reading and reference, 633.

Reported back, 703.

Third reading, 969.

Passed, 969.

House Bill No. 286—(Sorlie)

An act to prohibit the uttering of lascivious or obscene language over telephones in this state.

Received from house, 821.

First reading, 852.

Second reading and reference, 852.

Reported back, 872.

Third reading, 1068.

Passed, 1068.

House Bill No. 287—(Carter, by request)

A bill for an act to legalize certain foreclosures of real estate mortgages.

Received from house, 821.

First reading, 852.

House Bill No. 287—Cont'd.

Second reading and reference,
852.

Reported back, 870.

Indefinitely postponed, 870.

House Bill No. 288—(Treat)

An act to amend section 434 of the revised codes of the state of North Dakota for 1905, relating to the appointment of deputies and bailiffs.

Received from house, 894.

First reading, 953.

Second reading and reference,
953.

Reported back, 992.

Third reading, 1118.

Passed, 1118.

House Bill No. 290—(Grant)

An act providing that when a change of venue is obtained in a civil action pending in a justice's court of this state that garnishment proceedings had in such action shall be transferred with such action and that such change of venue shall carry with it the garnishment proceedings in the action in which change of venue is obtained.

Received from house, 734.

First reading, 808.

Second reading and reference,
808.

Reported back, 874.

Third reading, 1066.

Passed, 1066.

House Bill No. 291—(Law)

An act making it a misdemeanor for an employee to obtain railway or other transportation, or the benefit of other advancements made by employers to be thereafter repaid in labor, to refuse to perform such labor or repay such advancements and providing for punishment thereof.

Received from house, 821.

First reading, 852.

Second reading and reference,
852.

Reported back, 871.

Third reading, 1066.

Passed, 1066.

House Bill No. 291—(Blake)

An act to amend section 9202 of chapter 50 of the revised codes of 1905 for the state of North Dakota, relating to the manner of payment of reward for the arrest and conviction of horse and cattle thieves.

Received from house, 803.

First reading, 810.

Second reading and reference,
810.

Reported back, 879.

Third reading, 1064.

Passed, 1064.

House Bill No. 296—(Blegen)

An act to amend sections 938, 939, 940, 941 and 943 of the revised codes of 1905 of the state of North Dakota, relating to the creation of special school districts in incorporated cities, towns and villages constituting a part of a school district and to divide the property and indebtedness of such school district.

Received from house, 894.

First reading, 953.

Second reading and reference,
953.

Reported back, 989.

Third reading, 1130.

Passed, 1130.

House Bill No. 297—(Peake)

An act to provide for a uniform system of accounting by the state institutions of North Dakota, prescribing the books, forms, the duties of the accounting officer, the state auditor and the institution treasurer, with regard to such uniform system of accounting; also prescribing the forms of checks and receipts to be used and the manner of accounting to the state auditor and the state treasurer.

Received from house, 821.

First reading, 852.

Second reading and reference,
852.

Reported back, 935.

Third reading, 1075.

Passed, 1075.

House Bill No. 299—(Pugh)

An act authorizing the board of county commissioners to appoint a board of visitors whose duty it shall be to visit county asylums or poor farms and make report thereon.

Received from house, 715.

First reading, 806.

Second reading and reference, 806.

Reported back, 829.

Third reading, 1036.

Passed, 1036.

House Bill No. 300—(Rose)

An act to amend section 3213 of the revised codes of the state of North Dakota of 1905, relating to townships purchasing road machinery.

Received from house, 820.

First reading, 854.

Second reading and reference, 854.

Reported back, 872.

Third reading, 1030.

Passed, 1030.

Vetoed March 22, 1907.

House Bill No. 301—(Duncan)

An act to amend sections 926, 928 and 935 of the revised Codes of North Dakota, 1905, relating to depositories of school funds.

Received from house, 803.

First reading, 811.

Second reading and reference, 811.

Reported back, 831.

Third reading, 1061.

Passed, 1061.

House Bill No. 302—(Tufte)

A bill for an act to repeal section 3013 of the revised codes of North Dakota for the year 1905, relating to bridge funds.

Received from house, 715.

First reading, 807.

Second reading and reference, 807.

Reported back, 1087.

Indefinitely postponed, 1087.

House Bill No. 304—(Chapman)

An act to amend section 2612 of the revised codes of 1905, relating to fees of county surveyors.

House Bill No. 304—Cont'd.

Received from house, 715.

First reading, 808.

Second reading and reference, 808.

Reported back, 831.

Third reading, 1042.

Passed, 1042.

House Bill No. 306—(Gibbens)

A bill for an act fixing the salaries and providing for the payment of necessary expenses for the judges of the district courts of the state of North Dakota.

Received from house, 802.

First reading, 809.

Second reading and reference, 809.

Reported back, 942.

Indefinitely postponed, 942.

House Bill No. 308—(Treat)

An act to amend section 4587, revised codes of North Dakota of 1905, relating to cemetery corporations.

Received from house, 716.

First reading, 807.

Second reading and reference, 807.

Reported back, 879.

Third reading, 1042.

Passed, 1042.

House Bill No. 309—(Miller)

An act prohibiting the establishment of a hospital for the treatment of patients for pay in any residence block of any city without the consent of the inhabitants of such block.

Received from house, 715.

First reading, 807.

Second reading and reference, 807.

Reported back, 877.

Third reading, 1064.

Passed, 1064.

House Bill No. 312—(Murphy)

An act to regulate telegraph service within the state.

Received from house, 715.

First reading, 807.

Second reading and reference, 807.

Reported back, 934.

Third reading, 1103.

Passed, 1103.

House Bill No. 313—(Brodie)

An act to provide for the assessment of lignite coal and minerals underlying lands in case of severed ownership.
 Received from house, 716.
 First reading, 807.
 Second reading and reference, 807.
 Reported back, 991.
 Third reading, 1126.
 Passed, 1126.

House Bill No. 314—(O. P. N. Anderson)

A bill for an act amending section 605 of the revised codes of 1905, relating to the qualifications of electors.
 Received from house, 716.
 First reading, 806.
 Second reading and reference, 806.
 Reported back, 932.
 Third reading, 1073.
 Passed, 1073.

House Bill No. 315—(J. A. Sorley)

An act creating park districts and for the government thereof, creating a board of park commissioners, conferring power and authority upon such board and district, and providing rules for the government thereof
 Received from house, 652.
 First reading, 675.
 Second reading and reference, 675.
 Reported back, 699.
 Third reading, 711.
 Passed, 711.

House Bill No. 317—(Tofsrud)

A bill for an act to amend section 1582 of the revised codes of 1905, relating to redemption from sale of real estate for taxes, time of payment of subsequent taxes, and rate of interest thereon.
 Received from house, 821.
 First reading, 853.
 Second reading and reference, 853.
 Reported back, 997.

House Bill No. 318—(O. J. Sorlie)

An act to grant to urban electric railways all of the rights, priv-

House Bill No. 318—Cont'd.

ileges and power granted to steam railways.
 Received from house, 896.
 First reading, 953.
 Second reading and reference, 953.
 Reported back, 996.
 Third reading, 1113.
 Passed, 1113.

House Bill No. 322—(Berndt Anderson, by request)

A bill for an act to amend section 7045 of the revised codes of North Dakota of 1905 relating to when another judge may be called in for prejudice or bias.
 Received from house, 802.
 First reading, 810.
 Second reading and reference, 810.
 Reported back, 869.
 Indefinitely postponed, 869.

House Bill No. 323—(Johnson of Ward)

A bill for an act providing for the safety of trainmen operating trains on railroads within the state of North Dakota and providing for the construction of cabooses for trainmen.
 Received from house, 820.
 First reading, 854.
 Second reading and reference, 854.
 Reported back, 879.
 Indefinitely postponed, 1073.

House Bill No. 324—(Committee on State Affairs and Judiciary)

A bill for an act to amend chapter 79 of the revised codes of 1905, relating to mechanics' liens.
 Received from house, 894.
 First reading, 954.
 Reported back, 996.

House Bill No. 325—(Aaker)

For amendment to the constitution of the state of North Dakota, relating to revenue and taxation.
 Received from house, 803.
 First reading, 811.
 Second reading and reference, 811.
 Reported back, 928.

House Bill No. 325—Cont'd.

Third reading, 1135.
Passed, 1135.

House Bill No. 326—(McDowell)

A bill for an act to amend and reenact section 3054 of the revised codes of 1905 of the state of North Dakota, relating to how civil townships may be formed.

Received from house, 819.
First reading, 854.
Second reading and reference, 854.

House Bill No. 327—(Simpson)

A bill for an act to amend and reenact section 2330 of the revised code of 1905, relating to the formation of new counties.

Received from house, 820.
First reading, 854.
Second reading and reference, 854.
Reported back, 989.
Third reading, 1132.
Lost, 1132.

House Bill No. 232—(Adams)

An act to amend section 2578 of the revised codes of 1905 of the state of North Dakota, prescribing the salary of the state's attorney and assistant.

Received from house, 890.
First reading, 954.
Second reading and reference, 954.
Reported back, 992.
Third reading, 1125.
Passed, 1125.

House Bill No. 335—(Dibley)

An act to amend section 1845, chapter 23, of the the political code of the state of North Dakota, revised codes of North Dakota of 1905, relating to drains.

Received from house, 890.
First reading, 953.
Second reading and reference, 953.
Reported back, 990.
Third reading, 1106.
Passed, 1106.

House Bill No. 337—(Committee on Railroads)

A bill for an act to amend section 364 of the revised codes of North Dakota for 1905 relating to the board of railroad commissioners.

Received from house, 891.
First reading, 954.
Second reading and reference, 954.
Reported back, 997.
Indefinitely postponed, 997.

House Bill No. 338—(Johnson)

An act authorizing the secretary of state on the approval of the governor to receive and receipt to the United States surveyor general of the district of North Dakota for all field notes, maps, records and other papers appertaining to land titles within the state of North Dakota, and for other property and records as the government may direct to be turned over to the state when all the public surveys in the state of North Dakota shall have been completed.

Received from house, 966.
First reading, 1043.
Second reading and reference, 1043.
Reported back, 1086.
Third reading, 1136.
Passed, 1137.

House Bill No. 340—(Jones of Ransom)

An act reinstating and validating the charter of corporations that have been cancelled for failure to make and file with the secretary of state reports as required under section 4186, revised codes of 1905.

Received from house, 822.
First reading, 853.
Second reading and reference, 853.
Reported back, 871.
Third reading, 1069.
Passed, 1070.

House Bill No. 342—(White)

A bill for an act to amend section 367 of the revised codes of 1905, relating to the salary

House Bill No. 342—Cont'd.

and expense of the board of commissioners of railroads, and making an appropriation therefor.

Received from house, 922.

First reading, 954.

Second reading and reference, 954.

House Bill No. 343—(Rose)

An act to amend section 7253 of the revised codes of 1905, relating to witnesses and evidence.

Received from house, 896.

First reading, 954.

Second reading and reference, 954.

Reported back, 995.

Third reading, 1112.

Passed, 1112.

House Bill No. 344—(Treat)

An act to provide for paving, curbing or macadamizing the highways in civil townships adjoining incorporated cities of not

House Bill No. 344—Cont'd.

less than six thousand inhabitants, and for the construction of sewer and water mains therein, connecting with city sewers and water mains or with their own trunk sewers, and for the construction of sidewalks.

Received from house, 890.

First reading, 952.

Second reading and reference, 952.

Reported back, 974.

Third reading, 976.

Passed, 976.

House Bill No. 345—(Wedge)

An act providing for summary administration when estate is of small value.

Received from house, 890.

First reading, 953.

Second reading and reference, 953.

Reported back, 1004.

Third reading, 1117.

Passed, 1117.

INDEX TO MEMBERS.

ALBRIGHT.

Bills introduced, 176.
Committee reports.
Committees, 33, 35.

CASHEL.

Motions, 27, 68, 84, 108, 149, 172, 189, 218, 224, 251, 260, 283,
290, 294, 303, 349, 393, 409, 422, 516, 788, 789, 938, 950, 990,
994, 1079, 1106.
Resolutions, 174, 283.
Bills introduced, 55, 63, 64, 91, 109, 111, 135, 261, 262.
Committee reports, 218, 293, 409, 949, 990.
Committees, 33, 35.

CRANE.

Motions, 13, 15, 16, 21, 78, 90, 114, 121, 133, 137, 143, 196, 208,
256, 274, 296, 302, 484, 509, 626, 642, 664, 676, 717, 718, 723,
879, 893, 931, 1013, 1069.
Resolutions 712, 1013.
Bills introduced, 112, 347, 403, 717, 751.
Committee, 33, 35.
Committee reports, 664, 879, 931.

DYSTE.

Motions, 142, 706.
Committee reports, 142, 706.
Committees, 33, 35, 75.

GILBERT.

Motions, 26, 104, 107, 187, 188, 199, 222, 274, 280, 296, 360, 447,
448, 489, 494, 495, 496, 676, 705, 706, 726, 727, 749, 750, 785,
827, 879, 931, 998.
Resolutions, 26.
Bills introduced, 71, 113, 209.
Committees, 33, 35.
Committee reports, 104, 106, 187, 198, 222, 273, 274, 295, 296,
340, 359, 447, 494, 495, 496, 705, 749, 750, 785, 827, 879, 931,
998.

HALLIDAY.

Bills introduced, 451.
Committees, 33, 35.

HANNA.

Motions, 14, 25, 28, 84, 99, 121, 167, 277, 282, 390, 391, 437, 450,
493, 530, 676, 679, 819, 892, 929, 930, 931, 932, 935, 942, 955,
976, 995, 1003, 1006, 1020, 1042, 1069, 1089, 1099, 1113, 1160.

HANNA—Cont'd.

Resolutions, 282.
Bills introduced, 18, 30, 70, 92, 113, 144, 190, 209, 247, 260, 305,
400, 678.
Committee reports, 27, 276, 277, 390, 437, 929, 930, 931, 932, 934,
942, 1003, 1089.
Committees, 33, 35.

JOHNSON, of McLean.

Motions, 106, 120, 149, 662, 663, 676, 832, 873, 886, 887, 889,
1028, 1059, 1131, 1137.
Committee reports, 78, 105, 341, 440, 662, 663, 832, 873, 989.
Resolutions, 1129.
Bills introduced, 18, 70, 75, 110, 176, 309, 532, 614, 634.
Committees, 33, 35, 54.

JOHNSON, of Walsh.

Motions, 130.
Bills introduced, 91, 109.
Committee reports, 130.
Committees, 33, 35.

KELLY.

Bills introduced, 509, 531.
Committee reports, 660, 697.
Committees, 33, 35, 75.

KOFFEL.

Motions, 229, 824, 877, 1069.
Bills introduced, 90, 230, 346, 261, 401, 531, 839.
Committee reports, 673, 877.
Committees, 33, 35.

KRAABEL.

Motions, 186, 431, 445, 576, 661, 662, 676, 688, 703, 704, 889, 912,
928, 1057.
Resolutions, 505.
Bills introduced, 29, 70, 79, 90, 108, 283, 348, 402.
Committee reports, 186, 444, 445, 576, 661, 662, 703, 827, 828,
928.
Committees, 33, 35.

LaMOURE.

Motions, 14, 26, 86, 131, 155, 196, 253, 403, 467, 471, 481, 506,
510, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551,
552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562,
563, 564, 565, 566, 571, 572, 573, 587, 612, 613, 637, 661, 680,
691, 692, 693, 694, 708, 752, 759, 770, 789, 815, 864, 865, 866,
867, 868, 869, 883, 902, 903, 938, 952, 957, 975, 878, 990, 991,
993, 1014, 1019, 1072, 1073, 1099, 1102, 1103, 1160.
Resolutions, 470, 883, 994, 1129.
Bills introduced, 92, 308, 309, 452, 472.
Committees, 33, 35, 75.
Committee reports, 86, 131, 466, 541, 542, 543, 544, 545, 546, 547,
548, 549, 550, 551, 552, 553, 554, 555, 556, 557,
558, 559, 560, 561, 562, 563, 504, 565, 570, 571, 572, 573,
691, 692, 693, 815, 864, 865, 866, 867, 868, 869, 990.

LEUTZ.

Motions, 710, 888, 1132.
Bills introduced, 208, 283, 304, 305, 613.
Committees, 33, 35.

LITTLE.

Motions, 14, 16, 20, 21, 26, 27, 28, 54, 68, 73, 76, 77, 88, 97, 104, 105, 127, 128, 133, 149, 167, 171, 181, 195, 196, 206, 207, 219, 220, 229, 238, 240, 241, 242, 256, 257, 273, 279, 287, 290, 303, 314, 315, 316, 337, 343, 385, 386, 387, 398, 399, 403, 405, 422, 427, 438, 439, 440, 452, 460, 466, 484, 485, 522, 523, 524, 567, 574, 575, 617, 618, 619, 620, 623, 626, 627, 655, 656, 657, 658, 659, 667, 673, 675, 699, 700, 701, 702, 703, 738, 739, 740, 757, 776, 777, 778, 779, 780, 781, 784, 805, 816, 817, 818, 823, 837, 855, 869, 870, 871, 872, 873, 874, 922, 926, 927, 928, 938, 961, 962, 991, 992, 993, 996, 997, 1005, 1044, 1058, 1087, 1088, 1089, 1138, 1141, 1143, 1160.

Committee reports, 68, 76, 77, 88, 103, 105, 127, 136, 151, 167, 171, 196, 206, 218, 219, 220, 240, 241, 242, 255, 273, 278, 314, 315, 316, 346, 385, 386, 387, 438, 439, 466, 484, 499, 500, 501, 502, 504, 521, 523, 574, 617, 618, 619, 620, 623, 655, 656, 657, 658, 659, 667, 673, 699, 700, 701, 702, 703, 738, 776, 777, 778, 779, 780, 781, 784, 815, 817, 818, 855, 869, 870, 871, 872, 873, 874, 926, 927, 928, 991, 992, 993, 997, 1005, 1087, 1088, 1089.

Bills introduced, 56, 64, 70, 79, 92, 112, 226, 247, 305.

McARTHUR.

Motions, 73, 86, 203, 891, 942, 1059.

Resolutions, 25.

Bills introduced, 18, 30, 31, 55, 111, 134, 216, 400, 678.

Bills introduced, 18, 30, 31, 55, 111, 134, 261, 400, 678.

Committees, 33, 35.

McDONALD.

Motions, 275, 281, 404, 704, 705, 708, 771, 1074.

Bills introduced, 284, 509.

Committee reports, 221, 275, 403, 704, 705.

Committees, 33, 35, 75.

McLEAN.

Motions, 105, 825, 942, 952.

Resolutions, 825.

Bills introduced, 112, 532, 614.

Committee reports, 104, 660, 697.

Committees, 33, 35.

MOVIUS.

Motions, 170, 220, 406, 513, 642, 676, 677, 877, 1009.

Bills introduced, 309.

Committee reports, 220, 876.

Committees, 33, 35, 75.

PALMER.

Bills introduced, 80, 348.

Committee reports, 447, 937.

Committees, 33, 35, 75.

PIERCE.

Motions, 150, 160, 193, 208, 210, 212, 217, 293, 424, 448, 449, 450, 481, 483, 510, 514, 677, 841, 849, 950, 966, 1015, 1027, 1031, 1057, 1067, 1077, 1087, 1107, 1134.

Bills introduced, 79, 91, 108, 110, 134, 225, 246, 305, 532, 613, 839.

Committee reports, 292, 295, 341, 673, 1087, 1107.

Committees, 33, 35.

PLAIN.

Motions, 130, 185, 400, 422, 458, 513, 578, 660, 697, 729, 825, 1004, 1100.
Bills introduced, 31, 63, 346, 402.
Committee reports, 130, 184, 341, 578, 660, 697, 1004.
Committees, 33, 35.

PURCELL.

Motions, 118, 121, 124, 131, 139, 150, 167, 195, 250, 539, 680, 724, 800, 843, 1018, 1019, 1072, 1101, 1104.
Resolutions, 118.
Bills introduced, 55, 65, 92, 113, 135, 208, 225, 283, 345, 346, 349, 531, 613.
Committees, 33, 35.

RAMSETT.

Motions, 158, 514, 875.
Committee reports, 27, 158, 875.
Committees, 22, 24, 33, 35.

REGAN.

Motions, 24, 26, 27, 132, 174, 282, 441, 459, 481, 483, 506, 508, 511, 525, 567, 613, 615, 729, 744, 751, 797, 811, 824, 849, 856, 895, 896, 899, 946, 955, 958, 960, 969, 1007, 1008, 1020, 1026, 1036, 1057, 1066, 1073, 1074, 1075, 1120, 1136, 1149.
Resolutions, 282.
Bills introduced, 112, 114, 614.
Committee reports, 27, 447, 524, 707, 740.
Committees, 24, 33, 35.

RICE.

Motions, 224, 254, 312, 731, 769, 898, 913, 975, 1063, 1113, 1131.
Resolutions, 173, 245.
Bills introduced, 56, 64, 71, 177, 226, 283, 348, 417, 451, 472.
Committee reports, 77, 89, 221, 254.
Committees, 22, 33, 35, 54.
Committee reports, 78.

SHARPE.

Motions, 4, 32, 89, 103, 126, 127, 128, 129, 167, 170, 186, 187, 189, 205, 223, 229, 243, 244, 338, 339, 358, 359, 391, 392, 394, 396, 410, 411, 416, 438, 465, 466, 470, 489, 498, 499, 507, 516, 520, 521, 578, 668, 669, 670, 671, 672, 694, 695, 696, 698, 710, 717, 731, 748, 771, 781, 825, 828, 829, 830, 831, 832, 880, 883, 897, 934, 935, 936, 979, 1086, 1090, 1130.
Resolutions, 1147, 1148.
Bills introduced, 17, 56, 72, 80, 91, 209, 225, 226, 731.
Committee reports, 27, 89, 103, 126, 127, 128, 129, 170, 186, 187, 205, 243, 256, 257, 338, 358, 359, 393, 395, 409, 410, 437, 464, 465, 466, 469, 498, 499, 520, 521, 667, 668, 669, 670, 671, 672, 694, 695, 696, 697, 748, 780, 828, 830, 831, 832, 880, 934, 935, 936, 988, 1086, 1090.
Committees 24, 33, 35.

SIFTON.

Motions, 459, 511, 1074.
Bills introduced, 143, 160, 189, 190, 227, 346.
Committees, 33, 35.

SIMPSON.

Motions, 2, 12, 14, 24, 25, 28, 102, 137, 160, 162, 167, 169, 178, 208, 212, 229, 245, 250, 267, 286, 298, 312, 339, 340, 388, 389,

SIMPSON—Cont'd.

390, 399, 450, 468, 507, 510, 528, 575, 576, 620, 621, 622, 623,
624, 636, 639, 661, 710, 711, 723, 724, 725, 757, 758, 759, 762,
763, 764, 841, 844, 850, 889, 892, 947, 973, 977, 1040, 1149.
Resolutions, 25, 108, 245, 507, 613, 939.
Bills introduced, 64, 70, 109, 110, 134, 226, 227, 246, 260, 261,
284, 347, 402, 508, 531, 532, 839.
Committee reports, 297, 298, 339, 388, 389, 390, 468, 525, 575,
620, 621, 622, 623, 624, 827, 937, 1149.
Committees, 33, 35.

SPOONHEIM.

Motions, 69, 250, 294, 396, 481, 626, 758, 759, 796, 849, 1025,
1110.
Bills introduced, 29, 57, 63, 109, 110, 176, 230, 262, 348, 532, 717.
Committees, 33, 35.

STADE.

Motions, 63, 417, 484, 710, 711, 1108.
Resolutions, 63.
Bills introduced, 18, 29, 57, 64, 79, 92, 247, 307.
Committee reports, 221, 341.

STEELE.

Motions, 69, 78, 83, 185, 269, 441, 442, 443, 444, 468, 470, 497,
512, 579, 665, 707, 770, 877, 878, 886, 975, 991, 1043, 1068.
Resolutions, 25.
Bills introduced, 28, 29, 109, 247, 678.
Committee reports, 185, 441, 442, 443, 468, 496, 497, 579, 991,
665, 707, 770, 877, 878.

STROM.

Motions, 106, 204, 280, 294, 303, 394, 395, 396, 492, 493, 521,
665, 666, 697, 751, 761, 878, 904, 908, 909, 910, 932, 994, 1008,
1009, 1111.
Bills introduced, 54, 135, 230, 262, 307.
Committee reports, 106, 203, 280, 294, 394, 395, 396, 492, 521,
665, 666, 697, 878, 932.

SWENSON.

Motions, 360, 361, 409, 464, 498, 659, 660, 710, 875.
Bills introduced, 230, 246, 307.
Committee reports, 360, 408, 464, 497, 659, 660, 875.
Committees, 33, 35.

TALCOTT.

Motions, 66, 152, 185, 203, 221, 224, 253, 258, 268, 269, 277, 278,
281, 292, 302, 356, 361, 370, 403, 415, 416, 642, 653, 654, 655,
678, 765, 785, 786, 794, 803, 856, 857, 876, 885, 896, 897, 930,
960, 989, 1060.
Resolutions, 1149.
Bills introduced, 64, 79, 112, 114, 176, 225, 226, 246, 260, 262,
306, 347, 452, 509.
Committee reports, 185, 203, 221, 257, 277, 292, 361, 391, 392,
415, 653, 654, 655, 785, 786, 794, 876, 896, 929, 960, 988.
Committees, 33, 35, 75.

TAYLOR.

Motions, 18, 35, 61, 63, 67, 74, 75, 76, 83, 86, 99, 122, 124, 125,
139, 142, 153, 168, 184, 199, 213, 239, 240, 250, 270, 291, 292,
313, 357, 371, 399, 407, 408, 433, 459, 463, 490, 493, 504, 517,
568, 611, 616, 644, 675, 689, 707, 711, 737, 776, 815, 825, 863,
874, 923, 973, 987, 1077, 1160.

Resolutions, 825, 885, 1014, 1148.

Bills introduced, 18, 29, 30, 54, 78, 190, 245, 301, 401.

Committees, 22.

Committee reports, 24, 35, 62, 67, 74, 76, 85, 98, 122, 124, 125, 138, 142, 153, 168, 184, 199, 213, 239, 240, 270, 291, 313, 357, 371, 407, 408, 432, 463, 490, 517, 568, 616, 644, 689, 706, 736, 737, 776, 815, 856, 863, 874, 923, 987, 1077.

THATCHER.

Bills introduced, 160, 175, 224.

Committees, 33, 35.

TURNER.

Bills introduced, 247, 347, 533.

WAGNER.

Motions, 69.

Bills introduced, 135, 284, 306.

Committee reports, 69.

Committees, 33, 35.

YOUNG.

Motions, 60, 69, 77, 99, 140, 141, 180, 289, 304, 416, 431, 450, 458, 476, 500, 501, 502, 531, 642, 772, 786, 813, 833, 856, 952, 1086, 1093, 1111, 1134.

Resolutions, 57, 60, 69, 343, 384, 416, 941, 951, 1014, 1060, 1086.

Bills introduced, 31, 71, 110, 135, 176, 225, 284, 508, 533.

Committees, 33, 35.

Committee reports, 77, 107, 131, 143, 149, 158, 159, 171, 172, 206, 222, 223, 244, 258, 259, 281, 298, 299, 342, 362, 396, 411, 412, 446, 469, 502, 529, 566, 579, 584, 673, 674, 708, 718, 722, 726, 730, 744, 750, 755, 765, 787, 788, 825, 880, 882, 1011, 1013, 1023, 1046, 1115, 1139, 1156.

GENERAL INDEX.

ADJOURNMENT.

January 10 to 15, 26.
January 31 to February 7, 210.
Sine die, 1160.

ANTI-CIGARETTE BILL.

Petition regarding, 436.

APPOINTMENTS, EXECUTIVE.

Confirmed, 493, 884, 957, 993.

ARMORIES, APPROPRIATION FOR.

Petition regarding, 385.

ATTORNEY GENERAL.

Communication from, 123, 215, 434, 1005.

BARTLETT, DAVID.

Senate called to order by, 1.

BILLS.

Time for limit of consideration fixed, 1013.

BOARD OF TRUSTEES OF PUBLIC PROPERTY.

Estimate of capitol maintenance, 36.

BONDS, INSTITUTION.

Communication regarding, 301.

CAPITOL MAINTENANCE.

Estimate of, 36.

CENSUS, OF 1905.

Reported by secretary of state, 37.
Census figures, 37-51.

CLERKS.

Authority for employment on committees, 26.
Additional compensation allowed, 883.

CLIMATIC CONDITIONS.

Resolutions regarding, 505.
Concurred in, 734.
Report of committee, 1031.

COAL SHORTAGE.

Communications regarding, 22, 23, 24, 36, 102, 140, 141, 199, 203, 218, 255.
Report of special committee, 26.

COAL LANDS.

Resolution regarding status of, 118.
Report from attorney general, 123.

COMMITTEE OF THE WHOLE.

Sessions of, 27, 136, 151, 167, 196, 206, 403, 484, 794, 856, 896, 949, 958.

COMMITTEES.

Standing, 33, 34, 35.
Additions to standing, 75.

COMMITTEE ROOMS.

Committee to assign, 54.
Report of committee, 77.

COMMERCIAL CLUBS.

Communications from, 148.

COMMUNICATIONS.

From governor, 22, 23, 24, 30, 397, 403, 423, 450, 489, 540, 638, 752, 790, 797, 804, 858, 957, 983, 993, 1035, 1077, 1121.

CONTEST, WASHBURN VS. CRANE.

Depositions and papers filed, 75.
Referred to committee of the whole, 99.
In committee of the whole, 136, 151, 167, 196, 206.
Report of committee adopted, 207.

CONSTITUTIONAL CONVENTION.

Resolution for election for, 245.

CRANE, MAYNARD.

Remarks on railroad rate legislation, 509.

DAILY LIST OF BILLS ON THIRD READING.

Resolution for, 63.

DENATURED ALCOHOL.

Resolution regarding, 101.
Referred, 133.
Reported, 170.
Concurred in, 189.

DRAINAGE OF RED RIVER VALLEY.

Resolution regarding, 174.
Concurred in, 421

EDUCATION.

Call for meeting of heads of institutions, 223.
Report of committee, 413.
Compensation for provided, 361.

EDUCATIONAL INSTITUTIONS.

Heads of summoned, 223.
Report of committee, 413.
Compensation for provided, 361.

EVERHART, CHAS. A.

Resolution regarding, 762.

EXECUTIVE SESSIONS, 403, 431, 493, 613, 770, 883, 957, 993.**EXPRESS COMPANIES.**

Inquiry into rates authorized, 406.
Committee appointed, 433.

FUNDS.

Twine plant, authority for transfer of funds, 470.

GEOLOGICAL SURVEY.

Additional reports authorized, 1014.

GOVERNOR.

Communications from, 22, 23, 24, 301, 397, 403, 423, 450, 489,
540, 638, 752, 790, 797, 804, 858, 957, 983, 993, 1035, 1077.

GOVERNOR'S MESSAGES.

Reference of, 169.

GRAIN.

Uniform standard of inspection, 941.

GRONNA, A. J.

Communication from, 434.

GRAIN GRADING.

Resolution from Minnesota legislature, 1079.

HIGH SCHOOLS.

State aid, statement of, 155.
Petition regarding, 463, 490.

HISTORICAL ROOMS.

Clerk assigned to, 189.

HISTORICAL SOCIETY.

Books and relics to be kept at capitol, 939.

HOLDOVER SENATORS.

List of, 1, 2.

HOMESTEADS.

Resolution regarding, 483.
Concurred in, 508, 717.

IMMIGRATION.

Petition for appropriation for, 569.

INDUSTRIAL SCHOOL.

Communication from attorney general regarding, 435.

INITIATIVE AND REFERENDUM.

Petition regarding, 436.

INSURANCE, BENEFICIARY.

Petition regarding, 384.

JAMESTOWN EXPOSITION.

Resolution regarding, 762.

Concurred in, 792.

JOINT COMMITTEES.

Appointment of, 35.

JOINT SESSION.

Motion for, 20.

JONES, O. F.

Closing prayer by, 1076.

JOURNALS.

Resolution for mailing, 25, 69.

Revision and correction, committee for, 22.

Senate, committee to revise and correct, 885.

Resolution regarding, 1148.

Special clerk to mail after session, 994.

KOFFEL, THEODOR.

Explanation of vote, 303.

LAKES AND STREAMS, MEANDERED.

Resolution regarding, 417.

Adopted, 417.

Concurred in, 480.

McARTHUR, D. H.

Explanation of vote, 304.

MESSAGES, OF GOVERNORS.

Reference of, 169.

MESSAGES FROM THE HOUSE, 16, 17, 20, 25, 101, 139, 154, 182,

197, 210, 214, 224, 247, 264, 271, 290, 299, 358, 372, 399, 405,

413, 420, 433, 471, 483, 485, 492, 510, 515, 594, 625, 633, 645,

677, 684, 687, 690, 712, 732, 735, 736, 754, 773, 794, 801, 802,

819, 833, 835, 837, 842, 850, 860, 887, 890, 892, 894, 896,

899, 900, 910, 914, 922, 943, 947, 951, 955, 958, 963, 967,

970, 971, 973, 984, 995, 1003, 1016, 1021, 1027, 1037, 1050,

1078, 1100, 1107, 1116, 1126, 1130, 1133, 1137, 1140,

1142, 1143, 1146.

MISSOURI RIVER.

Resolution for improvement of received, 272.

Concurred in, 343.

MINING.

Resolution for department of, 627.

Concurred in, 675.

LaMOURE, JUDSON.

Acting president pro tem., 229.

Presentation address by, 1120.

Resolution regarding, 1148.

Moved to adjourn sine die, 1160.

LAND GRANTS.

Printing of report authorized, 60.

LEWIS, R. S.

Presentation to, 1120.

LICENSES, FEDERAL LIQUOR.

Resolution opposing in prohibition states, 245. (See Liquor.)

LINCOLN'S BIRTHDAY.

Resolution for observance, 264.

Concurred in 269.

Committee, 269.

Joint session for, 290.

LINCOLN'S FARM.

Preservation of, 1060.

LIQUOR.

Search and seizure, opinion of attorney general, 1005.

Unlawful soliciting of sales of, opinion from attorney general, 215.

Petition regarding, 314.

LIQUOR LICENSES, FEDERAL.

Resolution opposing in prohibition states, 245.

Referred, 264.

Adopted, 303.

Concurred in, 399.

LEGISLATIVE MANUAL.

Duty of secretary of senate, 883.

LUMBER.

Resolution regarding removal of duty, 101, 133.

Memorial regarding, 131.

Substitute reported, 205.

Concurred in by house, 247.

MORGAN, D. E.

Oath to presiding officer administered by, 1.

OIL INSPECTOR.

Confirmed, 493.

OILS.

Photometric tests, resolution regarding, 282.

ORGANIZATION OF THE SENATE, 1-15.**PATRIOTISM.**

Concurrent resolution regarding, 825.

PERSONALTY, REPAIRS OF.

Petition regarding, 491, 518, 519.

PIERCE, ED.

Remarks on railroad rate bill, 448.

PLAIN, C. W.

Explanation of vote, 479.

POLYGAMY.

- Concurrent resolution regarding, 57.
- Passed, 141.
- Lost in house, 155.
- Second concurrent resolution for, 343.
- House resolution, 486.
- Concurred in 531.

RAILROAD COMMISSIONERS.

- Call for report from, 25.
- Time for extended, 73.
- Preliminary report, 86.
- Extension of time granted, 86.
- Petitions referred to, 158.
- Report filed, 169.

RAILROAD RATES.

- Communication regarding, 384.

RETAIL MERCHANTS ASSOCIATION.

- Resolutions of presented, 102, 103.

RECIPROCAL DEMURRAGE.

- Resolution regarding, 154.
- Referred, 155.
- Report of committee on, 446.

REVISION AND CORRECTION OF JOURNAL.

- Committee on, 22.

RESOLUTIONS.

- Bills, limit of consideration, 1013.
- Clerks, authority for on committees, 26.
- Additional compensation, 883.
- Climatic conditions, regarding, 505.
- Coal lands, 118.
- Constitutional convention, election for, 245.
- Daily list of bills on third reading, 63.
- Denatured alcohol, 101.
- Drainage, Red River valley, 174.
- Educational institutions, course of study, 223.
- Everhart, Chas. A., regarding, 762.
- Express companies, inquiry into rates, 406.
- Funds, twine plant, transfer of, 470.
- Geological survey, reports authorized, 1014.
- Grain, uniform standard of inspection, 941.
- Grain grading, 1079.
- Historical society, where relics to be kept, 939.
- Homesteads, 483.
- Jamestown exposition, 762.
- Journals, mailing, 25, 69.
- Lakes and streams, meandered, 417.
- LaMoure, to adjourn sine die, 1148.
- Licenses, federal liquor, 245.
- Lincoln's birthday, observance, 264.
- Lincoln farm, preservation of, 1060.
- Legislative manual, 883.
- Lumber, removal of duty, 101, 133.
- Mining, department of, 627.
- Oils, photometric tests, 282.

RESOLUTIONS—Cont'd.

Patriotism, promotion of, 825.
 Polygamy, 57, 343, 486.
 Railroad commission, report from, 25.
 Retail Merchants' Association, 102.
 Reciprocal demurrage, 154.
 Regan, J. A., respecting, 1149.
 Reports, state, to be mailed, 1129.
 Roosevelt, Theodore, indorsement of, 173.
 Slattery, D. M., respecting, 1129.
 State fairs, regarding, 507.
 Sleeping car companies, rates, 406.
 Steering committee, for, 613.
 Taxation, 951.
 Taxation, franchises, 245.
 Taylor, J. D., respecting, 1061.
 Twine plant, enlargement of, 282.
 United States senators, election, 139.
 Warehousing and grain grading, 172.
 Waterways, internal, 1014.

REGAN, J. A.

Elected president pro tem, 2.
 Presentation to, 1149.

REPORTS.

Members to receive, 1129.

RICE, C. D.

Explanation of vote, 479.

ROOSEVELT, THEODORE.

- Resolution indorsing action of in discharge of troops, 173.
- Resolution regarding Fourth of July, 825.
- Fourth of July, regarding, 825.

RULES, COMMITTEE ON, 15.

Report from, 68, 69.

RULES, JOINT COMMITTEE ON, 35.

Report of committee, 89.

SECRETARY OF STATE.

Communications from, 37, 75, 344, 491, 518, 570, 645.

SIMPSON, L. A.

Explanation of vote, 287.

SLATTERY, D. M.

Resolution regarding, 1129.

SOLICITORS OF LIQUOR.

Opinion of attorney general, 215.
 Petition regarding, 314.

STATE EDUCATIONAL INSTITUTIONS.

Heads of summoned, 213.
 Compensation for provided, 361.
 Report of committee on, 413.

STATE AID TO HIGH SCHOOLS.

Statement of, 155.
Petition regarding, 463.

STATE FAIRS.

Resolution regarding, 507.

SLEEPING CAR COMPANIES.

Inquiry into rates authorized, 406.
Committee, appointed, 433.

SPECIAL COMMITTEES.

To inform house of organization, 15.
To inform governor of organization, 14.
To consider coal shortage, 24.
To consider mailing bills and journals, 69.
Report from, 131.
To assign committee rooms, 54.
To consider purchase of typewriters, 108.
To consider enlargement of twine plant, 282, 292.
To draft taxation laws, 299.
To inquire into rates of express, sleeping car and telegraph companies, 433.
To investigate climatic conditions, 506.
Report from, 1031.
To consider special message of governor, 1077.
Report from, 1107.
To inform governor of adjournment sine die, 1160.
To inform house of adjournment sine die, 1160.

STANDING COMMITTEES.

Appointment of, 33, 34, 35.

STEERING COMMITTEE.

Resolution for, 613.

STROM.

Explanation of vote, 1120.

TAXES.

Petition opposing extension of time for payment, 217.

TAXATION.

Resolution for special committee, 951.

TAXATION, FRANCHISES.

Resolution for constitutional convention to provide for, 245.
Committee to draft general laws, 283, 677.
Resolution for referred, 717.
Indefinitely postponed, 748.

TAYLOR, J. D.

Acting president pro tem, 84.
Resolution from G. A. R. veterans, 1061.

TELEGRAPH COMPANIES.

Inquiry into rates authorized, 406.
Committee appointed, 433.

TWINE PLANT.

- Resolution to consider enlargement of introduced, 282.
- Concurred in, 300.
- Funds transferred, 470.
- Concurred in, 487.

TEMPERANCE COMMISSIONER.

- Petition recording, 436.

TYPEWRITING MACHINE.

- Purchase authorized, 108.

TRUSTEES, INSTITUTION.

- Confirmed, 493, 884, 957, 993.

UNITED STATES SENATORS.

- Election by popular vote, resolution regarding, 139.
- Referred, 160.

VETERINARIANS.

- Confirmed, 493.

WALDEN, OLE.

- Additional compensation allowed, 825.

WAREHOUSING AND GRAIN GRADING.

- Resolutions regarding, 172.

WATERWAYS, INTERNAL.

- Resolution regarding, 1014.

YOUNG, GEO. M.

- Explanation of vote, 194, 207, 641, 1026.
- President pro tem, chosen, 1149.