

STATE OF NORTH DAKOTA

# JOURNAL OF THE HOUSE

of the

## SPECIAL SESSION

of the

Sixteenth Legislative Assembly

*Begun and held at the Capitol at Bismarck,*

*November 25 to December 11, 1919,*

*Inclusive*



BISMARCK TRIBUNE COMPANY  
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# Journal of the House

## Sixteenth Legislative Assembly.

### FIRST DAY

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA.

November 25th, 1919.

At the hour of 12 o'clock M., the 25th day of November, 1919, being the day and hour designated by the Governor for the convening of the extraordinary session of the Sixteenth Legislative Assembly of the State of North Dakota, pursuant to the following proclamation:

#### PROCLAMATION.

Call for Extra Session.

#### A PROCLAMATION!

By virtue of the authority vested in the Governor by the Constitution, and laws of the State of North Dakota, and in pursuance thereof—

I herewith call the Legislature to convene in extraordinary session at the Capitol at Bismarck at twelve o'clock noon, November 25th, A. D. 1919, to consider and act upon the following subjects of legislative business, namely:

FIRST: The ratification of the Woman's Suffrage Amendment to the Federal Constitution:

SECOND: To provide aid for farmers of the drought-stricken districts:

THIRD: To enact such further legislation as is deemed necessary to facilitate the carrying out of the State's industrial program.

Witness my hand and seal this 29th day of October, A. D. 1919.

By the Governor,

THOS. HALL.

Secretary of State.

LYNN J. FRAZIER.

Governor.

The Speaker presiding.

Prayer by the Chaplain.

Roll Call.

All members present except Arnold, Cleven, Dungan, Eckert, Ferguson, Fredrickson, Hammond, Hanson, Hemmi, Humphreys, Kamrath, Kelly, Klein, Kunkel, Larson of Stutsman, Magnuson, McLarty, McManus, Moen, Murtha, O'Connor of Grand Forks, Randall, Renault, Rusch, Severson, Sherman, Turner, Yeater.

Mr. Weld of Wells moved that all absent members be excused, which motion prevailed.



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Mr. Miller moved that the rules of the Last Regular Session remain in force and effect and to govern this extraordinary session, which motion prevailed.

Mr. Burkhart moved that Mr. B. J. Monahan be appointed Sergeant at Arms of the House for this Extraordinary Session, which motion was seconded and the roll was called.

Those voting for Mr. Monahan were:

Ayes—Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bollinger, Bjerke, Burtness, Burkhart, Byrne, Carr, Donner, Durkee, Engen, Gunhus, Haines, Hall, Hardt, Harding, Harris, Herbert, Hoare, Ivers, Johnson of Dickey, Johnson of Steele, Johnson of Cass, Johnson of Pembina, Johnston, Kelder, Kell, Kellogg, Keitzman, Koller, Krueger, Larson, of Ransom, Larson, of Pierce, Larkin, Lazier, Lowe, Maddock, of Mountrail, Maddock, of Benson, Malone, Marshall, Martin, of Slope, Martin, of Bottineau, Maxwell, McDonnell, McLaughlin, Mikkelson, Miller, Nathan, of Sheridan, Nathan, of Logan, Ness, Nesvig, Nims, O'Brien, Olsen, of Ramsey, Olson, of Ward, Olson, of Barnes, Olsgard, Opland, Patterson, Petterson, Pleasance, Prater, Riba, Reid, Reishus, Robinson, Roquette, Strain, Strom, Twichell, Wadeson, Walker, Weld, of Wells, Weld, of Kidder, Whipple, Wog, Mr. Speaker.

Absent and not voting—Arnold, Caddell, Cleven, Dungan, Eckert, Ferguson, Fredrickson, Hammond, Hanson, Hemmi, Humphreys, Kamrath, Kelly, Klein, Kunkel, Larson, of Stutsman, Magnuson, McGauvran, McLarty, McManus, Moen, Murtha, O'Connor, of Pembina, O'Connor, of Grand Forks, Randall, Renauld, Rusch, Severson, Sherman, Turner, Uglum, Yeater.

Mr. Monohan having received a majority of all votes was declared duly elected Sergeant at Arms.

Mr. Hoare moved that the various committees of the Regular Session be retained to act for this Extraordinary Session. Which motion prevailed. The roll was called and there were 82 ayes, 31 absent and not voting. Those voting in the affirmative were:

Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bollinger, Bjerke, Burtness, Burkhart, Byrne, Carr, Donner, Durkee, Engen, Gunhus, Haines, Hall, Hardt, Harding, Harris, Herbert, Hoare, Ivers, Johnson, of Dickey, Johnson, of Steele, Johnson, of Cass, Johnson, of Pembina, Johnston, Kelder, Kell, Kellogg, Keitzman, Koller, Krueger, Larson, of Ransom, Larson, of Pierce, Larkin, Lazier, Lowe, Maddock, of Mountrail, Maddock, of Benson, Malone, Magnuson, Marshall, Martin, of Slope, Martin, of Bottineau, Maxwell, McDonnell, McLaughlin, Mikkelson, Miller, Nathan, of Sheridan, Nathan, of Logan, Ness, Nesvig, Nims, O'Brien, Olsen, of Ramsey, Olson, of Ward, Olson, of Barnes, Olsgard, Opland, Patterson, Petterson, Pleasance, Prater, Riba, Reid, Reishus, Robinson, Roquette, Strain, Strom, Twichell, Wadeson, Walker, Weld, of Wells, Weld, of Kidder, Whipple, Wog, Mr. Speaker.

Absent and not voting—Arnold, Caddell, Cleven, Dungan, Eckert, Ferguson, Fredrickson, Hammond, Hanson, Hemmi, Humphreys, Kamrath, Kelly, Klein, Kunkel, Larson, of Stutsman, McGauvran, McLarty, McManus, Moen, Murtha, O'Connor, of Pembina, O'Connor, of Grand Forks, Randall, Renauld, Rusch, Severson, Sherman, Turner, Uglum, Yeater.

The motion was declared carried.

Mr. Burkhart moved that the Chair appoint a committee to draft resolutions relative to the death of O. M. Kleven, Which motion prevailed. The chair appointed as such committee, Messrs. Burkhart, Burtness and Patterson.

Mr. Prater moved that a committee of three be appointed to notify the Senate that the House was organized and ready to proceed. Which motion prevailed. The chair appointed as such committee, Messrs. Walker, Burtness and Prater.

Mr. Nesvig moved that the Speaker appoint a committee to inform the Governor that the House was organized and ready for business. Which motion prevailed. The chair appointed Messrs. Maddock, Carr and Keitzman.

Mr. McDonnell moved that the Chair appoint a committee of three to meet with a like committee from the Senate to wait upon the Governor and ascertain at what time he desires to deliver his message. Which motion prevailed. The Chair appointed as such committee, Messrs. Patterson, Johnson from Walsh and Hoare.

The Speaker administered the oath of office to the Sergeant at Arms.

Mr. O'Brien moved that a committee of three be appointed to notify the Senate that the House was ready for a joint session. Which motion prevailed. The Chair appointed Messrs. O'Brien, Reishus and Weld of Wells.

#### MESSAGE FROM THE SENATE

A message was received from the Senate announcing that the Senate was now organized and ready for business.

It was moved by Mr. Reishus that a committee notify the Senate that the House would meet with them in joint session at 1:30. Which motion prevailed.

Mr. Maddock of Mountrail moved that the House recess until 1:30, then to receive the message from the Governor. Which motion prevailed.

The House was called to order by the Speaker at 1:30, and the Sergeant at Arms announced that the Senate was ready to be received. The Speaker ordered that the Senate be received.

#### JOINT SESSION

The House and Senate convened in joint session to receive the message from the Governor.

Prayer by the Chaplain.

The Secretary of the Senate called the roll of the Senate.

The following answered to the roll:

Beck, Berg, Bowman, Cahill, Carey, Church, Drown, Ettetstad, Fleckten, Fraser, Hagan, Haggart, Hamerly, Hemming-sen, Hunt, Hyland, Ingerson, Jacobsen, King, Liederbach, McBride, McNair, Mees, Mortenson, Mostad, Morkrid, Miklethun, Murphy, Nelson, Noltimier, Oksendahl, Olson, Pendray, Ployhar, Porter, Stenmo, Storstad, Ward, Weber, Welford, Wenstrom, Whitman, Zieman.

Absent—Benson, Gibbons, Levang, McCarten, Sikes.

The chief clerk of the House called the roll of the House.

The following answered to the roll:

Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bolinger, Bjerke, Burtness, Burkhart, Byrne, Caddell, Carr,



Donner, Durkee, Engen, Fredrickson, Gunhus, Haines, Hammond, Hanson, Hardt, Harding, Harris, Herbert, Hoare, Humphreys, Ivers, Johnson, of Dickey, Johnson, of Steele, Johnson, of Cass, Johnson, of Pembina, Johnston, Kelder, Kell, Kellogg, Kelly, Keitzman, Koller, Krueger, Kunkel, Larson, of Ransom, Larson, of Stutsman, Larson, of Pierce, Larkin, Lazier, Lowe, Maddock, of Mountrail, Maddock, of Benson, Malone, Magnuson, Marshall, Martin, of Slope, Martin, of Bottineau, Maxwell, McDonnell, McGauvran, McLaughlin, McManus, Mikkelson, Miller, Moen, Nathan, of Sheridan, Nathan of Logan, Ness, Nesvig, Nims, O'Brien, O'Connor of Pembina, Olsen, of Ramsey, Olson, of Ward, Olson, of Barnes, Olsgard, Opland, Patterson, Petterson, Pleasance, Prater, Riba, Reid, Reishus, Renault, Robinson, Roquette, Rusch, Severson, Strain, Strom, Twichell, Uglum, Wadeson, Walker, Weld, of Wells, Weld, of Kidder, Whipple, Wog, Mr. Speaker.

Absent—Arnold, Cleven, Dungan, Eckert, Ferguson, Hemmi, Kamrath, Klein, McLarty, Murtha, O'Connor, of Grand Forks, Randall, Sherman, Turner, Yeater.

Senator Mortenson moved that a committee of three be appointed to wait upon the Governor and inform him that the House and Senate were in joint session and ready to receive his message. Which motion prevailed.

The President appointed as such committee, Senator Mortenson, and Representatives O'Brien and Burtneß.

The Sergeant at Arms announced that the Governor was ready to be received.

The Governor escorted by the select committee was received by the Joint Session.

The President of the Senate, Howard R. Wood, announced the Governor in the following words:

The Governor in the administration of his duties has seen fit to call us together here in extraordinary session to enact legislation that he finds necessary in carrying out the wishes of the people of North Dakota, and we have been called together in joint assembly here this afternoon to receive his message.

#### GENTLEMEN OF THE SIXTEENTH LEGISLATURE ASSEMBLED IN SPECIAL SESSION.

You are called together to give your careful consideration to the following emergency measures which I trust you will act upon as speedily as possible and thus avoid unnecessary expense and delay.

#### WOMAN'S SUFFRAGE.

Whereas, Congress has made it possible for the various state legislatures to vote on the Woman's Suffrage Amendment, and

Whereas, North Dakota stands foremost among the states of the Union for progressive legislation which insures a square deal for all its citizens, I urgently recommend that you ratify this national amendment as your first act of this special session and demonstrate that North Dakota welcomes

the opportunity to extend suffrage to the women of our state and nation.

#### EXTENSION OF TIME FOR COUNTY LIENS.

Continued poor crops have made it impossible in some parts of our state for county seed and feed liens to be met; and in order that hardship and suffering may be prevented, and in order that farmers may be assisted as far as possible in keeping their live stock; and in order that a normal crop acreage may be seeded next spring, I urge that the time of paying these liens be extended one year, where in the opinion of the county commissioners, it is deemed expedient, and further that county bonds be issued and sold where necessary to take care of the situation.

#### PAYMENT OF TAXES.

For the same reasons it is further recommended that only one-half of the real estate taxes become delinquent March 1st, and that the other half become delinquent the following November 15th.

#### SOLDIERS COMPENSATION.

It is also recommended that the Soldier's Compensation Law be amended to increase the tax levy and to enlarge the scope for which this money may be used.

#### MOTOR VEHICLE LAW.

An amendment to the Motor Vehicle Law is recommended to make it more workable, and to provide for the setting aside of sufficient funds to successfully handle the work in connection therewith.

#### MISSOURI RIVER BRIDGE.

Preliminary steps have been taken for the building of a public bridge across the Missouri River between the counties of Burleigh and Morton. This bridge will be a permanent benefit to thousands of our people, and also to thousands of tourists who travel across our state each year. In order that the state may do its part, as provided by law, it will be necessary that provision be made to meet one-third of the cost of this structure.

#### SCHOOL BONDING LAW.

In many school districts the present law does not permit of sufficient bonding to erect suitable school buildings and amendments should be made to relieve this difficulty, that proper and adequate school buildings may be provided.

#### REPEAL OF MONEY AND CREDITS LAW.

There seems to be a general dissatisfaction with the present Moneys and Credits Law, and I recommend that it be repealed to prevent needed money being withdrawn from the state.

## GREAT LAKES WATERWAY.

Negotiations are pending between Canada and the United States to provide for a deep waterway by way of the Great Lakes through the St. Lawrence River to the Atlantic Ocean, and Congress should be memorialized to take favorable action thereon as it would unquestionably be a great benefit to North Dakota.

## STATE TRADE COMMISSION.

I recommend that the State Railroad Commission be also made a State Trade Commission with full power to cooperate with the Federal Trade Commission to investigate and place the responsibility of profiteering.

## BONDS FOR HOME BUILDING ASSOCIATION.

It is also recommended that a law be enacted authorizing a bond issue, secured by first real estate mortgages, for the Home Builders' Association, to enable them to more successfully carry on their work, and thereby make it possible to have a greatly increased number of home-owners in our state.

## STATE BONDS.

A determined effort has been made by some few obstructionists to delay and prevent the putting into operation, and the carrying out of the industrial program, enacted by you in the last regular session. An action was started in the Federal Courts by "Forty-two" supposedly interested tax payers, and the sale of our state bonds is now being held up pending the decision of the Federal Courts, and I would recommend that a concurrent resolution be adopted respectfully requesting the United States Supreme Court to advance this case on the calendar in order that it may be decided at the earliest possible moment.

## COMMITTEE OF INVESTIGATION.

The work of these obstructionists should be investigated, and there are also other matters of vital importance to the welfare of our commonwealth that should be looked into, and I urgently recommend that a special joint committee be appointed, to consist of two members of the Senate and three members of the House, to investigate any attempt made by individuals, or corporations, to destroy the credit of the state by misrepresentation of its laws or of its industrial program. Also to investigate election frauds; as to fraudulent signature on petitions; as to fraudulent use of funds; as to fraudulent voting. Also to investigate the illegal and improper expenditure of state funds, and to investigate illegal acts of public officials.

The will of the majority of the people of our state must not be thwarted but must be carried out. Honesty and democracy must prevail.



## STATE SHERIFF.

That our laws may be better enforced, and that the constitutional rights of our citizens may be better protected, I recommend that provisions be made for a state sheriff who will have the power to call any or all county sheriffs to his assistance in any part of the state.

Gentlemen, I wish you to bear in mind that this is an extraordinary session called to consider emergencies, and that consideration of other matters, or unnecessary delay will be a waste of the tax-payers' money. The time should be utilized to consider and enact these emergencies, and to bring about an adjournment as soon as possible. The assistance and cooperation of each member, to this end, will be fully appreciated.

Bismarck, N. D., November 25, 1919.

Mr. Patterson moved that the joint assembly do now dissolve, which motion prevailed, and the Joint Assembly was declared dissolved.

Mr. Carr moved for a 15-minute recess, which motion prevailed.

## AFTER RECESS

The House assembled according to recess taken.

Mr. Maddock of Mountrail moved that the House do now adjourn until 2 o'clock, this being the next legislative day, which motion prevailed.

## SECOND DAY

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
November 25th, 1919.

The House assembled pursuant to adjournment at 2 o'clock P. M.

Prayer by the Chaplain.

Roll Call.

All members present except Messrs. Arnold, Kleven, Dungan, Eckert, Ferguson, Hemmi, Kamrath, Klein, McLarty, Murtha, O'Connor of Grand Forks, Randall, Sherman, Turner, Yeater.

On motion of Representative Patterson all absent members were excused.

The House then turned to the 5th Order of Business.

The Committee on Employment made the following report:  
Mr. Speaker: Your committee on employment reports the following for employment as House Employees, and recommend that same be employed:

First Assistant Chief Clerk.....	Beecher Stair
Desk Stenographer.....	Harry Rittgers
Bill Clerk.....	Olaf Ribb
Sergeant at Arms.....	B. J. Monahan
Stenographer.....	Ethel C. Maddock

Stenographer.....	Mrs. Vina Prater
Stenographer .....	Mrs. Terhorst
Stenographer .....	Mabel Lundwall
Doorkeeper .....	H. A. Ball
Gallery Doorkeeper.....	A. J. Hammer
Special Clerk to act as Clerk & Postmaster.....	C. C. Hoff
Clerk Appropriations.....	Jos. J. Maddock
Clerk State Affairs.....	E. C. Heckenliable
Special Clerk to act as Clerk & Tele. Messenger...	Emil Hardt
Enrolling & Engrossing Clerk.....	J. P. Simon
Special Clerk to act as Clerk & Ass't Enrolling & Engrossing Clerk.....	J. D. Harris
Journal Clerk.....	H. R. Long
Special Clerk to act as Clerk & Bill Room Clerk.....	H. T. Peterson
Mailing Clerk.....	M. T. O'Connell
Journal Clerk.....	Donald Voigt
Committee Clerk.....	Geo. Lowe
Judiciary Clerk.....	W. R. Wyatt
Special Clerk to act as Clerk Chief Page & Messenger.....	Martin Nelson
Special Clerk to act as Clerk Page & Messenger.....	Orville Miller
Special Clerk to act as Clerk Page & Messenger.....	Jerome Patterson
Special Clerk to act as Clerk Page & Messenger.....	G. I. Erickson
Special Clerk to act as Clerk Page & Messenger.....	Floyd Coleman
Custodian .....	John Peck
Custodian .....	Lee May
Custodian .....	E. G. Brandt
Special Clerk to act as Assistant Bill Room Clerk..	M. Cogan

Mr. Patterson moved that the report be adopted, which motion prevailed.

The roll was called and there were 97 ayes and 16 absent and not voting. Those voting in the affirmative were:

Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bolinger, Bjerke, Burtness, Burkhart, Byrne, Caddell, Carr, Donner, Durkee, Engen, Fredrickson, Gunhus, Haines, Hall, Hammond, Hanson, Hardt, Harding, Harris, Herbert, Hoare, Humphreys, Ivers, Johnson, of Dickey, Johnson, of Steele, Johnson, of Cass, Johnson, of Pembina, Johnston, Kelder, Kell, Kellogg, Kelly, Keitzman, Koller, Krueger, Kunkel, Larson, of Ransom, Larson, of Stutsman, Larson, of Pierce, Larkin, Lazier, Lowe, Maddock, of Mountrail, Maddock, of Benson, Malone, Magnuson, Marshall, Martin, of Bottineau, Maxwell, McDonnell, McGauvran, McLaughlin, McManus, Mikkelson, Miller, Moen, Nathan, of Sheridan, Nathan, of Logan, Ness, Nesvig, Nims, O'Brien, O'Connor, of Pembina, Olsen, of Ramsey, Olson, of Ward, Olson, of Barnes, Olsgard, Opland, Patterson, Pleasance, Prater, Riba, Reid, Reishus, Renauld, Robinson, Roquette, Rusch, Severson, Strain, Strom, Twichell, Uglum, Wadeson, Walker, Weld, of Wells, Weld, of Kidder, Whipple, Wog, Mr. Speaker.

Absent and not voting—Arnold, Cleven, Dungan, Eckert, Ferguson, Hemmi, Kamrath, Klein, Martin of Slope, McLarty, Murtha, O'Connor of Grand Forks, Petterson, Randall, Sherman, Turner, Yeater.

The motion was declared carried.

The Speaker then administered the oath of office to the House Employees.

Mr. Hoare moved that the House recess for 10 minutes, which motion prevailed.

#### AFTER RECESS

The House assembled pursuant to recess taken.

Mr. Patterson moved that the House return to the 7th Order of Business, which motion prevailed.

The following resolution was reported by a select committee:

#### RESOLUTION

Representative Ole N. Cleven of the 29th legislative district of Ward County, North Dakota, was duly elected to this House at the general election of 1918, and stood ready to assume the duties and obligations devolving upon him, but was by sickness prevented from qualifying as a member of the general session of 1919. Since the adjournment in March Almighty God has in his infinite wisdom seen fit to remove him from our midst. The people of his community and district have on many occasions shown their confidence in his ability, honor and integrity as evidenced by his selection to many important positions of trust.

Coming to North Dakota in 1887 he was one of the pioneers of his part of the state, and was of that type which has done so much to change our state from a wilderness to a commonwealth with splendid homes, farms, cities, schools and churches.

Whereas, it is deemed fitting and proper that some permanent public testimonial be given him as a man, a citizen and a public servant.

Now therefore, be it resolved by the House of Representatives of the State of North Dakota, assembled at this special session, that we publicly recognize that in his death his community, his district, and the state has lost one who has always been true to his ideals, one who was willing to sacrifice his own personal comforts and interests for the greater welfare of his neighborhood and his state. Our loss as an assembly was the greater because we were deprived of the benefit of his counsel and advice; but his influence for good will for a long time be felt among those with whom he lived.

Be it further resolved, that out of respect for his memory this assembly upon the adoption of this resolution, do immediately recess until one o'clock P. M., November 26th, and that this resolution be spread upon the permanent records of this body, and that the Secretary of State be instructed to forward an authenticated copy thereto to the family of the deceased.

Mr. Hoare moved that the resolution be adopted, which motion prevailed.

The Speaker declared the House recessed until 1 o'clock P. M., November 26th, 1919, pursuant to the resolution.



## SECOND DAY AFTER RECESS, AND THIRD DAY

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA.  
November 26, 1919.

The house assembled at 1 o'clock p. m., pursuant to recess taken, the speaker presiding.

Mr. Maddock of Mountrail moved that the house turn to the 10th order of business, which motion prevailed.

INTRODUCTION, FIRST AND SECOND READING OF  
HOUSE BILLS

State Affairs Committee introduced House Bill No. 1.

A joint resolution ratifying a proposed amendment to the Constitution of the United States.

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

State Affairs Committee introduced House Bill No. 2.

A bill for an act to amend and re-enact Section 1 and Section 3 of Chapter 206 of the Session Laws of 1919, relating to the levying of a tax of one-half of one mill upon each dollar of assessed valuation of all taxable property within the state for each year for the purpose of creating a fund to be known as the "Returned Soldiers' Fund"; providing for the payment thereof to returned soldiers; defining the powers and duties of the Adjutant General and of the Industrial Commission with reference thereto.

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

Mr. Nims introduced House Bill No. 3.

A bill for an act extending the purpose for which the tax levied pursuant to the provisions of Section 1, Chapter 206, Session Laws of 1919, may be used by returned soldiers, and providing for the issuance of warrants for the payment of the same in anticipation of taxes levied for that purpose and fixing the rate of interest upon such warrants and defining the duties of the State Auditor, Adjutant General, Governor and State Treasurer with respect thereto.

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

Mr. Maddock of Mountrail introduced House Bill No. 4.

A bill for an act to amend and re-enact Section 3481 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Section 1 of Chapter 177 of the Laws of North Dakota for the year 1919, relating to the issuance of bonds and warrants to procure seed grain and feed; and repealing all acts and parts of acts in conflict herewith.

Was read the first and second time and referred to the committee on judiciary.

Mr. Wog introduced House Bill No. 5.

A bill for an act making an appropriation for general repairs and improvements of the Executive Mansion.

Was read the first and second time and referred to the committee on appropriations.

Mr. Renauld introduced House Bill No. 6.

A bill for an act to repeal Chapter 207 of the Session Laws

of North Dakota, 1919, relating to the extension of the State Street Car Line and providing for an appropriation therefor.

Was read the first an dsecon dtime and referred to the committee on appropriations.

Mr. Johnson of Steele, moved to adjourn, which motion prevailed.

### THIRD DAY

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
November 26, 1919.

The House convened pursuant to adjournment at 2 o'clock p. m. the speaker presiding.

Prayer by the chaplain.

Roll call.

Present 104, absent 9.

Present: Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bollinger, Bjerke, Burtness, Burkhart, Byrne, Cad-dell, Carr, Donner, Dungan, Durkee, Engen, Ferguson, Fred-rickson. Gunhus, Haines, Hall, Hammond, Hanson, Hardr, Harding, Harris, Herbert, Hoare, Humphreys, Ivers, Johu-son, of Dickey; Johnson, of Steele; Johnson, of Cass; John-son, of Pembina; Johnston; Kamrath; Kelder; Kell; Kellogg; Kelly; Keitzman; Koller; Krueger; Kunkel; Larson, of Ransom; Larson, of Stutsman; Larson, of Pierce; Larkin; Lazier; Lowe; Maddock, of Mountrail; Maddock, of Benson; Malone; Magnuson; Marshall; Martin, of Slope; Martin, of Bottineau; Maxwell; McDonnell; McGauvran; McLaughlin; McManus; Mikkelson; Miller; Moen; Murtha; Nathan, of Sheridan; Nathan, of Logan; Ness; Nesvig; Nims; O'Brien; O'Connor, of Pembina; Olsen, of Ramsey; Olson, of Ward; Olson, of Barnes; Olsgard; Opland; Patterson; Petterson; Pleasance; Prater; Randall; Riba; Reid; Reishus; Renauld; Robinson; Roquette; Rusch; Severson; Strain; Strom; Twichell; Uglum; Wadeson; Walker; Weld, of Wells; Weld, of Kidder; Whipple; Wog; Yeater; Mr. Speaker.

Absent: Arnold, Clevon; Eckert; Hemmi; Klein; McLarty; O'Connor, of Grand Forks; Sherman; Turner.

### REPORT OF STANDING COMMITTEES.

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

*Mr. Speaker:* Your committee on revision and correction of the journal have carefully examined the Journal of the 1st day and recommend that the same be corrected as follows:

On page 3 after line 8 insert the words "A message from the Senate."

On page 3 line 34 strike out the words "and not voting."

On page 6 line 28 in the word "Gentlemen" strike out the letter "t" after the letter "n."

On page 6 line 30 insert the letter "a" in the word "con- sideration" between the letters "r" and "t."

On page 7 line 54 insert the word "were" between the word "there" and the figures "97."

On page 8 line 12 after the name "Murtha" insert the name "O'Connor of Grand Forks."

On page 8 line 63 strike out the word "adjourned" and in- sert in lieu thereof the word "recessed."

And when so corrected recommend that the same be ap- proved.

HOLLAN V. WELD, Chairman.

Mr. Weld moved that the report be adopted, which motion prevailed and the report was adopted.

**INTRODUCTION, FIRST AND SECOND READING OF  
HOUSE BILLS**

Mr. John Nathan introduced House Bill No. 7.

A Bill For an Act to Repeal Chapter 6 of the Session Laws of 1919, relating to the licensing and inspection of pool and billiard rooms, ball and pin alleys, dance halls, theaters, moving picture shows, taxicab stands and places where soft drinks are sold; providing fees therefor, inspectors, office help and supplies; defining the powers and duties; and repealing all acts and parts of acts in conflict therewith.

Was read the first and second time and referred to the committee on judiciary.

Mr. Wadson introduced House Bill No. 8.

A bill for an act to amend and re-enact Chapter 170 of the Compiled Laws of North Dakota for the year 1919 regulating and fixing the hours of labor for females and providing penalties for the violation thereof.

Was read the first and second time and referred to the committee on judiciary.

Mr. Patterson moves to return to the 7th order of business. Which motion prevailed.

Mr. Patterson introduced the following resolution and moved its adoption.

**RESOLUTION**

WHEREAS, this session of the Legislature was called together for special purposes, therefore,

BE IT RESOLVED, by the House of Representatives, that the time limit for the introduction of bills be, and the same is, hereby fixed to expire on the 5th legislative day, Saturday at 2:00 p. m., November 29, 1919.

Which motion prevailed.

Mr. Hoare moved to recess for 15 minutes, which motion prevailed.

**AFTER RECESS**

**MESSAGE FROM THE SENATE**

**SENATE CHAMBER**

BISMARCK, NORTH DAKOTA,

November 26, 1919.

*Mr. Speaker:* I have the honor to transmit the following joint resolution:

Senate Bill No. 1.

A joint resolution, ratifying a proposed amendment to the Constitution of the United States.

Which the Senate adopted and your favorable consideration is respectfully respected.

W. J. PRATER,  
Secretary.

**FIRST AND SECOND READING OF SENATE BILLS**

Senate Bill No. 1 was read the first and second time and referred to the Committee on State Affairs.

Mr. Johnson of Steele moved to return to the 9th order of business which motion prevailed.

**INTRODUCTION, FIRST AND SECOND READING OF  
HOUSE BILLS**

Mr. J. R. Maddock introduced House Bill No. 9.



An act to appropriate forty-one thousand eight hundred sixty-six dollars and seventy-seven cents for the operation of the Motor Vehicle Registration Department being additional to that already appropriated for salary of Registrar, clerks, hire, special agents, traveling expenses, printing, and 1921 license tags.

Was read the first and second time and referred to the Committee on Appropriation.

Mr. Bailey introduced House Bill No. 10.

A bill for an act to amend and re-enact Section 5170 of the Compiled Laws, State of North Dakota, for the year 1913, as amended by Chapter 58 of the Session Laws of 1915, relating to the legal reserve fund of banking corporations and associations.

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

Mr. Ness introduced House Bill No. 11.

A bill for an act regulating the display of flags, ensigns, banners, and standards within the State of North Dakota; making the display of certain flags, ensigns, banners and standards a misdemeanor, and providing a penalty therefor.

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

Mr. Patterson moved that Hugh King be appointed as postmaster, in the place of C. C. Hoff, who was unable to act, for this extraordinary session, which motion was duly seconded and a roll call taken.

Those voting in the affirmative were: Alberts; Bailey, Brady; Brostuen; Bryans; Bollinger; Bjerke; Burtness, Burkhart; Byrne; Caddell; Carr; Donner; Dungan; Ferguson; Fredrickson; Haines; Hammond; Hanson; Hardt; Harding; Harris; Herbert; Hoare; Ivers; Johnson, of Dickey; Johnson, of Steele; Johnson, of Cass; Johnson, of Pembina; Johnston; Kamrath; Kelder; Kell; Kellogg; Kelly; Keltzman; Koller; Krueger; Kunkel; Larson, of Ransom; Larson, of Stutsman; Larson, of Pierce; Larkin; Lazier; Maddock, of Mountrail; Maddock, of Benson; Malone; Magnuson; Martin, of Slope; Martin, of Bottineau; Maxwell; McGauvran; McLaughlin; McManus; Mikkelson; Miller; Moen; Murtha; Nathan, of Sheridan; Nathan, of Logan; Ness; Nesvig; Nims; O'Brien; O'Connor, of Pembina; Olson, of Ward; Olson, of Barnes; Olsgard; Opland; Patterson; Petterson; Pleasant; Prater; Randall; Riba; Reid; Reishus; Renauld; Robinson; Severson; Strain; Strom; Twichel; Uglum; Wadson; Walker; Weld, of Wells; Weld, of Kidder; Whipple; Wog; Yeater; Mr. Speaker.

Absent and not voting: Arnold; Bratsberg; Cleven; Durkee; Eckert; Engen; Gunhus; Hall; Hemmi; Humphreys; Klein; Lowe; Marshall; McDonnell; McLarty; O'Connor of Grand Forks; Olson of Ramsey; Roquette; Rusch; Sherman; Turner.

There being 93 ayes and 20 absent and not voting, Mr. King was declared elected.

At this time the Speaker administered the oath of office to the following employees: Hugh King, Alfred P. Carlson, Beecher Malone, and Cyrilla Behma.

Mr. Hoare moved that the absent members be excused, which motion prevailed.

Mr. Hoare moved that the House take recess until Friday, November 28, at 1 o'clock p. m., which motion prevailed.

Courtesies of the floor were extended to Dan Lafortune of Lansford, N. D., and R. G. Lucke, of Fullerton, N. D.

## THIRD DAY AFTER RECESS AND FIFTH DAY

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA.  
November 28, 1919.

The House convened at 1 o'clock P. M. pursuant to recess taken.

Mr. Renauld moved that the House return to the 9th order of business, which motion prevailed.

## FIRST AND SECOND READING OF HOUSE BILLS

Mr. Martin of Bottineau introduced House Bill No. 12, "A Bill for an Act to amend and re-enact Sections 4 and 8 of Chapter 211, Laws of North Dakota, 1919; to abolish the offices of the State Library Commission and the Secretary of the State Library Commission; and Providing for the disposal of the unexpended portion of the appropriation to the State Library Commission for the fiscal period beginning July 1st, 1919, and ending July 1st, 1921; and to repeal all Acts and parts of Acts in conflict herewith."

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

Mr. Hardt introduced House Bill 13, "A Bill for an Act providing for the appointment of Special Assistant Attorneys General by the Governor; making an appropriation therefor; and repealing all Acts and parts of Acts in conflict therewith."

Was read the first and second time and referred to the Committee on Appropriations.

Mr. Hoare introduced House Bill No. 14, "A Bill for an Act to provide office rooms for the State Headquarters of the North Dakota Unit of World War Veterans, (North-west Division) and the North Dakota Branch of the American Legion."

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

Mr. Reishus introduced House Bill No. 15, "A Bill to amend and re-enact Section 910 of the Compiled Laws of North Dakota for the year 1913, relating to the selection of delegates to national conventions, presidential electors and national committeemen."

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

Mr. John Nathan introduced House Bill No. 16, "A Bill for an Act to amend and re-enact Chapter 199 of the Session Laws of 1919 of the State of North Dakota, relating to the consolidation of schools and transportation of pupils."

Was read the first and second time and referred to the Committee on Schools and Public Lands.

Mr. Randall introduced House Bill No. 17, "A Bill for an

Act to repeal Chapter 219 of the Laws of North Dakota for the year 1919 being the law creating the office of County Tax Supervisor and defining his powers and duties."

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

Mr. Burtness introduced House Bill No. 18, "A Bill for an Act to amend and re-enact Section 6 of Chapter 6 of the Session Laws for the year 1919, relating to the disposition and disbursement of license fees obtained from the licensing and inspection of pool-halls, theatres, etc."

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

Mr. Martin Larson introduced House Bill No. 19, "A Bill for an Act to provide for the joint ownership and use of public buildings and grounds by villages and townships."

Was read the first and second time and referred to the Committee on Schools and Public Lands.

Messrs Hoare, Burkhart, Wadson introduced House Bill No. 20, "A Bill for an Act to exempt "money" and "credits" from taxation except as herein provided, and repealing Chapter 255 of the Laws of North Dakota for the year 1915, and Chapter 230 of the Laws of North Dakota for the year 1917 as amended by Chapter 226 of the Laws of North Dakota for the year 1919 and all other Acts and parts of Acts in conflict with the provisions of this Act."

Was read the first and second time and referred to the Committee on Tax and Tax Laws.

Mr. Whipple introduced House Bill No. 21, "A Bill for an Act to amend Sections Eight (8) and Thirteen (13) of Chapter Ninety-seven (97) of the Laws of 1917 as amended by Section Two (2) of Chapter 99 of the Laws of 1919."

Was read the first and second time and referred to the Committee on Corporations other than Municipal.

Mr. Olsgard introduced House Bill No. 22, "A Bill for an Act relating to the salaries of persons employed in any of the industries, enterprises or business projects of the State under the control, management or supervision of the Industrial Commission of the State of North Dakota."

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

Mr. Haines moved that the House adjourn, which motion prevailed.

#### FIFTH DAY

The House convened at 2 o'clock P. M., pursuant to adjournment the Chairman presiding.

Prayer by the Chaplain.

Roll call.

Present, 104; absent, 9.

Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bolinger, Bjerke, Burtness, Burkhart, Byrne, Caddell, Carr, Donnor, Dungan, Durkee, Engen, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hammond, Hanson, Hardt, Harding,

Harris, Herbert, Hoare, Humphreys, Ivers, Johnson, of Dickey; Johnson, of Steele; Johnson, of Cass; Johnson, of Pembina; Johnston, Kamrath, Kelder, Kell, Kellogg, Kelly, Keitzman, Koller, Krueger, Larson, of Ransom; Larson, of Stutsman; Larson, of Pierce; Larkin, Lazier, Lowe, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McGauvran, McLarty, McLaughlin, McManus, Mikkelson, Miller, Moen, Murtha, Nathan of Sheridan, Nathan of Logan, Ness, Nesvig, O'Brien, O'Connor of Pembina, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olson of Barnes, Opland, Patterson, Petterson, Pleasance, Prater, Randall, Riba, Reid, Reishus, Renauld, Robinson, Rusch, Severson, Sherman, Strain, Strom, Turner, Twitchell, Uglum, Wadeson, Walker, Weld of Wells, Weld of Kidder, Whipple, Wog, Yeater, Mr. Speaker.

Absent and not voting: Arnold, Cleven, Eckert, Hemmi, Klein, Kunkel, Nims, Olgard, Roquette.

Mr. Whipple moved that the House return to the third order of business, which motion prevailed.

The Committee on Revision and Correction of the journal made the following report:

*Mr. Speaker:* Your committee on Revision and Correction of the journal have carefully examined the Journal of the third day and recommend that the same be corrected as follows: On page 3 after line 46 strike out the next five lines and insert in lieu thereof the words "Which the Senate adopted and your favorable consideration is respectfully requested.

W. J. PRATER,  
Secretary.

And when so corrected recommend that the same be approved.

ROLLAN V. WELD,  
Chairman.

Mr. Weld moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Whipple moved to turn to the fourth order of business, which motion prevailed.

Hon. L. L. Stair,  
Speaker of the North Dakota  
House of Representatives,  
Bismarck, North Dakota.

My Dear Sir:—

Mr. Lester P. Barlow, formerly connected with the Aviation Branch of the United States Army, and the inventor of numerous types of aerial bombs that were used exclusively in the late World War by both the English, French, and American Armies, is stopping over in Bismarck for a few days, and we request that he be given the opportunity to address the North Dakota Legislature in joint session this afternoon on the subject of "The United States Activities in Aerial Warfare During the Period of the War."

Mr. Barlow is the State Organizer for the Northwest Division of the World War Veterans Organization, and his

visit to Bismarck is in the interest of the World War Veterans. I am,

Yours very respectfully,

World War Veterans, Post Number One.

A. L. YOUNG,

Temporary Chairman.

HAROLD HOPTON,

Temporary Secretary.

Messrs. Petterson and Olsgard introduced House Bill No. 23, "A Bill for an Act to amend Chapter two hundred six (206) of the Session Laws of 1919, relating to the levying of one-half of one mill on each dollar of assessed valuation of all taxable property within the state for each year for the purpose of creating a fund to be known as the "returned soldiers' fund" providing for the payment thereof to returned soldiers; defining the powers and duties of the Adjutant General and of the Industrial Commission with reference thereto; making an appropriation therefor; so as to make the said fund payable to said returned soldier, immediately and without any conditions thereto attached."

Was read the first and second time and referred to the Committee on Tax and Tax Laws.

Messrs. Durkee and Mikkleson introduced House Bill No. 24, "A Bill for an Act authorizing and directing the Bank of North Dakota to make loans upon post dated checks to North Dakota drouth stricken farmers."

Was read the first and second time and referred to the Committee on Election and Election Laws.

Mr. Hanson introduced House Bill No. 25, "A Bill for an Act repealing Chapter 171 of the Session Laws of North Dakota for the year 1919; limiting the power of courts to grant injunctions."

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

Mr. Herbert introduced House Bill No. 26, "A Bill for an Act defining criminal syndicalism and providing penalty therefor."

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

Mr. Harris introduced House Bill No. 27, "A Bill for an Act relating to the qualifications of persons appointed, elected or employed as an officer, manager, clerk, stenographer or employee or to any other position in any of the industries, enterprises and business projects of the State of North Dakota under the control, management or supervision of the Industrial Commission of the State of North Dakota, and providing a penalty for a violation."

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

Mr. Harris introduced House Bill No. 28, "A Bill for an Act creating the "Board of Supervisors" for the general supervision and administration of all state, penal, charitable and educational institutions of higher learning in the state of North Dakota, and fixing and determining the powers and duties of the State Superintendent of Public Instruction with

respect to the high schools and common schools of the state, and providing for the creation of a State Board of Education, fixing its duties and powers, and transferring the powers and duties of the Board of Administration, and to repeal Chapter 71, Session Laws of 1919."

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

Mr. Severson introduced House Bill No. 29, "A Bill for an Act to amend and re-enact Section 3550 of the Compiled Laws of North Dakota of 1913, relating to the appointment of District Court Bailiffs and the compensation thereof."

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

Mr. Severson introduced House Bill No. 30, "A Bill for an Act empowering the State Banking Board to make examinations of the Bank of North Dakota."

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

Messrs. Burtness and J. F. T. O'Connor introduced House Bill No. 31, "A Bill for an Act to Provide for the Nonpartisan Nomination and Election of all Elective State and County Officers, Members of the Legislative Assembly and Judges of the Supreme and District Courts, and to repeal Sections 904, 905, 906, 907, 908, 909, 1917, 1918 and 1919, of the Compiled Laws of the State of North Dakota, Compiled Laws of 1913, and Chapter 117 of the Session Laws of 1919."

Was read the first and second time and referred to the Committee on Election and Election Laws.

Mr. Harris introduced House Bill No. 32, "A Bill for an Act to amend and re-enact Section 5 of Chapter 187 of the Session Laws of the State of North Dakota for the year 1919."

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

Mr. Harris introduced House Bill No. 33, "A Bill for an Act to amend and re-enact Section Four of Chapter 188 of the Session Laws of the State of North Dakota for the year 1919."

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

Mr. Whipple made the following motion:

I move that the Speaker appoint a committee of three to notify the Senate that the House will be ready to meet with them at 3 o'clock, and that this Committee act as a reception committee for Mr. Lester P. Barlow and escort him to the rostrum, which motion prevailed. The Speaker appointed the following committee: Mr. Whipple, Mr. O'Connor of Grand Forks, and Mr. Brostuen.

Mr. Larson of Stutsman moved that the House take a 10 minute recess, which motion prevailed.

#### AFTER RECESS

The House assembled pursuant to recess taken.

The Sargent at Arms announced that the Senate was ready

to be received, and the Speaker directed that the Senate be received.

### JOINT SESSION

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

The Secretary of the Senate called the roll of the Senate.

Senate roll call:

Beck, Benson, Berg, Bowman, Cahill, Carey, Church, Drown, Ettetstad, Fleckten, Fraser, Hagan, Haggart, Hamerly, Hemmingsen, Hunt, Hyland, Ingerson, Jacobsen, Kendall, King, Levang, Liederbach, McBride, McCarten, McNair, Mees, Mortenson, Mostad, Morkrid, Miklethun, Murphy, Nelson, Noltmier, Oksendahl, Olson, Pendray, Ployhar, Porter, Stenmo, Storstad, Ward, Weber, Welford, Wenstrom, Whitman, Zieman.

Absent: Gibbons, Sikes.

The Chief Clerk of the House called the roll of the House: Present, 105; absent, 3.

Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bolinger, Bjerke, Burtness, Burkhart, Byrne, Caddell, Carr, Donnor, Dungan, Durkee, Engen, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hammond, Hanson, Hardt, Harding, Harris, Herbert, Hoare, Humphreys, Ivers, Johnson, of Dickey; Johnson, of Steele; Johnson, of Cass; Johnson, of Pembina; Johnston, Kamrath, Kelder, Kell, Kellogg, Kelly, Keitzman, Koller, Krueger, Larson, of Ransom; Larson, of Stutsman; Larson, of Pierce; Larkin, Lazier, Lowe, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McGauvran, McLarty, McLaughlin, McManus, Mikelson, Miller, Moen, Murtha, Nathan of Sheridan, Nathan of Logan, Ness, Nesvig, Nims, O'Brien, O'Connor of Pembina, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olson of Barnes, Opland, Patterson, Petterson, Pleasance, Prater, Randall, Riba, Reid, Reishus, Renauld, Robinson, Rusch, Severson, Sherman, Strain, Strom, Turner, Twitchell, Uglum, Wadson, Walker, Weld of Wells, Weld of Kidder, Whipple, Wog, Yeater, Mr. Speaker.

Absent: Arnold, Clevon, Eckert, Hemmi, Klein, Kunkel, Olsgard, Roquette.

The President of the Senate introduced the speaker, Mr. Lester P. Barlow, and Mr. Barlow addressed the Joint Session.

Mr. Patterson moved that this Joint Session do now dissolve, which motion prevailed.

Mr. Renauld moved that the House recess until 1 o'clock P. M., November 29th, which motion prevailed.

Courtesies of the floor were extended to R. W. Frazer at the request of Rep. Alberts, to Hon. Staale Hendrickson, at the request of Rep. Uglam, and A. W. Youngquist, at the request of Representatives Haines and Maddock, of Mountrail.

## FIFTH DAY AFTER RECESS AND SIXTH DAY

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
November 29, 1919.

The House assembled at 1 o'clock P. M., pursuant to recess taken, the Speaker presiding.

Mr. Burtness moved that the House turn to the ninth order of business.

Mr. Krueger introduced House Bill No. 34, "A Bill for an Act to amend and re-enact Section 4219, Compiled Laws of North Dakota for 1913, relating to the compensation of assessors."

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

Mr. Olson of Ward introduced House Bill No. 35, "A Bill for an Act to repeal Chapter 142 of the Session Laws of 1915, relating to the payment of tuition for attendance at any model high or graded or elementary school which is operated, maintained or in any manner connected with the state university, any normal school or any educational institution of higher learning."

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

Mr. Walker introduced House Bill No. 36, "A Bill for an Act to amend and re-enact Section 1 of Chapter 152 of the Session Laws of 1915, relating to the Emergency Commission, and membership thereof."

Was read the first and second time and referred to the Committee on Taxes and Tax Laws.

Mr. Uglum introduced House Bill No. 37, "A Bill for an act amending and re-enacting Section 2189 of the Compiled Laws of North Dakota for the year 1913, relating to Auditor's notice of sale of delinquent taxes."

Was read the first and second time and referred to the Committee on Taxes and Tax Laws.

Mr. O'Brien introduced House Bill No. 38, "A Bill for an Act appropriating the sum of \$6,000.00 to provide clerk hire, telephone, telegraph, postage, furniture and fixtures, and other necessary items of office expenses for the State Publication and Printing Commission, and the office of State Printer."

Was read the first and second time and referred to the Committee on Appropriations.

Mr. O'Brien introduced House Bill No. 39, "A Bill for an Act to appropriate money for the expenses of the executive



department of the state to cover expenses in meeting certain emergencies."

Was read the first and second time and referred to the Committee on Appropriations.

Mr. Marshall introduced House Bill No. 40, "A Bill for an Act to amend Section 1218, Compiled Laws of North Dakota, 1913, requiring school district treasurers to file a copy of their annual report with the Bank of North Dakota."

Was read the first and second time and referred to the Committee on Ways and Means.

Mr. Wadson introduced House Bill No. 41, "A Bill for an Act to provide for the cutting and removing of weeds and grasses along the public highways, streets and alleys, prescribing the duties of Township Supervisors, Road Overseers and County Commissioners with reference thereto, and providing for the payment of the expense thereof."

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

Mr. Malon<sup>4</sup> introduced House Bill No. 42, "A Bill for an Act defining the word "precinct" as used in the laws of the State of North Dakota relating to elections and providing for the formation of voting districts and the designating of voting places within such voting districts."

Was read the first and second time and referred to the Committee on Election and Election Laws.

Mr. Burtness introduced House Bill No. 43, "A Bill for an Act to amend and re-enact Sections 4, 5 and 7 of Chapter 6 of the Session Laws of North Dakota for 1919."

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

Mr. McLarty introduced House Bill No. 44, "A Bill for an Act to amend and re-enact Sub-divisions Number 7, Number 8, Number 11, Number 18, and Number 33, of Chapter 16 of the Session Laws of 1919, relating to the general budget appropriation."

Was read the first and second time and referred to the Committee on Appropriations.

Mr. Miller introduced House Bill No. 45, "A Bill for an Act to amend and re-enact Section 3471 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Section 1 of Chapter 13 of the laws of the Special Session of the State of North Dakota for the year 1918; and amending and re-enacting Section 3473 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Section 3 of Chapter 13 of the laws of the Special Session of the State of North Dakota for the year 1918; and amending and re-enacting Section 3481 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Section 9, Chapter 13 of the Laws of the Special Session of the State of North Dakota for the year 1918 and as amended and re-enacted by Section 1 of Chapter 177 of the laws of North Dakota for the year 1919, relating to

the issuance of bonds and warrants to procure seed grain and feed for needy inhabitants; making an appropriation therefor; and repealing all acts and parts of acts in conflict therewith."

Was read the first and second time and referred to the Committee on Tax and Tax Laws.

Mr. Malone introduced House Bill No. 46, "A Bill for an Act to amend and re-enact Section 4 of Chapter 162 of the Compiled Laws of 1919 relating to Workmen's Compensation Fund."

Was read the first and second time and referred to the Committee on Mines and Mining.

Mr. Paul Johnson introduced House Bill No. 47, "A Bill for an Act to cut down and reduce all state and municipal tax levies for the year 1919."

Was read the first and second time and referred to the Committee on Taxes and Tax Laws.

Motion offered by Mr. Reishus.

Whereas, House Bill No. 47, introduced by Paul Johnson is sponsored by Justice J. E. Robinson, the Dean of the Non-partisan judiciary of North Dakota, and is introduced at his request; and whereas, Justice Robinson has requested that he be permitted to address the House upon such measure from the floor thereof:

Therefore it is hereby moved that the Speaker refer such measure direct to the Committee of the Whole instead of sending it to one of the permanent committees; that an hour be fixed at which this measure shall be taken up in Committee of the Whole at which time Justice Robinson be heard thereon, and that a Committee of three be named by the Speaker to notify Justice Robinson of the time set for his being heard upon this measure. Mr. Reishus moves adoption of this motion.

State Affairs Committee introduced House Bill No. 48, "A Joint Resolution creating an investigation committee; defining its rights and powers and authorizing it to investigate all efforts to destroy or injure the property or rights of individuals, corporations, or any of the industries, enterprises or utilities owned by the State, or the credit of the State, or to unlawfully influence or corrupt elections or results thereof and to report the results of such examination to the Governor, to the Legislative Assembly and State's Attorneys; and making an appropriation therefor."

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

State Affairs Committee introduced House Bill No. 49, "A Joint Resolution requesting the Supreme Court of the United States to advance the case of John W. Scott et al., vs. Lynn J. Frazier, et al., on the Calendar.

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

Mr. Prater introduced House Bill No. 50, "A Bill for an Act authorizing the Board of Railroad Commissioners to investigate trade and commerce, profiteering, hoarding and speculation in food, clothing and shelter, in co-operation with the Federal Trade Commission."

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

Mr. McDonnel introduced House Bill No. 51, "A Bill for an Act requiring the Board of Railroad Commissioners to devote each his entire time to his respective office, and to increase the compensation thereof."

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

Messrs. Kellogg and Hardt introduced House Bill No. 52, "A Bill for an Act to prohibit the use of cigarettes by minors; prohibiting the supplying of cigarettes, cigarette papers, cigarette wrappers, or cigarette tobacco, to minors; prohibiting the sale of cigarettes, cigarette tobacco, cigarette papers, or cigarette wrappers, without a license; providing for licensing the sale, barter, or giving away of cigarettes, cigarette tobacco, cigarette papers or cigarette wrappers, and making the violation thereof a criminal offense; and providing penalties therefor."

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

Mr. Hanson introduced House Bill No. 53, "A Bill for an Act repealing Chapter 170 of the Session Laws of 1919, relating to hours for females."

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

A vote was taken on the motion and it was declared lost by a vote of 31 to 48.

Mr. Twichell asked for a roll call. Mr. Twichell consented that action on his request be postponed to suit the convenience of the Speaker.

Mr. Burtness: There is a motion before the House. Otherwise I would like to move to adjourn.

Mr. Speaker. We will defer action on that until after the next legislative day if satisfactory to the member making the motion.

Mr. Twichell: That is satisfactory to me.

Mr. Burtness moved to adjourn, which motion prevailed.

## SIXTH DAY

The House assembled pursuant to adjournment, the Speaker presiding.

Prayer by Chaplain.

Roll call.

Present, 102; absent, 9.

Arnold, Alberts, Bailey, Brostuen, Bratsberg, Bryans, Boring, Bjerke, Burtness, Burkhart, Byrne, Caddell, Carr, Cleven, Donner, Dungan, Durkee, Engen, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hammond, Hanson, Hardt.

Hoare, Humphreys, Ivers, Johnson of Dickey, Johnson of Steele, Johnson of Cass, Johnson of Pembina, Johnston, Kamrath, Kelder, Kell, Kellogg, Kelly, Keitzman, Koller, Krueger, Larson of Ransom, Larson of Stutsman, Larson of Pierce, Larkin, Lazier, Lowe, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin

of Bottineau, Maxwell, McDonnell, McGauvran, McLarty, McLaughlin, McManus, Mikkelson, Miller, Moen, Murtha, Nathan of Sheridan, Nathan of Logan, Ness, Nesvig, Nims, O'Brien, O'Connor of Pembina, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olson of Barnes, Olsgard, Opland, Patterson, Petterson, Pleasance, Prater, Randall, Riba, Reid, Reishus, Renauld, Robinson, Roquette, Rusch, Severson, Sherramsey, Olson of Ward, Olson of Barnes, Olsgard, Opland, Patterson, Petterson, Pleasance, Prater, Randall, Riba, Reid, man, Strom, Turner, Twichell, Uglum, Wadeson, Walker, Absent: Brady, Eckert, Harding, Harris, Hemmi, Hebert, Klein, Kunkel, Strain. ....

#### PRESENTATIONS OF PETITIONS AND COMMUNICATIONS

La Feria, Texas, Nov. 24, 1919.

Chief Clerk, House of Representatives,

Dear Sir:

My health has been almost fully restored during my sojourn in lower Rio Grande Valley. I regret that I cannot attend the extraordinary session of the legislature. I expect to return to North Dakota early next spring. I am keeping in close touch with all the political movements in North Dakota.

Very respectfully,

JOHN V. HEMMI,

#### REPORTS OF STANDING COMMITTEES

The Committee on Revision and Correction of the journal made the following report:

*Mr. Speaker:* Your Committee on Revision and Correction of the Journal have carefully examined the Journal of the third day after recess and recommend that the same be corrected as follows:

On page 1 after line 10 insert the following words, "First and second reading of House Bills."

On page 2, line 43 strike out the word "Chairman" and insert in lieu thereof the word "Speaker."

On page 3 after line 55 insert the following words, "First and second reading of House Bills."

And when so corrected recommend that the same be approved.

ROLLAN V. WELD,  
Chairman.

Mr. Weld moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on State Affairs made the following report:

*Mr. Speaker:* Your committee on State Affairs to whom was referred House Bill No. 1, "A Bill for an Act ratifying a proposed amendment to the Constitution of the United States.

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

Add the letter "s" to the word "legislature" to make it read

"legislatures," on the original Bill. Also place quotation mark ( " ) before the word "Article" and period ( . ) following the word "article." Also place quotation mark ( " ) before the words "The right of citizens" following the word "Article". Also place quotation mark ( " ) before the words "Congress shall have power" and also place quotation mark ( " ) after the word "legislation" in same sentence.

And when so amended recommend the same do pass.

WALTER J. MADDOCK,  
Chairman.

Mr. Maddock moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on State Affairs made the following report:

*Mr. Speaker:* Your committee on State Affairs to whom was referred House Bill No. 2, "A Bill for an Act to amend and re-enact Section 1 and Section 3 of Chapter 206 of the Session Laws of 1919.

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

In Section 1, line 20 after the word "Schools" add the following amendment, to-wit: "(f) to secure medical care or treatment and surgical services provided that in the event that any returned soldier is mentally incompetent, application be made therefor on his behalf by any person having the custody of any such soldier."

And when so amended recommend the same do pass.

WALTER J. MADDOCK,  
Chairman.

Mr. Maddock moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on State Affairs made the following report:

*Mr. Speaker:* Your committee on State Affairs to whom was referred House Bill No. 3, "A Bill for an Act extending the purpose for which the taxes levied pursuant to the provisions of Section 1, Chapter 206, Session Laws of 1919."

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

WALTER J. MADDOCK,  
Chairman.

Mr. Maddock moved that the report be adopted.

Which motion prevailed and the report was adopted.

The Committee on State Affairs made the following report:

*Mr. Speaker:* Your committee on State Affairs to whom was referred Senate Bill No. 1, "A Bill for an Act ratifying a proposed amendment to the Constitution of the United States.

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

WALTER J. MADDOCK,  
Chairman.

Mr. Maddock moved that the report be adopted, which motion prevailed and the report was adopted.

## MESSAGE FROM THE SENATE

SENATE CHAMBER,  
BISMARK, NORTH DAKOTA,  
November 29th, 1919.

*Mr. Speaker:* I have the honor to transmit herewith the following bills:

Senate Bill No. 7, "A Bill for an Act to amend and re-enact Section 2 of Chapter 243 of the Laws of North Dakota for the year 1919, relating to the destruction of predatory animals."

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

Very respectfully,  
W. J. PRATER,  
Secretary.

## FIRST AND SECOND READING OF SENATE BILLS

Senate Bill No. 1, "A Joint Resolution, ratifying a proposed amendment to the Constitution of the United States."

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

Senate Bill No. 7, "A Bill for an Act to amend and re-enact Section 2 of Chapter 243 of the Laws of North Dakota for the year 1919, relating to the destruction of predatory animals."

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

Mr. Nesvig moved to recess at 4, until 10 o'clock Monday, and that the House invite Judge Robinson to speak here at 4:15 o'clock on House Bill No. 47.

Mr. Twichell accepts the motion as an amendment to his motion and seconds the motion as now amended.

*Mr. Burtness:* I rise on a parliamentary question. There is a motion before the House offered by Representative Reishus which was to be taken up for consideration at this time.

*The Speaker:* His motion was voted down, and then Representative Twichell's motion was on roll call.

*Mr. Twichell:* I would like to have a roll call.

*The Speaker:* The Chief Clerk will read the Reishus motion.

*Mr. Maddock:* That would require having a vote on the motion made by the gentleman from Traill first.

*The Speaker:* I informed Mr. Twichell we would take up and dispose of his roll call at the next legislative day. As the Chair has the privilege of entertaining either motion, I will entertain Mr. Twichell's motion.

*Mr. Hoare:* I would request a roll call first.

*The Speaker:* A roll call is granted.

The question being on the passage of the Reishus motion, the roll was called and there were, ayes 48, nays 58, absent and not voting 7.

Ayes—Bryans, Bollinger, Burtness, Burkhart, Caddell, Carr, Donner, Dungan, Durkee, Engen, Gunhus, Haines, Hammond, Hanson, Humphreys, Johnson, of Cass, Johnson, of Pembina,

Johnston, Kamrath, Keilly, Koller, Krueger, Larson, of Pierce, Lowe, McGauvran, McLarty, McLaughlin, McManus, Mikkelsen, Murtha, Nathan, of Logan, Ness, Nims, O'Connor, of Pembina, Olsen, of Ramsey, Olson, of Ward, Olsgard, Peterson, Pleasance, Reid, Reishus, Robinson, Roquette, Rusch, Severson, Turner, Twichell, Wadeson.

Nays—Arnold, Alberts, Bailey, Brostuen, Bratsberg, Bjerke, Byrne, Ferguson, Fredrickson, Hall, Hardt, Harding, Hoare, Ivers, Johnson, of Dickey, Johnson, of Steele, Kelder, Kellogg, Keitzman, Klein, Larson, of Ransom, Larson, of Stutsman, Larkin, Lazier, Maddock, of Mountrail, Maddock, of Benson, Malone, Magnuson, Marshall, Martin, of Slope, Martin, of Bottineau, Maxwell, McDonnell, Miller, Moen, Nathan, of Sheridan, Nesvig, O'Brien, O'Connor, of Grand Forks, Olson, of Barnes, Opland, Patterson, Prater, Randall, Riba, Renauld, Sherman, Strain, Strom, Uglum, Walker, Weld, of Wells, Weld, of Kidder, Whipple, Wog, Yeater, Mr. Speaker.

Absent and not voting—Brady, Cleven, Eckert, Harris, Hemmi, Herbert, Kunkel.

Which motion was lost.

*Mr. Burtness:* I wish to explain my vote on this roll call. I feel that the question involved in this House Bill is one of the most important, if not the most important, questions before the people of this State today, as it involves the pocketbook of every individual taxpayer of the State of North Dakota.

*Mr. Patterson:* Is the gentleman explaining his vote or arguing on the Bill.

*Mr. Burtness:* I would suggest that there is no occasion for the gentleman interrupting, as I have already said in rising to speak that I did it to explain my vote. In realizing that importance, it seems to me that this House is in this position, that it should seek all the information that it can get on the matter, from any person, or from whatever source that we feel information can be obtained. The position of Justice Robinson in this State is such, or for that matter the position of any person who occupies a place on the supreme court of the state, who has been placed there by the electors of our state, is such that his views should demand the serious consideration of every person who has come here to perform the duties of his office. Furthermore, I think it would be the height of discourtesy to Justice Robinson to refuse to consider the request that has been made and made for the purpose of getting information, and for the purpose of showing some feeling of courtesy rather than discourtesy to Judge Robinson, I vote yes on the motion, and in doing so I want to express the sentiment that I feel that the same courtesy should be extended to anyone else of like standing in the State.

*Mr. Hoare:* I wish to explain my vote. I feel as the gentleman who just spoke, that we should hear Justice Robinson, but as we intend to present another motion that will give us the same opportunity to hear him in a more regular manner. I think it is just that I should vote no on this question.

*Mr. Maddock, of Mountrail:* I wish to explain my vote, I have to vote no for the reason that I favor the motion

made by the gentleman from Traill was made with more charitable intent to the members of this Assembly, and to Justice Robinson.

*Mr. Miller:* Mr. Speaker, I have no objection to hearing Judge Robinson, but feel that the committee of the whole is not a proper place nor time for such hearing and as another motion will be made for such hearing at a later date and a more proper time, I vote "No."

*Mr. O'Connor, of Grand Forks:* I don't believe the Committee of the whole is the proper place for this discussion. I don't want to vote "Aye" on this motion because if it carries it will establish a precedent that every time we go into a committee of the whole both factions of this House would be privileged to invite someone to make a speech and address the House in the committee of the whole. I therefore vote "No."

*Mr. Opland:* I would like to explain that I vote "No" for the same reason as stated by Mr. O'Connor.

*Mr. Patterson:* I am not opposed to hearing the Judge. There is no question but what we could get a good deal of information from him, but I am opposed to letting him address this Assembly in the committee of the whole, therefore I vote "No."

*Mr. Twichell:* Under the motion as I understand it, Judge Robinson was to be heard by this House, and therefore I vote for the motion. We are not a House when we are in recess, as proposed by the other gentleman.

*Mr. Maddock, of Mountrail:* I understood that the American Legion has made a request through the State Secretary, Mr. Williams, for a meeting of the Joint Assembly, and have an address by Mr. Dawson, the representative of the Legion, but I understand Mr. Dawson has left town. I therefore move that we extend the same courtesy to the Legion as we did to the World's War Veterans, and invite a speaker of the Legion to make an address here when it is convenient for them to have a speaker here.

Which resolution was adopted.

Mr. Hoare moved to appoint a committee of three to notify Judge Robinson that the session would hear him.

Representatives Hoare, Reishus and Nesvig are appointed by the Chair.

Mr. Speaker: The Chair will refer to the 12th order of business and taking up House Bill No. 47, will refer that to the Committee on taxes and tax laws.

Mr. Hoare moved to recess until 3:45, which motion prevailed.

#### AFTER RECESS

House called to order.

*Mr. Maddock of Mountrail:* We find that Lieut. Dawson, of the American Legion, is in the Capital, and I move that we meet in joint session to hear his remarks, and that a committee of three be appointed to notify the Senate. The Speaker appointed Maddock, of Mountrail, Burtness and Bryans.



The Sergeant at Arms announced that the Senate was ready to be received, and the Speaker directed that the Senate be received.

#### JOINT SESSION

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

The Secretary of the Senate called the roll of the Senate.  
Present, 46; absent, 3.

Beck, Benson, Berg, Cahill, Carey, Church, Drown, Ettestad, Fleckten, Fraser, Hagan, Haggart, Hamerly, Hemmingsen, Hunt, Hyland, Ingerson, Jacobsen, Kendall, King, Levang, Liederbach, McBride, McCarten, McNair, Mees, Mortenson, Mostad, Morkrid, Micklethun, Murphy, Nelson, Noltimier, Oksendahl, Olson, Pendray, Ployhar, Porter, Stenmo, Storstad, Ward, Weber, Welford, Wenstrom, Whitman, Zieman.

Absent—Bowman, Gibbons, Sikes.

The Chief Clerk of the House called the roll of the House.  
Present, 104; absent, 8.

Arnold, Alberts, Bailey, Brostuen, Bratsberg, Bryans, Boinger, Bjerke, Burtness, Burkhart, Byrne, Caddell, Carr, Cleven, Donner, Dungan, Durkee, Engen, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hammond, Hanson, Hardt, Harding, Hoare, Humphreys, Ivers, Johnson of Dickey, Johnson of Steele, Johnson of Cass, Johnson of Pembina, Johnston, Kamrath, Kelder, Kell, Kellogg, Kelly, Keitzman, Koller, Krueger, Larson of Ransom, Larson of Stutsman, Larson of Pierce, Larkin, Lazier, Lowe, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McGauvran, McLarty, McLaughlin, McManus, Mikkelson, Miller, Moen, Murtha, Nathan of Sheridan, Nathan of Logan, Ness, Nesvig, Nims, O'Brien, O'Connor of Pembina, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olson of Barnes, Olsgard, Opland, Patterson, Petterson, Pleasance, Prater, Randall, Riba, Reid, Reishus, Renauld, Robinson, Roquette, Rusch, Severson, Sherman, Strom, Turner, Twichell, Uglum, Wadeson, Walker, Weld, of Wells, Weld of Kidder, Whipple, Wog, Yeater, Mr. Speaker.

Absent—Brady, Eckert, Harris, Hemmi, Herbert, Klein, Kunkel, Strain.

Mr. Whipple moved that a committee of three be appointed to escort Lieut. Dawson to the Rostrum, and the President appointed Mr. Whipple, Senator Murphy, Representative Martin of Slope.

The Committee escorted Lieut. Dawson to the Rostrum.

Lieut. Dawson addressed the Joint Session.

Senator Cahill asks unanimous consent to introduce a resolution. There being no objection, the following resolution was offered:

#### CONCURRENT RESOLUTION

*Be It Resolved by the Senate of the State of North Dakota and the House of Representatives in Joint Assembly:*

*Whereas, Dr. Edward M. Darrow, of Fargo, North Dakota, a pioneer and a most distinguished citizen of this State,*

notable for his services to his fellowmen and to the State in which his life's work was spent, departed this life on Tuesday, November 25th, 1919; and

*Whereas*, Dr. Darrow had long occupied a prominent position in his profession of medicine and surgery, in which he distinguished himself by the exercise of sound, scientific judgment and the highest standards of professional ethics, always regarding his professional skill as a sacred trust in favor of suffering humanity; and

*Whereas*, his gracious courtesy, his never failing, genial humor and unfaltering fairness endeared him to others in an unusual degree, making him a man universally beloved; and

*Whereas*, his private, professional and public life all bespeak a character worthy of the emulation of all; and

*Whereas*, the people of the State of North Dakota feel the loss of a most gifted professional man of altruistic ideals; a public servant, true and irreproachable, and a man among men loved for his superabundance of manly virtues;

*Be It Resolved*, that we, the Senate and the House of Representatives of the State of North Dakota, convened in Extraordinary Session of the Legislative Assembly, do hereby express on behalf of the people of the State of North Dakota the sense of the great personal loss that his death bears in upon all.

*Be It Further Resolved*, that we especially sympathize most deeply with his family and the community with which he was immediately associated for so many years.

*Be It Further Resolved*, that these resolutions be spread at large upon the Journals of the Senate and House and that copies be immediately forwarded by the Secretary of State to the family of the deceased.

*Mr. O'Connor, of Grand Forks*: I move that the address of Lieut. Dawson be printed in the Journal. Which motion prevailed.

*Senator Church*: I move that the Joint Assembly do now dissolve, which motion prevailed.

*Mr. Hoare*: Moved that the remarks of Mr. Barlow be printed in the minutes as well as those of Mr. Dawson, which motion prevailed.

Mr. Nesvig, moved to amend the motion to adjourn, by changing the hour from 10 o'clock A. M. to one o'clock P. M., which motion prevailed and the House recessed.

Speech of Judge Robinson heard here.

## SIXTH DAY AFTER RECESS AND EIGHTH DAY

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
December 1st, 1919.

The House assembled at 1 o'clock P. M., pursuant to recess taken, the Speaker presiding.

A general motion to turn to the fifth order of business.

## REPORTS OF STANDING COMMITTEE

The Committee on Judiciary made the following report:

*Mr. Speaker:* Your Committee on Judiciary, to whom was referred House Bill No. 7, "A Bill for an Act to repeal Chapter 6 of the Session Laws of 1919, relating to the licensing and inspection of pool and billiard rooms, ball and pin alleys, dance halls, theaters, moving picture shows, taxicab stands and places where soft drinks are sold; providing fees therefor, inspectors, office help and supplies; defining the powers and duties; and repealing all Acts and parts of Acts in conflict therewith.

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

Section 3.—This Act is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval.

And when so amended recommend that the same do pass.

FRANK PRATER,  
Chairman.

Mr. Prater moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Judiciary made the following report:

*Mr. Speaker:* Your Committee on Judiciary, to whom was referred House Bill No. 18, "A Bill for an Act to amend and re-enact Section 6 of Chapter 6 of the Session Laws for the year 1919, relating to the disposition and disbursement of license fees obtained from the licensing and inspection of pool-halls, theaters, etc."

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

FRANK PRATER,  
Chairman.

Mr. Burtness: As the author of House Bill No. 18, I ask that the report of the Committee be not adopted at this time, but that it be sent back to the committee. Which motion prevailed.

The committee on Judiciary made the following report:

*Mr. Speaker:* Your committee on Judiciary to whom was referred House Bill No. 17, "A Bill for an Act to repeal Chapter 219 of the Laws of North Dakota for the year 1919, being the law creating the office of County Tax Supervisor and defining his powers and duties."

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

FRANK PRATER,  
Chairman.

Mr. Prater: I move to reconsider the action of the Committee in reporting on House Bills Numbers 7 and 17, for the reason that they do not properly contain the emergency clauses as inserted by the committee.

Which motion prevailed.

The committee on Judiciary made the following report:

Mr. Speaker: Your committee on Judiciary to whom was referred House Bill No. 25, "A Bill for an Act repealing Chapter 171 of the Session Laws of North Dakota for the year 1919; limiting the power of courts to grant injunctions."

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

FRANK PRATER.

Chairman.

Mr. Prater moved that the report be adopted.

The committee on Judiciary made the following report:

Mr. Speaker: Your committee on Judiciary to whom was referred House Bill No. 28, "A Bill for an Act creating the 'Board of Supervisors' for the general supervision and administration of all state, penal, charitable and educational institutions of higher learning in the state of North Dakota, and fixing and determining the powers and duties of the State Superintendent of Public Instruction with respect to the high schools and common schools of the state, and providing for the creation of a State Board of Education, fixing its duties and powers, and transferring the powers and duties of the Board of Administration, and to repeal Chapter 71, Session Laws of 1919."

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

FRANK PRATER.

Chairman.

Mr. Prater moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. O'Connor of Grand Forks: I now move that a committee of five be appointed by the Chairman to interrogate the Librarian with reference to the books contained in the State Circulating Libraries, and that such committee report to this House as soon as possible.

Mr. Twichell: I move an amendment to the motion that said committee consist of three members from the majority and two from the minority, which motion prevailed.

Mr. Speaker: Now, the motion before the House is that of Mr. O'Connor as amended by the motion of Mr. Twichell. A vote was taken on the amended motion, which motion prevailed.

The Speaker administered the oath to Paul Williams as Custodian, and Hartley May as Page.

Mr. Maddock of Mountrail moved to adjourn, which motion prevailed.

#### EIGHTH DAY

The House assembled pursuant to adjournment, the Speaker presiding.

Prayer by the Chaplain.

Roll call.

Present, 105; absent, 8.

Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bollinger, Bjerke, Burtness, Burkhart, Byrne, Caddell,

## ROLL CALL

Carr, Donner, Dungan, Durkee, Eckert, Engen, Ferguson, Fredrickson, Gunhus, Haines, Hammond, Hanson, Hardt, Harding, Harris, Hoare, Humphreys, Ivers, Johnson, of Dickey, Johnson, of Steele, Johnson, of Cass, Johnson, of Pembina, Johnston, Kamrath, Kelder, Kell, Kellogg, Kelly, Keitzman, Koller, Krueger, Kunkel, Larson, of Ransom, Larson, of Stutsman, Larson, of Pierce, Larkin, Lazier, Lowe, Maddock, of Mountrail, Maddock, of Benson, Malone, Magnuson, Marshall, Martin, of Slope, Martin, of Bottineau, Maxwell, McDonnell, McGauvran, McLarty, McLaughlin, McManus, Miller, Moen, Nathan, of Sheridan, Nathan, of Logan, Ness, Nesvig, Nims, O'Brien, O'Connor, of Pembina, O'Connor, of Grand Forks, Olsen, of Ramsey, Olson, of Barnes, Olsgard, Opland, Patterson, Petterson, Pleasance, Prater, Randall, Riba, Reid, Reishus, Renauld, Robinson, Roquette, Rusch, Severson, Sherman, Strain, Strom, Turner, Twichell, Uglum, Wadson, Walker, Weld, of Wells, Weld, of Kidder, Whipple, Wog, Yeater, Mr. Speaker.

Absent—Cleven, Hall, Hemmi, Herbert, Klein, Mikkelson, Murtha, Olson of Ward.

## PRESENTATION OF PETITIONS AND COMMUNICATIONS

Center, N. Dak., Dec. 1, 1919.

R. H. Walker,

House of Representatives,

Bismarck, N. Dak.:

Edward A. Miller Post, Center, N. Dak., respectfully request you to use your influence on support of the Legion measure which is to come before Legislature at this session.

H. V. Kiebert,

Adjutant.

Whereas, it is the sentiment of the members of the Frank L. Townsend Post of the American Legion of La Moure, N. Dak., that the present North Dakota Bonus Law for the benefit of the ex-service men is inadequate for the requirements of the majority of members of this Post,

Now, Therefore, We, the members of the Frank L. Townsend Post No. 19, on this 18th day of November, 1919, do hereby request your influence in bringing about such changes in the present Bonus Law so as to make said bonus more easily and immediately available, thus benefiting a number of men who are now unable to receive the benefits of the present law, owing to its limitation.

Now, Therefore, We take this opportunity to suggest the present North Dakota Bonus Law be amended so as to assure the payment of said bonus for the following purposes:

1. Purchase of farm machinery or livestock.
2. Purchase of necessary household equipment.
3. Purchase of a home independent of the Home Builders' Association.
4. Purchase of workman's tools.
5. Purchase of whole or a part in any legitimate business.

## REPORTS OF STANDING COMMITTEES

The committee on Judiciary made the following report:  
Mr. Speaker: Your committee on Judiciary to whom was referred House Bill No. 29, "A Bill for an Act to amend and re-enact Section 3550 of the Compiled Laws of North Dakota of 1913, relating to the appointment of District Court Bailiffs and the compensation thereof."

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

FRANK PRATER,  
Chairman.

Mr. Prater moved that the report be adopted.  
A roll call was demanded.

#### HOUSE ROLL CALL

The question being on the adoption of the committee report on House Bill No. 29, the roll was called and there were, ayes, 67; nays, 38; absent and not voting, 8.

Ayes—Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bjerke, Burkhart, Byrne, Donner, Eckert, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hardt, Harding, Hoare, Ivers, Johnson, of Dickey, Johnson, of Steele, Kamrath, Kelder, Kell, Kellogg, Larson, of Ransom, Larson, of Stutsman, Larkin, Lazier, Maddock, of Mountrail, Maddock, of Benson, Malone, Magnuson, Marshall, Martin, of Slope, Martin, of Bottineau, Maxwell, McDonnell, McLarty, McManus, Miller, Nathan, of Sheridan, Nathan, of Logan, Nesvig, O'Brien, O'Connor, of Pembina, Olson, of Barnes, Opland, Patterson, Prater, Randall, Riha, Renauld, Sherman, Strain, Strom, Uglum, Wadeson, Walker, Weld of Wells, Weld of Kidder, Whipple, Wog, Yeater, Mr. Speaker.

Absent and not voting—Caddell, Cleven, Eckert, Hemmi, Klein, Moen, Olson, of Ward, Rusch.

Nays—Bollinger, Burtness, Dungan, Durkee, Hammond, Hanson, Harris, Humphreys, Johnson, of Cass, Johnson, of Pembina, Johnston, Kelly, Keitzman, Koller, Krueger, Kunkel, Larson, of Pierce, Lowe, McGauvran, McLaughlin, Mikkelson, Ness, Nims, O'Connor of Grand Forks, Olsen of Ramsey, Ols-gard, Petterson, Pleasance, Reid, Reishus, Robinson, Rquette, Severson, Turner, Twichell.

The committee report was adopted.

The committee on State Affairs made the following report:

Mr. Speaker: Your committee on State Affairs, to whom was referred Senate Bill No. 7, "A Bill for an Act to amend and re-enact Section 2 of Chapter 243 of the Laws of North Dakota for the year 1919, relating to the destruction of predatory animals."

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

WALTER J. MADDOCK,  
Chairman.

Mr. Maddock moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on State Affairs made the following report:

Mr. Speaker: Your committee on State Affairs, to whom was referred House Bill No. 26, "A Bill for an Act defining criminal syndicalism, prohibiting the advocacy thereof and the advocacy of crime, sabotage, violence, or other unlawful methods of terrorism as a means of accomplishing industrial ends, and assemblage for the purpose of such advocacy; and providing penalties for the violations of the provisions thereof."

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

WALTER J. MADDOCK,  
Chairman.

Mr. Maddock moved that the report be adopted.

A roll call was demanded.

The question being on the adoption of committee report on House Bill No. 26, the roll was called and there were, ayes, 71; nays, 33; absent and not voting, 9.

**Ayes**—Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bjerke, Burkhardt, Byrne, Caddell, Donner, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hardt, Harding, Hoare, Ivers, Johnson, of Dickey, Johnson, of Steele, Kamrath, Kelder, Kell, Kellogg, Keitzman, Koller, Krueger, Larson, of Ransom, Larson, of Stutsman, Larkin, Lazier, Maddock, of Mountrail, Maddock, of Benson, Malone, Magnuson, Marshall, Martin, of Slope, Martin, of Bottineau, Maxwell, McDonnell, McLarty, McManus, Miller, Nathan, of Sheridan, Nesvig, O'Brien, O'Connor of Pembina, Olson of Barnes, Opland, Patterson, Prater, Randall, Riba, Renauld, Sherman, Strain, Strom, Uglum, Wadeson, Walker, Weld of Wells, Weld of Kidder, Whipple, Wog, Yeater, M. Speaker.

**Nays**—Bollinger, Burtness, Carr, Dungan, Durkee, Engen, Hammond, Hanson, Harris, Humphreys, Johnson, of Cass, Johnson, of Pembina, Johnston, Kelly, Kunkel, Larson, of Pierce, Lowe, McGauvran, McLaughlin, Mikkelson, Ness, Nims, O'Connor, of Grand Forks, Olsen, of Ramsey, Olson, of Ward, Olsgard, Petterson, Pleasance, Reid, Reishus, Robison, Roquette, Severson, Turner, Twichell.

Absent and not voting—Cleven, Eckert, Hemmi, Klein, Moen, Nathan, of Logan, Rusch.

Which report was carried.

The committee on State Affairs made the following report:

Mr. Speaker: Your committee on State Affairs, to whom was referred House Bill No. 22, "A Bill for an Act relating to the salaries of persons employed in any of the industries, enterprises or business projects of the State under the control, management or supervision of the Industrial Commission of the State of North Dakota."

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

WALTER J. MADDOCK,  
Chairman.

Mr. Maddock moved that the report be adopted.

A roll call was demanded.

The question being on the acceptance of committee's report on House Bill No. 22, the roll was called and there were, ayes, 67; nays, 40; absent and not voting, 6.

**Ayes**—Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bjerke, Burkhardt, Byrne, Caddell, Eckert, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hardt, Harding, Hoare, Ivers, Johnson, of Dickey, Johnson, of Steele, Kamrath, Kelder, Kell, Kellogg, Keitzman, Larson, of Ransom, Larson, of Stutsman, Larkin, Lazier, Maddock, of Mountrail, Maddock, of Benson, Malone, Magnuson, Marshall, Martin, of Slope, Martin, of Bottineau, Maxwell, McDonnell, McLarty, McManus, Miller, Moen, Nathan, of Sheridan, Nesvig, O'Brien, O'Connor, of Pembina, Olson, of Barnes, Opland, Patterson, Prater, Randall, Riba, Renauld, Sherman, Strom, Uglum, Wadeson, Walker, Weld, of Wells, Weld, of Kidder, Whipple, Wog, Yeater, Mr. Speaker.

**Nays**—Bollinger, Burtness, Carr, Donner, Dungan, Durkee, Engen, Hammond, Hanson, Harris, Herbert, Humphreys, Johnson, of Cass, Johnson, of Pembina, Johnston, Kelly, Koller, Krueger, Kunkel, Larson, of Pierce, Lowe, McGauv-

ran, McLaughlin, Mikkelson, Nathan, of Logan, Ness, Nims, O'Connor, of Grand Forks, Olsen, of Ramsey, Olson, of Ward, Olsgard, Petterson, Pleasance, Reid, Reishus, Robinson, Roquette, Severson, Turner, Twichell.

Absent and not voting—Cleven, Hemmi, Klein, Murtha, Rusch, Strain.

Which report was adopted.

**MR. BURTNESS:** I wish to explain my vote on this roll call relating to House Bill 22. I feel that the salary now allowed officials mentioned in this bill are exorbitant. The Director General of the Bank of North Dakota is, as I understand it, receiving a salary of ten thousand dollars per year and in addition thereto receives his sustenance even while employed in the Bank in Bismarck. That seems to be the current report. I do not believe that the gentleman that now occupies that position, or anyone who may occupy it in the future, is able to earn that amount of money for the State of North Dakota in the conduct of the State's Bank, and particularly at this time when we ought to retrench rather than otherwise, and I believe we ought to put our stamp of disapproval on salaries of that sort, which are almost, in the words of Judge Robinson here the other day, "perfectly awful." I believe that the salary of the Manager of the Home Building Association as now allowed is too large. A man who has the assistance of one assistant, and plenty of other help in his office, to answer a few inquiries that come regarding the Home Building Laws and to supervise the building of one house, or for that matter any number,—only one has been built during the past year,—cannot possibly earn more than the amount suggested by this Bill. The same reasoning applies to the other officers mentioned, and therefore I vote "no" on this motion to indefinitely postpone the Bill.

**MR. HARRIS:** In explaining my vote I wish to say that I believe at this time we are paying too high salaries, consequently I vote "no."

**MR. JOHNSON** of Pembina: I wish to explain my vote. When people are groaning and grunting over the high taxes, I feel we are doing wrong as representative members, to let this pass without notice, and if we cannot do anything else regarding it except to let the people know that we do not believe in this extravagance and radical way of doing things, I think we should do that, and I therefore vote "no."

**MR. MADDOCK** of Mountrail: I wish to vote "aye" on this report, although I believe every member here is a taxpayer and wishes to cut the expenses down in every way. And I believe it would be foolhardy to pass such a bill and limit the Industrial Commission as provided in this Bill. Mr. Cathro, as I understand it, was making \$12,500 per year for several years prior to taking his present position, and the Commission couldn't get another man for that money. It is well understood that the bank requires the biggest banker in the State and he shouldn't be limited to \$5,000 per year or anything else for fear of embarrassing the operation of the bank. And, further, I believe that the showing the bank is now making is ample excuse for the salary Mr. Cathro is now getting.



**MR. PATTERSON:** I vote "aye" to sustain the report of the committee on this Bill, realizing that efficiency is a great asset, and realizing without any doubt that Mr. Cathro as manager of this bank could get a great deal larger salary than we are paying at this time which is ten thousand dollars per year, knowing in connection with that that a lot of people working for co-operative banks are receiving a good deal larger salaries than Mr. Cathro is, and Mr. Cathro is earning every dollar of his salary. It might be such a thing that there is someone who would be willing to take the place of Mr. Cathro and give five thousand dollars per year to get in the place for the sake of busting it up. I vote "aye."

The committee on State Affairs made the following report:

**Mr. Speaker:** Your committee on State Affairs, to whom was referred House Bill No. 27, "A Bill for an Act relating to the qualifications of persons appointed, elected or employed as an officer, manager, clerk, stenographer or employee or to any other position in any of the industries, enterprises and business projects of the State of North Dakota under the control, management or supervision of the Industrial Commission of the State of North Dakota, and providing a penalty for a violation."

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

WALTER J. MADDOCK,  
Chairman.

Mr. Maddock moved that the report be adopted.

A roll call was demanded.

The question being on the adoption of the committee report on House Bill No. 27, the roll was called and there were, ayes, 72; nays, 36; absent and not voting, 5.

**Ayes**—Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bjerke, Burkhart, Byrne, Caddell, Donner, Eckert, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hardt, Harding, Hoare, Ivers, Johnson, of Dickey, Johnson, of Steele, Kamrath, Kelder, Kell, Kellogg, Keitzman, Koller, Krueger, Kunkel, Larson, of Ransom, Larson, of Stutsman, Larkin, Lazier, Maddock, of Mountrail, Maddock, of Benson, Malone, Magnuson, Marshall, Martin, of Slope, Martin, of Bottineau, Maxwell, McDonnell, McLarty, McManus, Miller, Moen, Nathan, of Sheridan, Nesvig, O'Brien, O'Connor, of Pembina, Olson, of Barnes, Opland, Patterson, Prater, Randall, Riba, Renauld, Sherman, Strain, Strom, Uglum, Wadeson, Walker, Weld, of Wells, Weld, of Kidder, Whipple, Wog, Yeater, Mr. Speaker.

**Nays**—Bollinger, Burtness, Carr, Dungan, Durkee, Engen, Hammond, Hanson, Harris, Herbert, Humphreys, Johnson, of Cass, Johnson, of Pembina, Johnston, Kelly, Larson, of Pierce, Lowe, McGauvran, McLaughlin, Mikkelson, Nathan, of Logan, Ness, Nims, O'Connor, of Grand Forks, Olsen, of Ramsey, Olson, of Ward, Olsgard, Petterson, Pleasance, Reid, Reishus, Robinson, Roquette, Severson, Turner, Twichell.

Absent and not voting—Cleven, Hemmi, Klein, Murtha, Rusch.

Which adoption was carried.

**MR. HOARE:** I wish to explain my vote on this House Bill 27. It seems as though it is restricting the officers of the State in hiring a man who resides inside the State; it doesn't seem common sense, gentlemen, to my notion. A man should

be allowed to get the most necessary help he can and if necessary to go outside the State. No one should object as long as they are filling their position, and therefore I vote "aye."

Mr. Speaker: On the motion of Mr. O'Connor made before recess to appoint a committee of five to interrogate the librarian, I will appoint Messrs. Walker, O'Connor of Grand Forks, Burkhart, Johnson of Steele and McLaughlin.

Mr. Keitzman: I move that House Bill No. 12 be re-referred to the Judiciary Committee, which motion prevailed.

Mr. Bryans moved that House Bill 45 be re-referred to the Judiciary Committee, which motion prevailed.

### THIRD READING OF SENATE BILLS

Senate Bill No. 1,

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, 102; nays, 6; absent and not voting, 5.

Ayes—Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bollinger, Bjerke, Burtness, Burkhart, Byrne, Caddell, Carr, Dungan, Durkee, Eckert, Engen, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hammond, Hanson, Harding, Harris, Herbert, Hoare, Humphreys, Ivers, Johnson, of Dickey, Johnson, of Steele, Johnson, of Cass, Johnson, of Pembina, Johnston, Kamrath, Kelder, Kell, Kellogg, Kelly Keitzman, Kunkel, Larson, of Ransom, Larson, of Stutsman, Larson, of Pierce, Larkin, Lazier, Lowe, Maddock, of Mountrail, Maddock, of Benson, Malone, Magnuson, Marshall, Martin, of Slope, Martin, of Bottineau, Maxwell, McDonnell, McGauvran, McLarty, McLaughlin, McManus, Mikkelson, Miller, Moen, Ness, Nesvig, Nims, O'Brien, O'Connor, of Pembina, O'Connor, of Grand Forks, Olsen, of Ramsey, Olson, of Ward, Olson, of Barnes, Olgard, Opland, Patterson, Petterson, Pleasance, Prater, Randall, Riba, Reid, Reishus, Renauld, Robinson, Roquette, Severson, Sherman, Strain, Strom, Turner, Twichell, Uglum, Wadeson, Walker, Weld, of Wells, Weld, of Kidder, Whipple, Wog, Yeater, Mr. Speaker.

Nays—Donner, Hardt, Koller, Krueger, Nathan, of Sheridan, Nathan, of Logan.

Absent and not voting—Cleven, Hemmi, Klein, Murtha, Rusch.

So the bill passed and the title was agreed to.

MR. HARDT: I wish to explain my vote. The reason I vote "no" on this is that four years ago this same question was submitted to the people of the State of North Dakota, and it was then rejected, and as the majority of the people of my district are opposed to it unless they have a vote on it, therefore I believe that it properly should be referred by the people at large.

### GENERAL ORDERS

Mr. Hoare moved that the House resolve itself into a Committee of the Whole for the consideration of General Orders, which motion prevailed and the House resolved itself into a Committee of the Whole.

The Speaker called Mr. Walker to the Chair.

When the Committee arose it submitted the following report.

Mr. Speaker: The Committee of the Whole have had under consideration House Bill No. 1 and recommend that the same be indefinitely postponed.

Also, House Bill No. 2, and recommend that the same be referred back to the Judiciary Committee for further consideration.

Mr. Hoare moved that the report of the Committee of the Whole be adopted, which motion prevailed.

Mr. Twichell moved that the House recess until 1 o'clock December 2, which motion prevailed.

Courtesies of the floor were extended to Wellington Wright and D. Y. Stanton.

## EIGHTH DAY AFTER RECESS AND NINTH DAY

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
December 2nd, 1918.

The House assembled at 1 o'clock P. M. pursuant to recess taken, the Speaker presiding.

## HOUSE ROLL CALL

The question being on the Hiring of Employees, the roll called and there were ayes 109, nays 0, absent 4.

Ayes: Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bollinger, Bjerke, Burtness, Burkhart, Byrne, Cud-dell, Carr, Donner, Dungan, Durkee, Eckert, Engen, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hammond, Hanson, Harft, Harding, Harris, Herbert, Hoare, Humphreys, Ivers, Johnson of Dickey, Johnson of Steele, Johnson of Cass, Johnson of Pembina, Johnston, Kamrath, Kelder, Kellogg, Kelly, Keiz-man, Klein, Koller, Krueger, Kunkel, Larson of Ransom, Lar-son of Pierce, Larkin, Lazier, Lowe, Maddock of Mountrali, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McGauvran, McLarty, McLaughlin, McManus, Mikkelson, Miller, Moen, Murtha, Nathan of Sheridan, Nathan of Logan, Ness, Nesvig, Nims, O'Brien, O'Connor of Pembina, O'Connor of Grand Forks, Olsen of Ransey, Olson of Ward, Olson of Barnes, Ols-gard, Opland, Patterson Petterson, Pleasance, Prater, Ran-dall, Riba, Reid, Reishus, Renauld, Robinson, Roquette, Rusch, Severson, Sherman, Strain, Strom, Turner, Twichell, Uglum, Wadeson, Walker, Weld of Wells, Weld of Kidder, Whipple, Wog, Yeater, Mr. Speaker.  
was called and there were, ayes, 109; nays, 0; absent, 4.  
Stutsman.

## REPORTS OF STANDING COMMITTEES

The committee on Judiciary made the following report:

Mr. Speaker: Your committee on Judiciary to whom was referred Joint Resolution House Bill No. 48.

"A Bill for Joint Resolution creating an Investigating Com-mittee; defining its rights and powers and authorizing it to investigate all efforts to destroy or injure the property or rights of individuals, corporations, or any of the industries, enterprises or utilities owned by the State, or the credit of the State, or to unlawfully influence or corrupt elections or re-sults thereof and to report the results of such examination to the Governor, to the Legislative Assembly and State's At-torneys, and making an appropriation therefor."

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

FRANK PRATER,  
Chairman.

Mr. Prater moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Judiciary made the following report:

Mr. Speaker: Your committee on Judiciary to whom was referred House Bill No. 12.

"A Bill for an Act to Amend and Re-enact Sections 4 and 8 of Chapter 211, Laws of North Dakota, 1919; to abolish the offices of the State Library Commission and the Secretary of State Library Commission; and providing for the disposal of the unexpended portion of the appropriation to the State Library Commission for the fiscal period beginning July 1st, 1919, and ending July 1st, 1921; and to repeal all Acts or parts of Acts in conflict herewith."

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

FRANK PRATER,  
Chairman.

Mr. Prater moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Judiciary made the following report:

Mr. Speaker: Your committee on Judiciary to whom was referred House Bill No. 17.

"A Bill for an Act to repeal Chapter 219 of the Laws of North Dakota for the year 1919, being the law creating the office of County Tax Supervisor and defining his powers and duties."

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

Section 2. This Act is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval.

And when so amended recommend the same do pass.

FRANK PRATER,  
Chairman.

Mr. Prater moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Mines and Mining made the following report:

Mr. Speaker: Your committee on Mines and Mining to whom was referred House Bill No. 46, "A Bill for an Act to amend and re-enact Section 4 of Chapter 162 of the Compiled Laws of 1919, relating to Workmen's Compensation Fund."

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

That the word "Compiled" be stricken from the title of the Bill and the word "Session" be inserted therein.

That the word "Compiled" in line one of the printed bill be stricken out and the word "Session" be inserted therein.

That after the word years in line 11 of the printed bill the following be inserted: expiring on the second Monday of January, 1923. After the words "four years" in line 12, insert the words, expiring on the second Monday of January, 1924, after the words "five years" in line 12 insert the words, expiring on the second Monday in January, 1925. After the word "years" in line 14 insert the following: and, it is hereby provided that the present commissioners acting on said Bureau under appointment, one for the short term of three years, shall

hold office until the second Monday in January 1923, and that the Commissioner appointed for the long term of five years shall hold office until the second Monday of January, 1925. That one of the appointees on said Bureau shall be a representative of the employers, and one of the appointees of said Bureau shall be a representative of labor, and that one of the appointees on said Bureau shall be a representative of the public.

And when so amended recommend the same do pass.

G. A. MALONE,  
Chairman.

Mr. Malone moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Corporations, other than Municipal, made the following report:

Mr. Speaker: Your committee on Corporations, other than Municipal, to whom was referred House Bill No. 21.

"A Bill for an Act to amend Sections 8 and 13 of Chapter 97 of the Laws of 1917 as amended by Section 2 of Chapter 99 of the Laws of 1919."

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

In Section 3, line 3 after the word "chapter" insert the figures 99.

And when so amended recommend the same do pass.

FAY HARDING,  
Chairman.

Mr. Harding moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Appropriations made the following report:

Mr. Speaker: Your committee on Appropriations to whom was referred House Bill No. 6, "A Bill for an Act to repeal Chapter 207 of the Session Laws of North Dakota, 1919, relating to the extension of the State Street Car Line and providing for an appropriation therefor."

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

JOHN R. MADDOCK,  
Chairman.

Mr. Maddock moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Appropriations made the following report:

Mr. Speaker: Your committee on Appropriations to whom was referred House Bill No. 5.

"A Bill for an Act making appropriations for general repairs and improvements of the Executive Mansion."

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

JOHN R. MADDOCK,  
Chairman.

Mr. Maddock moved that the report be adopted, which motion prevailed and the report was adopted.

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

Mr. Speaker: Your committee on revision and correction of the journal have carefully examined the Journal of the 6th day and recommend that the same be corrected as follows:

On page 9, line 44 strike out the words "The Chairman" and insert in lieu thereof the words "Mr. Speaker."

And when so corrected recommend that the same be approved.

ROLLAN V. WELD,  
Chairman.

Mr. Weld moved that the report be adopted, which motion prevailed and the report was adopted.

#### PRESENTATION OF PETITIONS AND COMMUNICATIONS

Mr. Hanson of Grand Forks, moved that there be printed in the journal the first name on the petitions presented here today, and the total number of other names signed thereto which motion prevailed.

Mr. Maddock of Mountrail, moved that the petition of the school board and members of school district No. 16 of Mountrail county be printed in the journal instead of being read from the desk, and that only the first name thereto with the total number of the others be printed. This motion prevailed.

Mr. Hardt moved that a committee of three be appointed to arrange the communications in the form of telegrams and to make arrangements for printing parts of same. Which motion prevailed and the Speaker appointed as such committee the committee on revision and correction of the journal.

#### TO THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA AND TO THE HONORABLE MEMBERS THEREOF IN SESSION ASSEMBLED:

Bismarck, North Dakota.

Gentlemen:

We, the undersigned, members of School Board of School District No. 16 (151-92) and voters and taxpayers of said District, of Mountrail County, North Dakota, do hereby petition and ask for a repeal of Sections One (1), Three (3) and Four (4), of Senate Bill No. 62, enacted at the Sixteenth Session of the Legislative Assembly of the State of North Dakota and approved by the Governor of said State on the 6th day of March, 1919, and in support of and as reasons for this petition respectfully state and allege that said District was created on the 23rd day of September, 1918, from a portion of the original Reservation School District No. 2 of said County, being formerly a part of the Fort Berthold Indian Reservation; that said original Reservation School District No. 2 comprised about eight townships; that said School District No. 16 is now comprised of thirty-five (35) sections and has an assessed valuation of for 1918, amounting to the sum of \$35,173.00, and for the year 1919 the sum of \$113,368.00; that a large number of residents of said district did not make final proof on their land until after April 1st, 1918, and that therefore the valuation for the said year of 1918 was exceptionally low and the property available for taxation purposes was and is not sufficient, under the said law, to raise sufficient funds to properly operate the schools in said District; that if the said law is repealed or amended so as to permit the proper taxation officers to make the proper levy there is now sufficient property therein to raise the necessary funds to pay the current and other expenses of the operation of the schools in said District. That a financial state-

ment of said District is hereto attached and made a part hereof, showing the impossibility of raising sufficient revenue from the 1918 valuation, which, by said law, is made the basis for the 1919 and 1920 levies and assessments.

That a large number of the pupils of said District are obliged to attend, in unsanitary quarters, school being held in claim shacks and other buildings unfit for school purposes and that it is absolutely essential that some means be provided whereby the officers of said District may raise more funds than will be available by taxation under the provisions of said law. School buildings are essential and necessary and the repealing of Section four (4) would enable all the districts to raise sufficient funds by bonding to erect and equip suitable school buildings.

That if the Legislative Assembly or the Governor or both deem it advisable to repeal said law, then petitioners respectfully ask that such amendment or amendments be made thereto as will permit the school officers of said District to increase the amount that may be raised by taxation as well as the amount of bonds that may be legally issued and sold for the purpose of raising funds with which to construct and equip suitable buildings in which to conduct the schools therein.

## FINANCIAL STATEMENT

## Bonds

1. Amount of bonds outstanding July July 1st, 1918 .....	\$	None	
2. Amount of bonds issued during the year .....		None	
3. Total bonds issued and outstanding	\$		None
4. Balance of bonds outstanding June 30, 1919 .....			None

## Warrants

A. Total amount warrants outstanding July 1, 1918 .....			
1. Amount issued during year in pay- ment of (a) buildings, (b) sites, (c) permanent improvements ....		273.63	
2. Amount issued during year for ap- paratus .....		98.19	
3. Amount issued during year for teachers salaries .....		1,599.50	
4. Amount issued during year for Ins. & Ret. Fund .....		10.50	
5. Amount issued during year for of- ficers' salaries and expenses.....		149.00	
6. Amount issued during year for in- terest on bonds .....			
7. Amount issued during year for transportation of pupils .....		100.00	
8. Amount issued during year for tui- tion .....			
9. Amount issued during year for library books and text books.....		24.25	
10. Amount issued during year for re- demption of bonds .....			
11. Amount issued during year for Inc. expenses .....		345.20	



12. Grand total of warrants issued for all purposes .....	2,600.27
13. Total issued and outstanding.....	2,600.27
14. Total Wts., redeemed by treasurer..	317.24
15. Balance of Wts. outstanding July 1st, 1919 .....	2,283.03
Indebtedness	
1. Total indebtedness of District June 30, 1919 .....	2,283.03
2. Increase of indebtedness during year	2,283.03
3. Decrease of indebtedness during year .....	
Cash	
1. Amount of cash in hands of treasurer June 30, 1919 .....	338.38
Valuation	
1. Total value of school property in District .....	800.00

I, V. A. Lovell, County Superintendent of Schools of Mountrail County, N. D., do hereby certify that the above is a true and correct copy of the Clerk's Report as filed in my office showing the condition of the District on June 30th, 1919.

I further certify that the officers of said District made a levy in mills as follows for the year for which this report was made:

Levy, 30 mills.

V. A. LOVELL,

County Superintendent of Schools in and for Mountrail, North Dakota.

Dated at Stanley, N. D.,  
November 18, 1919.

C. C. KROFT and S. M. CLOUD, Members of School Board of School District No. 16, and voters and tax payers, MRS. C. C. KROFT, Van Hook, N. D., and about 225 others.

AFFIDAVIT

Of the Person Who Circulated the Petition Hereto Attached.  
State of North Dakota

County of Mountrail.. } ss.

C. C. Kroft, being first duly sworn, upon his oath deposes and says that he is a resident of .....School District No. 16 of Mountrail County, N. D., and that he circulated the petition hereonto attached praying that the Legislature repeal Sections One (1), Three (3) and Four (4) of Senate Bill No. 62, enacted by the Sixteenth Legislative Assembly of the State of North Dakota and signed by the Governor on the 6th day of March, 1919. Or if said law is not repealed that such amendment or amendments be made to enable the District to maintain its schools without being financially embarrassed.

Deponent further states that he is satisfied that each signer thereto is a qualified voter in said District on all school questions.

Deponent further states that in circulating the petition he made known the contents to each person, and each person who signed same did so freely and voluntarily with full knowledge of its purport.

Deponent further states that said petition was circulated

by him within the boundaries of said District between the dates November 20th, 1919, and November 29th, 1919.

(Signed) C. C. KROFT.

Subscribed and sworn to before me this 29th day of November, 1919.

E. KENNAN,

Notary Public, Mountrail County, N. D.

My commission expires Dec. 27, 1923.

Fargo, N. D., Dec. 1, 1919.

Mr. J. P. Williams,  
Bismarck, N. Dak.

Dear Sir:

Recently many inquiries have been made regarding the repeal of the Blue Sky laws, in order to allow Sunday amusements, such as baseball, picture shows and many other clean sports. Our executive board advised the writer to call a meeting of all employees and asked them to sign as per attached sheet if they were willing to vote for the above mentioned.

We have about 225 signatures and many of these are members of the American Legion, and practically all of our employees are Union men and would like to be able to take advantage of Sunday amusements and pleasures same as they do in other states and would appreciate any courtesies or favors that could be extended to their representative, Mr. Geo. O. Thomas, one of our employees and a member of the American Legion who saw service in the front line trenches in France, and whose election by our employees was unanimous.

Hoping that due consideration will be given Mr. Thomas, and the proposition as above mentioned, as we believe we are in a position to know full well the sentiment that prevails among the working classes, whose welfare we know you are interested in the same as we are,

Very truly yours,

EQUITY COOPERATIVE PACKING CO.

L. C. Hoopman and 225 Others.

#### COMMUNICATIONS

The following telegrams have been received asking for the support and passage of the American Legion measures now before this assembly:

One from Golden Valley, North Dakota, signed by David Schwartz and entire Legion Post.

One from Harvey, North Dakota, signed by Robert L. Yall, and 159 others.

One from Jamestown, North Dakota, signed by James D. Gray.

One from LaMour, North Dakota, signed by H. R. S. Diesem, and entire Legion Post.

One from Joe Cyra, secy., of Hope, North Dakota.

One from Watford City, North Dakota, signed by S. O. Dandas.

One from Carson, North Dakota, signed by A. T. Thome.

One from Marmarth, North Dakota, signed by Chever Allison.

One from Marion, North Dakota, signed by O. M. Opsahl.

One from Beach, North Dakota, signed by Jesse Hogen.

One from Langdon, North Dakota, signed by Judd H. Kitcham.

One from Hannah, North Dakota, signed by S. J. Toman.

One from Kensal, North Dakota, signed by Russell R. Rane.

One from Mott, North Dakota, signed by Horace M. Robbins.

One from New Salem, North Dakota, signed by John Repsdorf.

One from Regan, North Dakota, signed by F. E. Wollitz.

One from Crosby, North Dakota, signed by Kamplin.

One from Westhope, North Dakota, signed by E. E. Greena.

One from Harvey, North Dakota, signed by E. F. Pierce.

One from Aneta, North Dakota, signed by Edward A. Broberg.

One from Mandan, North Dakota, signed by Hughes.

One from Ashley, North Dakota, signed by J. W. Meidinger and entire Post.

One from Bismarck, North Dakota, signed by Jones.

One from Finley, North Dakota, signed by A. J. Heimark.

One from Dickinson, North Dakota, signed by F. J. Flury.

One from Beulah, North Dakota, signed by Argonne Post.

One from Heaton, North Dakota, signed by H. I. Turner.

One from Hillsboro, North Dakota, signed by H. N. Nash.

One from Lidgerwood, North Dakota, signed by Chas. D. Clarke.

One from Max, North Dakota, signed by John Herdt.

One from Mayville, North Dakota, signed Stomner.

One from Buffalo, North Dakota, signed by Dwight Sproull.

One from Wishek, North Dakota, signed by Fred Kelle.

One from Minot, North Dakota, signed by Phil W. Meyers.

One from Harvey, North Dakota.

One from Fargo, North Dakota.

One from Dickinson, North Dakota.

One from Wapheton, North Dakota.

One from New Salem, North Dakota.

One from Portland, North Dakota.

One from Jamestown, North Dakota.

One from LaMour, North Dakota.

One from Casselton, North Dakota.

One from Crosby, North Dakota.

One from Rugby, North Dakota.

One from Minot, North Dakota, signed by Wm. G. Carroll.

Total vote: 6770, yes; 114, no. (American Legion.)

In vote in posts on the question of referring the "blue laws" on Sunday theater, Sunday baseball, cigarette and legalized boxing, Equity Cooperative Packing Plant, Fargo, union employees voted 235 yes.

Following petition received by Reps. Burkhardt and Hoare:

WHEREAS, We believe that the greatness of this nation, the splendid morale of its citizen soldiers and its people, are largely the result of high moral standards—the conformity of the laws of the land with the law of God—Therefore,

RESOLVED, That we most earnestly petition the Legislature of North Dakota, in special session, to safeguard all the moral laws of the state and to take no step toward repealing referring or weakening the law prohibiting Sunday theatres and moving picture shows, the anti-cigaretet law, and the law prohibiting the charging of admission at Sunday baseball games.

Endorsed by vote of 30 people at a meeting held at the

Baptist church at Bottineau, North Dakota, on November 23, 1919.

Signed by Jas. N. Start, Chairman, and 800 Others.

Motion made by Mr. Bryans that the House do now adjourn, which motion prevailed and the House adjourned.

And when so corrected recommend that the same be ap-

#### NINTH DAY

The House assembled pursuant to adjournment, the Speaker presiding.

Prayer by the Chaplain.

Roll call.

Present, 110; absent, 3.

Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bollinger, Bjerke, Burtness, Burkhardt, Byrne, Caddell, Carr, Donner, Dungan, Durkee, Eckert, Engen, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hammond, Hanson, Hardt, Harding, Harris, Herbert, Hoare, Humphreys, Ivers, Johnson of Dickey, Johnson of Steele, Johnson of Cass, Johnson of Pembina, Johnston, Kamrath, Kelder, Kell, Kellogg, Kelly, Keitzman, Klein, Koller, Krueger, Kunkel, Larson of Ransom, Larson of Stutsman, Larson of Pierce, Larkin, Lazier, Lowe, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McGauvran, McLarty, McLaughlin, McManus, Mikkelson, Miller, Moen, Murtha, Nathan of Sheridan, Nathan of Logan, Ness, Nesvig, Nims, O'Brien, O'Conner of Pembina, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olson of Barnes, Olsgard, Opland, Patterson, Petterson, Pleasance, Prater, Randall, Riba, Reid, Reishus, Renauld, Robinson, Roquette, Rusch, Severson, Sherman, Strain, Strom, Twichell, Uglum, Wadeson, Walker, Weld of Wells, Weld of Kidder, Whipple, Wog, Yeater, Mr. Speaker.

Absent: Cleven, Hemmi, Turner.

#### REFERENCE TO THE JOURNAL

Mr. Burtness of Grand Forks: On page two of the journal relating to the report of the Judiciary committee on House Bill No. 28, "which motion prevailed and the report adopted" should be stricken out. It was on this motion and before the motion was put that I arose to make some remarks, and after the remarks were made for some reason or other the parliamentary question seemed to be lost sight of. And Mr. O'Connor made his motion to appoint a committee which motion carried. But the motion on the adoption of the committee's report was never put or passed in any manner or form. I move that the journal be amended in that respect, which motion prevailed.

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

Mr. Speaker: Your committee on revision and correction of the journal have carefully examined the Journal of the 8th day and recommend that the same be corrected as follows:

After line 3 insert the words "Roll Call."

On page 41, lines 5 and 6 strike out the words "which motion prevailed and the report was adopted."

On page 4 after line 6 insert the words "A roll call was demanded."

And when so corrected recommend that the same be approved.

ROLLAN V. WELD,  
Chairman.

Mr. Weld moved that the report be adopted, which motion prevailed and the report was adopted.

#### REPORT OF STANDING COMMITTEES

Mr. Walker moved that the report of the select committee appointed yesterday be made a special order of business for tomorrow at five o'clock, which motion prevailed.

The Speaker: There being no objection we will now pass to the fifth order of business.

The committee on Delayed Bills made the following report:

Mr. Speaker: Your committee on Delayed Bills to whom was referred House Bill No. 6.

"A Bill for an Act to Amend and Re-enact Section 3969 as amended by Chapter 79, Laws of North Dakota, 1919."

Have had the same under consideration and recommend that the same be not introduced. ?

EDW. W. HERBERT,  
Chairman.

Mr. J. J. Strain moved that the report be adopted, which motion prevailed and the report was adopted.

#### MINORITY REPORT

The committee on Delayed Bills made the following report:

Mr. Speaker: Your committee on Delayed Bills to whom was referred House Bill No. 54.

"A Bill for an Act to Provide for a State Sheriff, defining his duties,

"A bill for an Act to provide for the better enforcement of the laws of this State, constituting the County Sheriffs of this State a State Constabulary and defining their duties; creating the office of State Sheriff and defining his duties; making an appropriation therefor and repealing all Acts and parts in conflict herewith."

Have had the same under consideration and recommend that the same be not introduced.

Edw. W. Herbert.  
Elling Severson.

EDW. W. HERBERT,  
Chairman.

Mr. Herbert moved that the report be adopted.

#### MAJORITY REPORT

The committee on Delayed Bills made the following report:

Mr. Speaker: Your committee on Delayed Bills to whom was referred House Bill No. 54.

"A Bill for an Act to Provide for a State Sheriff, defining his duties, etc."

"A bill for an Act to provide for the better enforcement of the laws of this State, constituting the County Sheriffs of this State a State Constabulary and defining their duties; creating the office of State Sheriff and defining his duties; making an appropriation therefor and repealing all Acts and parts in conflict herewith."

Have had the same under consideration and recommend that the same be introduced.

J. J. Strain.  
Wm. Bjerke.  
H. O. Bratsberg.

EDW. W. HERBERT,  
Chairman.

Mr. J. J. Strain moved that the report be adopted.

A roll call was demanded.

The question being on the acceptance of the Minority report of the committee on Delayed Bills the roll was called and there were ayes 42, nays 68, absent and not voting 3.

Ayes: Bollinger, Burtness, Carr, Dungan, Durkee, Engen, Hammond, Hanson, Harris, Herbert, Humphreys, Johnson of Cass, Johnson of Pembina, Johnston, Kelly, Koller, Krueger, Kunkel, Larson of Pierce, Lowe, McGauvran, McLaughlin, Mikkelson, Murtha, Nathan of Logan, Ness, Nims, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olgard, Petterson, Pleasance, Reid, Reishus, Roquette, Rusch, Severson, Turner, Twichell, Wadson.

Nays: Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bjerke, Burkhart, Byrne, Caddell, Donner, Ekert, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hardt, Harding, Hoare, Ivers, Johnson of Dickey, Johnson of Steele, Kamrath, Kelder, Kell, Kellogg, Keitzman, Larson of Ransom, Larson of Stutsman, Larkin, Lazier, Maddock of Mount-rail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McLarty, McManus, Miller, Moen, Nathan of Sheridan, Nesvig, O'Brien, O'Connor of Pembina, Olson of Barnes, Opland, Patterson, Prater, Randall, Riba, Renauld, Sherman, Strain, Strom, Uglum, Walker, Weld of Wells, Weld of Kidder, Whipple, Wog, Yeater, Mr. Speaker.

Absent and not voting: Cleven, Hemmi, Klein.

Which motion was lost.

MR. BURTNESS:

I wish to explain my vote. As I understand this is a bill providing for a state sheriff and providing that all of the county sheriffs in the state shall form a part or be members of a state constabulary. It, as such bills usually must, provides for a considerable appropriation of money. It is evidently intended to be regarded by the governor as an emergency matter. I for one cannot quite agree with the governor in the necessity of a state sheriff or that it is so urgent as to justify the calling of a special session of the Legislature or that it can form a part of any justification for such a session. I believe we have gotten along pretty well in the last forty years without this official and for that reason alone I should vote aye on this motion. There is another reason which it seems to me should be regarded by every legislator present, and that is construing of this bill under the decisions of the Supreme Court of this state, its passage can simply amount to so many scraps of paper and will simply involve the state and its departments in some utterly useless and needless litigation. In other words, under the decision in the case of *re Corliss* in 16 N. D., I do not recall the page, under the reasoning of the court in that case this law is unconstitutional. You will recall that the legislative assembly prior to that decision provided by law for appointment of a temper-

ance commission, who in many respects have held somewhat similar duties to the state sheriff. You don't need to take my word on this for if any of you have heard Judge Robinson around the hotel lobbies the last few evenings, you would have heard him say that he for one can guarantee that when the state sheriff bill comes before the Supreme Court it will be declared unconstitutional, and for that reason I vote aye.

Mr. Hoare moved that the report of the majority of the committee be accepted, which motion prevailed.

The committee on Elections made the following report:

Mr. Speaker: A majority of your committee on Elections and Election Privileges to whom was referred House Bill No. 31.

"A Bill for an Act to Provide for the Nonpartisan Nomination and Election of all Elective State and County officers, Members of the Legislative Assembly and Judges of the Supreme and District Courts, and to repeal Sections 904, 905, 906, 907, 908, 909, 1917, 1918 and 1919, of the Compiled Laws of the State of North Dakota, Compiled Laws of 1913, and Chapter 117 of the Session Laws of 1919."

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

N. E. WHIPPLE,  
Chairman.

Mr. Whipple moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Election and Election Privileges made the following report:

Mr. Speaker: A minority of your committee on Election and Election Privileges to whom was referred House Bill No. 31.

"A Bill for an Act to Provide for the Nonpartisan Nomination and Election of all Elective and County Officers, Members of the Legislative Assembly and Judges of the Supreme and District Courts, and to repeal Sections 904, 905, 906, 907, 908, 909, 1917, 1918 and 1919, of the Compiled Laws of the State of North Dakota, Compiled Laws of 1913, and Chapter 117 of the Session Laws of 1919."

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

BURL CARR,  
Member of Committee.

Mr. Carr moved that the minority report of the committee reporting on House Bill No. 31 be substituted for the majority report.

The question being on the motion to substitute minority report for majority report on House Bill No. 31, the roll was called and there were ayes 45, nays 65, absent and not voting 3.

Ayes: Bollinger, Burtness, Carr, Donner, Dungan, Durkee, Eckert, Engen, Fredrickson, Hammond, Hanson, Harris, Herbert, Humphreys, Johnson of Cass, Johnson of Pembina, Johnston, Kelly, Koller, Krueger, Kunkel, Larson of Pierce, Lowe, McGauvran, McLaughlin, Mikkelson, Murtha, Nathan of Logan, Ness, Nims, O'Connor of Grand Forks, Olsen of Ramsey, Olcon of Ward, Olson of Barnes, Olsgard, Petterson, Pleasance Reid, Reishus, Robinson, Roquette, Severson, Turner, Twichell.

Nays: Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bjerke, Burkhart, Byrne, Caddell, Ferguson, Gunhus, Haines, Hall, Hardt, Harding, Hoare, Ivers, Johnson of Dickey, Johnson of Steele, Kamrath, Kelder, Kell, Kellogg, Keitzman, Larson of Ransom, Larson of Stutsman, Larkin, Lazier, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McLarty, McManus, Miller, Moen, Nathan of Sheridan, Nesvig, O'Brien, O'Connor of Pembina, Op-land, Patterson, Prater, Randall, Riba, Renauld, Sherman, Strain, Strom, Uglum, Wadeson, Walker, Weld of Wells, Weld of Kidder, Whipple, Wog, Yeater, Mr. Speaker.

Absent and not voting: Cleven, Hemmi, Klein.

Which motion was lost.

MR. O'CONNOR of Grand Forks: The House has now before it for consideration the minority report which asks for the adoption of House Bill No. 31. This is a bill introduced by Burcness and myself and which provides for the nonpartisan nomination and election of all elective, state, and county offices, members of the legislative assembly, and judges of the supreme and district courts, and to repeal certain sections in conflict therewith. In 1916 the nonpartisan platform on which many of these gentlemen here were elected, had in it one of these platforms that would give them such a bill as this. I was not elected on the nonpartisan platform in the fall of 1916 when I first sat in this body. Following the promises which you made in the election then your governor in taking his office delivered a message to this House in 1917 and in that message your governor said, "Believing that national party affiliations should not be considered in the election of county and state offices, and that the best interests of the greatest number of people can be served by the use of the nonpartisan ballot. I recommend that our election laws be amended to provide for a nonpartisan ballot for all county and legislative offices." That was one of the recommendations made by governor Frazier in his message to the fifteenth legislative assembly on January 3rd, 1917. In conformity to that request, which request was carrying out the promises which you men of the majority made to the people of this state, a bill was introduced into the house in 1917 and it was considered so important, it was considered to be such a change in the political situation in this state, so far-reaching in its effect, that one man alone did not introduce it. But it was introduced by probably two of the most conspicuous men of the majority, Mr. Anthony Walton who I believe was head of the greatest committee in that House, and the other man also a member of the nonpartisan league who was no less than the Speaker himself, Mr. Howard Wood of the House of Representatives. In these two sessions only two bills have been introduced with the name of the speaker attached to them. Mr. Wood introduced one other bill during that entire session, but this bill was so important that the name of the Speaker of the House added to it his high prestige, because when a man is elected Speaker of the House of Representatives he is selected by the majority members of that House as the man best equipped to exercise the high functions of one of the highest offices in the state, and so Mr. Howard Wood was one of the other authors of this nonpartisan bill. That



bill took its course through the various committees and came back to the house. I at that time parted with the men of the minority and voted with the nonpartisans, because I believed in the merits of that bill, and whenever I find a bill which coincides with my judgment, which is based on sound principles I have never hesitated yet to leave the minority and to vote for it. I was criticized for voting with the league on this bill, but I believe it was sound in principle and I voted with you men. Those of you who at times have seen fit to yield to your better judgment and break from the majority and join the ranks of the minority, those of you who at times have voted with the other side, know the felling that comes when you find the judgment, common sense, the dictates of your own conscience compels you to leave your friends and step across the aisle and vote with the other side. And whenever a bill is introduced in this House which I believe is a measure for the best interests of the state I shall vote for it irrespective as to who might be author of that bill. I am now turning to page 525 of the journal of 1917 session when the vote was taken on this very important measure. More than half of the men who voted are in their seats today. They voted at that time in keeping with the promises they had made and in keeping with the recommendations of the governor. And we are soon going to call the roll again and those men must answer and vote on this measure which is the same. You will notice gentlemen, that in that session there were none of the so-called league members at that time in the negative. That is the history of the nonpartisan election law of 1917. In 1919 just a few months ago this bill was again introduced in the regular session by a member of this House. My colleague from Grand Forks took the bill that had been introduced by these league gentlemen two years ago, copied it and re-introduced it, and it appears on page 330 of the journal of 1919, where you will find the vote on it at that time. By some strange manner of reasoning that I am not able to comprehend, the very men who in 1917 gave their promises to the people that such a law would be enacted if they were sent as members to this body, voted against it. The reason the bill was killed in 1917 was because, as they said, the senate then not with the majority of the members of this House had killed it. That the House had done its duty and had passed it. But when the bill came up in 1919 in the same condition as in 1917, I voted the same as I do now, I am willing to join company with the minority and stand for a principle which I think is right. In 1919 the very men in this House who voted for the bill two years ago as shown in this journal voted against it. And now gentlemen you have an opportunity and it is a splendid opportunity to change your vote that you placed there in 1919, and make good the promises that you gave to the people of this state, and give them the change they want.

Therefore I vote aye.

**MR. PATTERSON:**

In explaining my vote I will say that I am willing to stand in a great measure on the platform on which I was elected, but I don't want anyone to go out and campaign against me and charge me with these free love bills that never got on record.

MR. HARDT: Down our way they are most republicans and they never did ask for nonpartisan bills and therefore I vote no.

MR. MADDOCK of Mountrail: I have not any particular opinions either way in regard to the merits of this bill, but I believe and have an idea that there is good reason for its coming sooner or later, but I don't know whether the time is ripe. I don't know why the majority is voting as they do now. As I have no particular reasons for voting otherwise I vote no with the majority.

Mr. Patterson moves to adopt the majority report of the committee reporting on House Bill No. 31, which motion prevailed.

#### MESSAGE FROM THE SENATE

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,

Mr. Speaker: I have the honor to transmit herewith the following bills:

December 2, 1919.

Senate Bill No. 29, "A Bill for an Act to amend and re-enact Section 2 of Chapter 172 of the Laws of the State of North Dakota for the year 1919, and providing the time in which the provisions of said section shall be complied with."

Senate Bill No. 22, "A Bill for an Act to amend and re-enact Section 780, Compiled Laws of North Dakota for the year 1913, relating to compensation of court stenographers."

Which the Senate has passed and your favorable consideration is respectfully requested .  
its passage and approval.

Very respectfully,

W. J. PRATER,  
Secretary.

The committee on Elections made the following report:

Mr. Speaker: Your committee on Elections, to whom was referred House Bill No. 15, "A Bill to amend and re-enact Section 910 of the Compiled Laws of North Dakota for the year 1913, relating to the selection of delegates to national conventions, presidential electors and national committeemen."

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

W. E. Whipple,  
Chairman.

Mr. Whipple moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Elections made the following report:

Mr. Speaker: Your committee on Elections, to whom was referred House Bill No. 42, "A Bill for an Act defining the word "precinct" as used in the laws of the State of North Dakota relating to elections and providing for the formation of voting districts and the designating of voting places within such voting districts."

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

W. E. Whipple,  
Chairman.

Mr. Whipple moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on State Affairs made the following report:

Mr. Speaker: Your committee on State Affairs to whom was referred House Bill No. 49, "A Bill for a Joint Resolution requesting the Supreme Court of the United States to advance the case of John W. Scott et al., vs. Lynn J. Frazier et al., on the Calendar."

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

WALTER J. MADDOCK,  
Chairman.

Mr. Maddock moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on State Affairs made the following report:

Mr. Speaker: Your committee on State Affairs to whom was referred House Bill No. 2, "A Bill for an Act to amend and re-enact Section 1 and Section 3 of Chapter 206 of the Session Laws of 1919, relating to the levying of a tax of one-half of one mill upon each dollar of assessed valuation of all taxable property within the state for each year for the purpose of creating a Fund to be known as the "Returned Soldiers' Fund"; providing for the payment thereof to returned soldiers; defining the powers and duties of the Adjutant General and of the Industrial Commission with reference thereto."

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

WALTER J. MADDOCK,  
Chairman.

Mr. Maddock moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Banks and Banking made the following report:

Mr. Speaker: Your committee on Banks to whom was referred House Bill No. 30, "A Bill for an Act empowering the State Banking Board to make examinations of the Bank of North Dakota."

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

L. D. BAILEY,  
Chairman.

Mr. Bailey moved that the report be adopted.

A roll call was demanded.

The question being on indefinite postponement of House Bill No. 30, the roll was called and there were ayes 68, nays 41, absent and not voting 4.

Ayes—Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bjerke, Burkhart, Byrne, Caddell, Eckert, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hardt, Harding, Hoare, Ivers, Johnson of Dickey, Johnson of Steele, Kamrath, Kelder, Kell, Kellogg, Keitzman, Larson of Ransom, Larson of Stutsman, Larkin, Lazier, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McLarty, McManus, Miller, Moen, Nathan of Sheridan, Nesvig, O'Brien, O'Connor of Pembina, Olson of Barnes, Opland, Patterson, Prater, Randall, Riba, Renauld, Sherman, Strain, Strom, Uglum, Wadson, Walker, Weld of Wells, Weld of Kidder, Whipple, Wog, Yeater, Mr. Speaker.

Nays—Bollinger, Burtness, Carr, Donner, Dungan, Durkee, Engen, Hanson, Harris, Herbert, Humphreys, Johnson of Cass, Johnson of Pembina, Johnston, Kelly, Koller, Krueger, Kunkel, Larson of Pierce, Lowe, McGauvran, McLaughlin, Mikkelson, Murtha, Nathan of Logan, Ness, Nims, O'Connor of Grand Forks., Olsen of Ramsey, Olson of Ward, Olsgard, Petterson, Pleasance, Reid, Reishus, Robinson, Roquette, Rusch, Severson, Turner, Twichell.

Absent and not voting—Cleven, Hammond, Hemmi, Klein.  
Which motion prevailed.

The committee on Banks and Banking made the following report:

Mr. Speaker: Your committee on Banks to whom was referred House Bill No. 10, "A Bill for an Act to amend and re-enact Section 5170 of the Compiled Laws, State of North Dakota, for the year 1913, as amended by Chapter 58 of the Session Laws of 1915, relating to the legal reserve fund of banking corporations and associations."

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

L. D. BAILEY,  
Chairman.

Mr. Bailey moved that the report be adopted.

A roll call was demanded.

MR. BURTNESS: I wish to explain my vote. I was indeed surprised to hear the report of the committee read, recommending that this bill be killed. I want to say that if the majority takes the position that it refuses to allow the banking board, composed of the elective officers of this state, not to examine the bank of the state of North Dakota, they will simply send color to the charges which are being made that there some things within that bank which will not bear examination. I hope that such a charge is not true, but if it is not true, there ought to be no reason on the part of the banking board of North Dakota or on the part of the majority of this House, to allow the proper officials to make that examination. For that reason I vote "No."

MR. O'CONNOR

of Grand Forks: In explaining my vote I wish to say that I am one of those who supported some of the state public utilities. Last session I voted for the terminal elevator and the flour mill. The Bank is considered by the majority as one of the important public institutions, which they created and I believe the only way to establish the faith of the people in these institutions is to make them amenable to the supervision and also give the authority to the properly constituted committees to make examination of them. I believe public business is the public business and I am afraid gentlemen, that the defeat of this bill will help to create suspicion, whether that suspicion is well grounded or not, that there must be no investigation or examination of the bank. The banking board would be the proper body, as the banking board has powers of supervision and investigation over all the private banks of this state, and they make a report of their examination of the books to headquarters at Bismarck. And it seems to me that the same powers should be given to this board over the state Bank, and if the bank is to meet with the favor of the people of the state, we should relieve it of any suspicion that there are

any securities or anything in there that should not be given to the public. And therefore, I think that if this matter had been given a little more consideration the majority of this House would have extended the power to the banking board as requested. And therefore, I must vote "No."

**MR. PETTERSON:** I understand that every school district in the state and all other public municipalities including townships are required to deposit their money in this state Bank. I see no reason therefore, why the board should not be given the right to examine that bank, nor why the public moneys should not be safe-guarded. Is there anything wrong? Is there anything wrong which keeps you from wanting this bank examined? There must be something that the minority in this House wants to see. If there is we should see what it is. Therefore I vote "No."

**MR. REISHUS:** The presumption is that the Bank of North Dakota is in good shape, and it may at the present time be all right. But administrations change, and the Director General of the Bank may not be the same after a long course of time. Not so long ago, for similar reasons then given, the majority members of this assembly objected to granting an officer certain powers. Now they are in favor of voting more power to that individual. Should we object to an investigation when the presumption is that the bank is in good condition I will vote "No."

**MR. STROM:** If there was any necessity for this bill I should vote for it, but there is no necessity of such a bill, because the bank examiner once or more a year must examine this bank, and besides that the Governor can demand an investigation of that bank any time he sees fit. Therefore the claims of the minority here are wrong. I vote "Aye."

#### INTRODUCTION, FIRST AND SECOND READING OF HOUSE BILLS

The Committee on Banks and Banking made the following report:

*Mr. Speaker:* Your Committee on Banks to whom was referred House Bill No. 10, "A Bill for an Act to amend and re-enact Section 5170 of the Compiled Laws, State of North Dakota, for the year 1913, as amended by Chapter 58 of the Session Laws of 1915, relating to the legal reserve fund of banking corporations and associations."

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

L. D. BAILEY,  
Chairman.

Mr. Bailey moved that the report be adopted, which motion prevailed and the reports was adopted.

Mr. Alberts introduced House Bill No. 54, "A Bill for an Act to provide for the better enforcement of the laws of this State, constituting the County Sheriffs of this State a State Constabulary and defining their duties; creating the office of State Sheriff and defining his duties; making an appropriation therefor and repealing all Acts and parts of Acts in conflict herewith."

Was read the first and second time and referred to the committee on State Affairs.

The Speaker called Mr. Johnson of Steele to the chair.

## FIRST AND SECOND READING OF SENATE BILLS

Senate Bill No. 22, "A Bill for an Act to amend and re-enact Section 780, Compiled Laws of North Dakota for the year 1913, relating to compensation of court stenographers."

Was read the first and second time and referred to the committee on Judiciary.

Senate Bill No. 29, "A Bill for an Act to amend and re-enact Section 2 of Chapter 172 of the Laws of the State of North Dakota for the year 1919, and providing the time in which the provisions of said section shall be complied with."

Was read the first and second time and referred to the committee on Railroads.

## THIRD READING OF SENATE BILLS

The question being on the final passage of

Senate Bill No. 7, "A Bill for an Act to amend and re-enact Section 2 of Chapter 243 of the Laws of North Dakota for the year 1919, relating to the destruction of predatory animals."

Was read the third time.

The roll was called and there were, ayes, 109; nays, 1; absent and not voting, 3.

Ayes—Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bollinger, Bjerke, Burtness, Burkhart, Byrne, Caddell, Carr, Donner, Dungan, Durkee, Eckert, Engen, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hammond, Hanson, Hardt, Harding, Harris, Herbert, Hoare, Humphreys, Ivers, Johnson of Dickey, Johnson of Steele, Johnson of Cass, Johnson of Pembina, Johnston, Kamrath, Kelder, Kell, Kellogg, Kelly, Keitzman, Koller, Krueger, Kunkel, Larson of Ransom, Larson of Stutsman, Larson of Pierce, Larkin, Lazier, Lowe, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McGauvran, McLarty, McLaughlin, McManus, Mikkelson, Miller, Moen, Nathan of Sheridan, Nathan of Logan, Ness, Nesvig, Nims, O'Brien, O'Connor of Pembina, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olson of Barnes, Olsgard, Opland, Patterson, Petersen, Pleasance, Prater, Randall, Riba, Reid, Reishus, Renauld, Robinson, Roquette, Rusch, Severson, Sherman, Strain, Strom, Turner, Twichell, Uglum, Wadson, Walker, Weld of Wells, Weld of Kidder, Whipple, Wog, Yeater, Mr. Speaker.

Nays—Murtha.

Absent and not voting—Cleven, Hemmi, Klein.

So the bill passed and the title was agreed to.

Mr. Hanson moved that the House do now recess until 1 o'clock Wednesday, which motion prevailed.

Courtesies of the floor were extended to Mr. August Krantz of Kenmare, N. D., and P. O. Enstad, of Pekin, N. D.

MR. LESTER P. BARLOW addressed the Joint Assembly as follows:

Members of the 16th Legislative Assembly and ladies and gentlemen, citizens. This is certainly an honor. This is the first time in the United States that the World War Veterans have received any official recognition by any body of Legislators of the whole United States. We are the original ex-service men's organization. I am going to do what I can to explain to you the necessity for this organization of ex-service men. Some of you have heard me speak here in your city, and I have had a number of people come to me

and say that they are surprised that I could go as far as I did without being molested by those who have passed themselves off as patriots during the past war. There has been a turn in patriotism the last few months. Am I not a citizen of the United States any more? What is this Constitution that guaranteed free speech and peaceful assemblage in this country? I at least was taught that it did in the country schools of Iowa, and I have never recognized anything else. If I do fear to address the people throughout the United States, as I have, I certainly must not show my fear because if I do, I would only be aiding and abetting the patriots who would rule this government by illegal means. Occasionally some little thing happens that riles me perhaps, and I will admit that I was real scared once last summer over in Minnesota. There had a band stand down at a Minnesota lake, one of those that they hauled around on wheels, and after they stop and before the band gets in they put props over the wheels and under the corners so it won't tip over. Somebody forget to put under the prop. The band got up into the band stand all right, and I got in and was introduced to the assembly that afternoon, of people of that vicinity, on that Sunday afternoon, a very warm day, and I had my coat off. I had been riding in a jitney to get there. Somehow or other I got kind of mussed up and just as I said ladies and gentlemen, the fellow with the big bass horn leaned over and said, "fellow, your shirt tail is out." I forgot everything in the world except that my shirt tail was out, and I was just about scared stiff when just then a very lucky thing happened. Some of the bandmen moved around on the platform and the thing tipped over and there was a scramble of the bass horn, cornets, bandmen, drummer and the speaker and everything else, and in the scramble and mix-up I got my shirt tail back in and went on with the address. (Laughter). I will admit I was scared, but that is the only time. I am not frightened by those who call themselves American citizens and pass themselves off as censors of what the American will listen to. We built this country, we and our forefathers and those who are alive today, on the rock of free speech and peaceful assemblage. We are not going to stand for those who come forth and tell the American people what they will listen to today. The American people are the sole judges themselves of what they will listen to. Before I go into this World War Veterans platform and the stand they have taken, I am going to go into some of the things that happened before the war in this country, and a number of things that happened during the war. Those will show the necessity of some kind of an organization composed of ex-service men who are going to stand solidly behind the great mass of the American people who stand for destroying the intimidation that has been practiced on the people during the war. Today I picked up the daily paper, no more than half an hour ago, and I saw where a man was put up against the wall and shot. That man was a personal friend of mine. He was not shot in this country. That man is the man who was the inventor of the 75 millimeter gun that did so much towards winning the war in France. He was General Angeles, and strange to say, he was a Mexican, a man that I knew perfectly well, and one that has had the education and refinement that comes only to those who travel in the higher stratum of society, a man who could sit at a table in

any home in the world and converse with the others there. A man who was a friend of the American people that stood with Gen. Diaz Villa in keeping peace between America and Mexico, and I served 18 months with this man, from February, 1914, till July 27th, 1915. There are plenty of records in Washington to sustain me in these assertions. My complete record is there on file. I have been before the authorities several different times at their request in this Mexican situation. This man General Angeles was shot to death yesterday on the charge that he was a traitor to the present administration in Mexico. Gen. Angeles believed in the laws of the country as laid down by Madero, the only truly elected representative that whole nation has ever had. This man Carranza in Mexico is decidedly opposed to American ideals and people, and he has been an enemy of this country ever since he knew how to walk. But he served a greater enemy of the people in this country and that is the great kept press of America. We have laws here which will prohibit shooting people in such cases, but we have also those laws like most of the laws that have been put into effect in the last few years, to encourage the great press of America of feeding poison into the minds of the American people. I remember distinctly when the American troops came into Mexico at Vera Cruz. This man Diaz issued a proclamation to the effect that any Mexican or set of Mexicans that made any demonstration against the Americans would be shot without trial. Carranza wanted his generals and all those who were fighting with Huerta to come back and face the Americans. That was not the plan of Huerta, but the American papers took it up and heralded it across the continent up and down with the purpose to bring the American people up to such a heated point that would get the army to invade Mexico. Gen. Villa showed his good faith in meeting General Scott on the International Bridge with only seven men leaving all of his army 700 miles in the interior, but the Kept Press heralded it all over the country that his army was near the border and that he was scheming to attack us unprepared. There is also something very peculiar about the fact that 21 Mexicans down in southern Texas who had been captured by the Americans and locked up should have been bathed in gasoline, and then it was very strange that someone, in that time of shortage of materials, and in the presence of rigid military law, should accidentally (?) drop a match and cause them all to be cremated alive. Isn't it time that we put a stop to this kind of propaganda and hold responsible every man or editor, hold them responsible for anything he says.

During the war the American people did not hold back. They ordered the best to France. They organized an army of five millions of men, they subscribed to large bond issues with wonderful effect, and I think now that the war is over, we know beyond a doubt, and our Congressional Records prove it, that not 50 cents on the dollar of our war debt went into the winning of the war. Somebody was not out for patriotism for a second, but was always out regardless of the cost to the people, after the dollar. Do you remember Hog Island shipyard? The Government appropriated twenty-two million dollars to build Hog Island and then it mounted up and up until 65 million dollars had been paid and we had completed only 5 ships, when the Armistice was signed. A little old



wooden shipyard out at Seattle with only five ways built 27 sea-going vessels complete for the Government in the same time. Why didn't you produce more ships at Hog Island? It was due to the graft and utter mismanagement. The men were put on at work on the cost-plus system and good rivets were drilled out, then others put in in order to increase the cost, and hundreds of good workmen left this place because they wouldn't be party to such continual fraud on the Government.

We finally spent one billion, eight hundred millions of dollars on aircraft production, where I myself was most interested, and I stand here without fear of contradiction that we did not produce a single first class fighting airplane during the entire war. How does that match up with the propaganda that you paid for in the subsidized press of the Administration? Who is going to be held responsible for this situation, and I am not the only one who says it. Senator Johnson and Mr. Hitchcock also make the same charges, and the government spent one hundred million dollars of your money to poison your minds during the war. Do you remember the Liberty Motor propaganda where eight men locked themselves in a room in the Willard Hotel at Washington until the hours of early morning and drew out the first perfect plans of an air craft engine, did it just in a few hours? Engineers in the world worked their whole life time and had failed to do it. Our program was to furnish 22,625 airplanes, and it NEVER delivered a single first class fighting airplane in France. Dietz and other men of his stamp were given managing control of the funds. Dietz had been indicted in 1912 for bribery, and he conspired in all kinds of intrigue and intimidation under the influences and control of the War Department, and even President Wilson allowed himself to be used as a tool of such men. Before we got through with cleaning this thing up, a man who claims he is a patriot has got to show that he has something in his heart. (Applause.)

They fitted out the fighting air machines to work with the small Browning gun, not the army field gun which is all right, but this air craft gun which never worked, and that feeds from the bottom and they forgot to make allowance for that and they couldn't get ammunition into them, and the Marlin was the only gun that could be used. The Marlin feeds from the side, and they had been very successful but through the same manipulations the Marlin had been discontinued, the factory re-arranged and the dies and other appliances scattered over the country, and when they decided to start in making them again, they found it would take four months to assemble the dies and machinery so they could begin again. I will read a copy of a letter I received from the ordinance department. (Reads.)

Since our conversation of a few days ago, Colonel O'Leary has been dispatched to the New England manufacturing district to investigate and report on the conditions surrounding the manufacture of the Browning Aircraft Machine Gun. From a preliminary report received from him, this office does not feel that there is any justification to warrant discontinuance of its manufacture and a reversion to the manufacture of the Martin Aircraft Gun.

October 31st, 1918.

It is true that our boys lay over in the trenches for months

and every day the German air craft would fly over and photograph our positions without any trouble, as we had no airships to oppose them with, and set their guns and at night blow the trenches out of existence. For months we had no machines, and finally France loaned us some Spads. Not a single American Ace qualified in an American built machine. Eddie Rickenbacker, the American Ace with 26 victories in the air tells us in a letter to the International Aircraft service corporation, that American built airplanes as equipped were flying coffins.

In later investigations I was called before the Senate Investigating Committee, and they tried to intimidate me before the committee. Sen. Chamberlain after I had been specially invited before the committee a second time, walked up to me and shook his fist in my face, and said, what are you getting out of this, who is paying you for this. I call that autocracy and not democracy. (Applause.) I will read you a letter he wrote me containing a quotation from a letter to him written by me.

UNITED STATES SENATE  
Committee on Military Affairs

Washington, D. C., May 13, 1918.

Lester P. Barlow, Esq.,  
Congress Hall Hotel,  
Washington, D. C.

Sir:—

I am in receipt of your favor of the 10th. I do not deem it necessary to enter into any discussion with you as to your views on the general situation as to air-craft production, nor do I undertake to answer the incorrect statements made in your letter which I assume to be unintentional. I only feel it incumbent upon me to reply to the following portion of your letter.

"On my first visit to the committee chamber, at an open session, I was introduced to you as a man who knew the real state of affairs in several departments of our so-called aerial program. You will perhaps remember saying then, "What are you getting out of this? I think you are all dishonest." At that time I warned you not to question my loyalty, but you left the room without changing your statements."

In reply to these statements permit me to say that your introduction to me on the occasion referred to was not at an open meeting of the committee, but while the committee was temporarily at recess. I did not intend to imply a financial interest, but simply for the purpose of determining the motive which actuated you in particularly threatening what you would do if your wishes were not acceded to.

Yours very respectfully,

GEO. CHAMBERLAIN.

That is the way he crawled out of it. I will read you what the newspapers had to say of these matters at the time. (Here Mr. Barlow reads excerpts from several papers which are not included in this report.) The great American Sculptor Borglum was appointed by President Wilson to make official investigation of the fall down in the Air craft inquiry, and he got to going to the bottom of things and the department did not like it and it was not long until he was called to account. False affidavits were used against him, and he was removed by the President. I here quote the letter written Jan. 2 to

Mr. Borglum by the President giving him authority to make the investigation:

The White House, Washington, D. C., January 2, 1918.

My dear Mr. Borglum:

I have your letter of December 25.

Knowing the earnest and loyal purpose with which you have written me, I have conferred with the Secretary of War, and at his request and with my hearty concurrence, I urge you to come at once to Washington, lay the whole matter frankly and fully before the Secretary, and by your own investigation discover the facts in this business. The Secretary of War assures me that he will be delighted to clothe you with full authority to get at the bottom of every situation, and that he will place at your disposal the services of Mr. Stanley King, a member of his own personal staff, if you desire to have his counsel in your inquiries. The Secretary further says that he will bring you into personal contact with General Squier, whom you doubtless already know personally, and will direct that every facility of inquiry be placed at your disposal. When you have thus investigated, if the other experts whom you suggest in your letters of December 25 still seem desirable to be appointed, you can say so to the Secretary; and, in the event of any difference of judgment between you, which seems to be impossible, I would be most happy to have a report from you personally to me on any phase of the matter which remains in the slightest degree doubtful in your mind.

Cordially yours,

WOODROW WILSON.

Mr. Gutzon Borglum, Borgland, Stanford, Conn.

Then after Borglum got results, and trouble arose, he received the following letter from the President:

The White House, Washington, D. C., April 15, 1918.

My dear Mr. Borglum:

I am afraid that you have for some time been under a serious misapprehension. You call my attention to the fact that you were not supplied with suitable expert assistants in the investigation which you, of your own motion, undertook of the aircraft production.

You will remember that at the beginning you wrote to me saying that you feared and believed that there were very serious errors not only, but serious bad practice, in aircraft production, and after consulting with the Secretary of War I wrote you that, if it was your impression, you were of course, at liberty to examine any evidence that was in our possession. I never at any time constituted you an official investigator. I merely gave you the right to look into the matter at your own motion, and I am sure that the letter which the Secretary of War provided you with he gave you with the same purpose and idea. We have wished at every point to assist you and to make possible for you to do what you wish to do, but we have at no time regarded you as the official representative of the Administration in making the investigation. If I had so regarded you, I would of course, have supplied you with such assistants as you feel you have lacked.

You will understand, of course, that I write this in the most cordial way and only because it is evident from your last letter that you have been laboring under a misapprehension.

I hope that you will be willing and that you feel that it is your duty to put at the disposal of those whom I have constituted official investigators all the evidence that may be in your possession.

Cordially and sincerely yours,  
WOODROW WILSON.

Mr. Gutzon Borglum, Metropolitan,  
Club, Washington, D. C.

This was too much for Mr. Borglum and he answered in this manner:

Hon. Woodrow Wilson, President, U. S. A.

My dear Mr. President:

It is something more than shock that I noticed today the publicity which I could hardly interpret in a friendly manner, considering the order of the statements given, and the meaning of your empowering letter to me, and I am taking, therefore, the only course open to me, that of addressing to you a reply republishing your empowering letter, together with my first letter to you, accompanying my first interview of the aeronautic situation.

In this letter I refer to the difficulties I met with in carrying out your wishes that "I go to the bottom of this business." Beyond that I spared you the record of petty intrigue, espionage, and a general system of official bullying that is carried on by, if not at the direction of, great departmental officials, certainly with their knowledge and approval. I had not been in the office assigned to me in the War Department forty-eight hours before I met with the intrigue of that department. Requisitions that I made for data brot untrue or valueless reports, and Mr. Stanley King, whom you had named to be my aid, and whom Assistant Secretary of War had turned over to assist me, began to systematically block the work I was undertaking, to the extent, even of threatening witnesses who came to my office, Room 225, War Department, to give me information, and warned that they would give information to me at their peril. General Squiers acted in a like manner, and every official that I approached and from whom I had the right to receive aid and courtesy, had, apparently under general instruction, entered into a common conspiracy to deceive, to mislead, and to prevent learning the truth about the aeronautic situation. I do not presume to give the reason for this, although I fully realize the sources of the periodical statements, false in contents and in purpose, emanating from the War Department regarding aeronautics, would not look with favor upon any inquiry that dealt with the true situation, and so within a week, on January . . ., I abandoned the War office and secured an office without the building, that my investigation might be less prejudiced, and might get more accurately and quickly at the truth of the situation. Nor did I fail to inform Mr. Baker of the serious condition that prevailed, and demanded correction, without avail, this constituted my first grievous offense—I had demonstrated I at least would not WHITEWASH. The reports that I sent to you were true, and if they erred at all, they were not strong enough in statement, which a subsequent inquiry has proven and placed before the public.

My investigation was a preliminary inquiry. It was so agreed between us, and, further, should I deem it necessary to have two assistant experts they would be appointed, and

if there was any difference in opinion between Mr. Baker and myself, you agreed that I should deal directly with you. These experts never were appointed, your promise was not kept and my request, frequently, urged upon you, only brot the appointment of men without knowledge, without information and wholly unfitted to inquire in a subject that had failed largely because it was conducted without information and knowledge; that is, had these been a few informed men even remotely connected with that huge appropriation, a few planes would have reached Europe.

I have pleaded for investigation, consistently and persistently, and I still plead for investigation. I have asked for nothing else but investigation. I have given months and months of valuable time, hoping that investigation would finally come. There has been a great deal of talk and a great deal of noise, but for some strange reason, it is impossible to get official action that will really investigate the aeronautic group. The nation knows its billions, or such part of it as they could possibly manage to use, is gone. The nation, and all of our boys know that there are no planes to protect, although Colonel Deeds told the National Press Association recently in great confidence that "we had 1,200 fliers with 1,200 planes, all ours, flying over our lines."

An officer who has arrived in this country within the week, straight from our troops informs me we have less than twenty. That they are French school planes. That they are not allowed near the German lines, and that our single balloon is hastily pulled down out of danger as the enemy planes appear.

I was among the first to call official attention to specify weaknesses in the Liberty motor. In spite of the resentment at the time the justice of these criticisms has been admitted by the Chairman of the Aircraft Board, correction made, and they are rebuilding the engines on those lines at this moment, but I had sinned in daring to criticize, and as some of your most important and prominent associates in our Government have said, Borglum "blundered in telling the truth." I have said the Aero Department is full of profiteering, that hundreds of millions have gone, that factories have been created where there were no factories necessary, and contract to the extent of fifty million given to men who had neither rhyme nor reason for the remotest connection with the emergency of airplane production, but who had the pull of deeds and who are still floundering in their ignorance and incompetency, unable and incapable of fulfilling their contracts, still drawing under the cost plus system upon the Treasury of the nation. I have said that aeronautic men of ability of the nation have been snubbed and ignored, unemployed, and that factories, or nucleus of factories, that could have been developed into producing institutions, who knew the art of aeroplane building, are even at this writing without the slightest consideration by the group who dealt out the colossal funds for their purpose. I have said the Liberty motors should never have been undertaken until other available motors had been put in production sufficient for an emergency fleet of aeroplanes build that our army could have used when it was ready, and I have said that this was not done, because the group who were interested in the production of the Liberty motors were interested in the establishing and controlling of the monopoly of that engine for aeronautic work, and were

not interested, or at least, have never shown interest that protected the troops they were charged to protect. I have also said that there has been gross profiteering in the methods of contracts, and that millions could be saved if the Government would act quickly, even by the consent of the manufacturers themselves. I have pointed out that although the engine was still an experiment, there were no planes. There were no planes, there can be no planes and there will be no planes until an engine or the engine is done and a perfect and a completed thing, so the country "believed that when the Liberty motor would reach its production we would have thousands of planes." This is another gross fallacy; we cannot really begin the construction of aeroplanes until our engine and its working horsepower has been established. In other words, except for the acquired material experimentation carried on under various producers and paid for by the cost—plus contract system, enjoyed by manufacturers who are agreeable and acceptable to the ring, we have accomplished nothing in our aeronautic program. Charges could not be more serious. Charges more grievous could not be made against a department or a group of men. Seven or eight investigations have been made besides my own and there is no single, definite denial of anything I charge. Why is it then that this offends? Why is it that placing the truth before the authorities fails for months to meet response and finally with brusque rebuke, and why after the work is done and delivered a month or more, I should receive a letter from you refuting the authority which alone brought me to Washington and under which I have worked so long?

Little can I add to what I have said, and there is little that I wish to add. I am now certain my services have at least compelled some kind of an investigation, and I have at least informed the country of its needs and the camouflage deliberately planned by a group of men entrusted with a great arm of our military machine has come to an end—I hope 't has come to an end, but the chart of reconstruction which I saw the day before yesterday fills me with definite alarm.

GUTZON BORGUM.

Mr. Hughes was used by the Government to make investigations, and at first they wanted merely to use his great name as a cloak to cover their fraud, but Mr. Hughes would not stand for it, but started in to make a real investigation, and refused to be pigeonoled down in a corner of the department. He demanded an open and full investigation of the matter from the beginning and got it. He made recommendations of court martial and prosecutions, but to this day not one of the persons he mentioned have been prosecuted.

And now, what is the function of the World War Veterans. Wait till the boys get back home, we are told, and we will have new blood in our political life. Under cover, these scoundrels posed as patriots while they plundered the Government, and said wait until the boys get back, and used their offices to enrich themselves out of the very people the boys fought for. The World War Veterans was formed nine days after the Armistice was signed. Soon afterwards it was smashed by orders from Headquarters, and in its place the

American Legion was organized. The men of the Legion are sincere, and they want to do things and they want to serve until democracy is a reality. (Applause). But those who put up the money to put this thing over keep the control of the convention down in Minneapolis do not represent or speak for the men who are members of the Legion. (Applause). And I here and now issue a challenge to meet any number of the present management or heads of the whole American Legion to meet me or other speakers of the World War Veterans on the platform of the Auditorium in Minneapolis and the World War Veterans will pay the entire expense and prove that that convention was controlled absolutely by Big Business. (Applause.) There's an insurgent movement within the Legion today that cannot be disputed. That convention was managed by the officers. You can see how they worked you now, but if necessary you should call another convention, and go there and organize another convention yourselves and don't let Lieutenant Colonels and Majors and a few big business fellows run it, but run it yourselves. You will find in this World War Veterans platform something that wasn't in that convention. They absolutely refused down there at the request of our own insurgent delegates to put another resolution before the house containing a clause condemning profiteering before and during the war. When we blocked the general resolutions committee, the speakers of the World War Veterans were called down as disloyal, and resolution after resolution was passed condemning everything progressive in America as Bolshevick and anarchist. We are not disloyal, and we already number 367,000 members. We have written a platform and no other soldiers organization has written a platform. Most of them run under a preamble covering their self-interest by asserting their Americanism, Democracy and Patriotism. Those are dangerous words to run under, as all the scoundrels buried themselves under those words during the war. The World War Veterans have written something we can keep, and we have defined our stand distinctly, the enforcement of the Constitution of the United States as it is written." (Applause.) And that means that the right of free and peaceful assemblage will not be molested in this country: (applause) that means that free speech will not be abridged in this country. That means that this soldiers organization of World War Veterans stands back of the American people and says that this fight will not stop until democracy is obtained, and that only way that can be obtained is for the American people to know the absolute truth. We will get reform by the ballot. The American people never appointed a dictator or censor over themselves, nor for the soldiers that have come back and say they know all about loyalty, and our Association does not say, we are the only ones that know anything about loyalty and because of our power of might you must take what we say as the law and say what you are permitted to say. That is German autocracy. Applause. I will read you the slogan of the World War Veterans.

#### SLOGAN RESOLUTIONS OF THE W. W. V.

The World Veterans of the State of Minnesota in general meeting assembled at state headquarters in the city of Minneapolis, this November 19, 1919, do with respect to the current lawlessness in this state declare ourselves as follows:

1. We realize that there is prevalent in this state a vi-

scious disposition on part of many newspapers and too many public officials, to spread fear and intimidation among the mass of the people of the state by suggesting and encouraging individual and mob violence and by publishing false propaganda of law, order and loyalty as camouflaging for actual oppression.

2. We know what the undercurrent of feeling among the people is and that there is growing among them a spirit of restlessness and an apprehension that their freedom of thought, speech and assembly are being superseded by intimidation. They are becoming rebellious on account of it.

3. And, inasmuch as no single citizen and no small group of citizens can safely venture to act in this matter from fear of the wrath of the newspapers and the wrath of those who would profit from the prevalent terror, and as the World War Veterans are representative of all strata of society, rich and poor, and all shades of political opinion, and of all religious convictions and as an organization we stand in a relation of good will and neutrality toward all lawabiding people and as we are sufficiently numerous to make ourselves felt and respected.

4. And, Whereas we are honorably discharged service men of the late war and our experience therein has brought home to us responsibility as citizens and our duty as such to see that the law is enforced equally upon all, we must therefore and for all the reasons here stated take up upon ourselves to demand and insist that mob rule and the intimidation of our citizens be stamped out in the State of Minnesota and we must, if necessary, take upon ourselves the initiative in enforcing the laws of the state and causing offenders guilty of intimidation under color of office and those guilty of mob violence and of encouraging mob violence to be brought to justice and prosecuted to the full extent of the law.

5. And, Whereas our slogan is, "The enforcement of the Constitution of the United States of America as it is written." NOW, Be it Therefore, Resolved, That we appoint a committee of twelve of the members of this organization, to be known as "THE SLOGAN COMMITTEE" and whose particular duty it shall be to see that the spirit of our slogan be realized in fact; that the committee shall solicit information leading to the arrest and conviction of those who practice intimidation or mob violence upon our citizens and others within our borders, and that the committee shall review all such information and shall with their recommendations bring it to the attention of the regular state headquarters meetings for consideration as to what action shall be taken.

Be it further Resolved, That we invite all citizens who wish to see intimidation and mob rule crushed to lend their assistance to this Organization in putting these resolutions into effect.

That is our vanguard against going to war except for democracy. If we cut out the chance of profiteering, when there will be no profits in war, then if we go to war it will only be for Democracy. Our President went to Europe with his 14



points, to which we could all subscribe, but he come back and did not bring a single one of them back with him.

You people in North Dakota have asked me to speak here, and have treated me very nicely in North Dakota. It is fine to see people like you being progressive, and you are being watched far outside of the boundaries of your state, and this is the "Cradle of Democracy of America" today. (Applause.) You are going to get real Democracy by use of the Ballot. (Applause.) And by that means we will have free speech unabridged. I thank you. (Prolonged applause.)

#### ADDRESS BY C. L. DAWSON OF THE AMERICAN LEGION

I was not a lieutenant-colonel, I was not a major. I was not even a shavetail. I carried a rifle and stood at parade rest in the vicinity of the rear ranks, and I was elected unanimously by the state convention of the American Legion with a sprinkling of Sam Browne belted boys.

We have no quarrels with the learned and distinguished gentleman who spoke here yesterday; we hold no briefs for those who were guilty in the world war of profiteering. We are not going to refute his arguments, gentlemen, by insinuating the source from which the World War Veterans sprang.

The American Legion was formed for the express purpose of perpetuating the wonderful associations and friendships formed in military service. We are non-political and non-sectarian. We know no ranks—a private is on equal ground with a general.

#### PREAMBLE OF AMERICAN LEGION

"For God and country we associate ourselves together for the following purposes: To uphold and defend the Constitution of the United States of America; to maintain law and order; to foster and perpetuate a 100 percent Americanism; to preserve the memories and incidents of our association in the great war; to inculcate a sense of individual obligation to the community, state and nation; to combat the autocracy of both the classes and the masses; to make right the master of might; to promote peace and good will on earth; to safeguard and transmit to posterity the principles of justice, freedom and democracy; to consecrate and sanctify our comradeship by our devotion to mutual helpfulness."

Is there a 100 percent reb-blooded American within the hearing of my voice who sees within that preamble anything for which he could not stand? anything for which his forefathers did not stand? Is there a sentence therein with which you would take issue? (Applause.)

The legion in this state is free from politics. We moved the headquarters from Bismarck for that very reason. We have not accepted a dollar from any person or political organization. No money has gone into our treasury except that which was received by bonafide from members. Our membership is now over 8,000. We have increased our membership a 100 percent since the state convention and are increasing the same at the rate of 1000 members per week. We have men from every walk of life, be they union laborers or tillers of the soil. We never for one moment have had a state organizer. The enlistments in our ranks from those who realizing our virtues have voluntarily entered our organization. They come from men knowing

our high ideals, have deemed it a privilege to wear our insignia. We have not condemned any other organization of veterans. We do not need to in order to exist, but as the frontiersmen of the plains rose to defend their cabins against the onslaught of savages, so do we rise to defend ourselves against misrepresentation. We have been told that we are agents of Wall Street and "big business." Any person making any such statement knows that it is made without foundation of fact or else he doesn't care whether he tells the truth or not.

I for one, have never seen the whirl and turmoil of Wall Street. I know that my name is not listed in their directory, and I know that private Jack Williams, my bunkie and our state secretary, the great union-card man of Fargo, doesn't have any of those dudes down there on his calling list. Agents of Wall Street and Big Business. Shades of the Great Burke of England! If 1,200,000 men, of whom a large portion of their friends fought, died and bled for democracy, can become the agents of Wall Street and Big Business, then my hope and faith in making is forever gone. One million two hundred thousand, the flower of our land, the brains of America, so corrupted and so seduced, so as to become vassals for big business. Can you ladies and gentlemen, you with an atom of grey matter above the ears, believe such an impossible, improbable fairy tale.

Like other institutions, it was necessary for the Legion to borrow some money. They owe today \$250,000. To off-set this, they amended the national constitution so as to make the national dues \$1.00 instead of 25 cents. I reiterate that if the American Legion had been an off-spring of Wall Street she would now be a debtor.

Born on the battle-scarred fields of France far away from the shadow of Wall Street, the American Legion has grown by leaps and bounds, until today all other organizations now look with green and envious eyes upon it, astonished by its growth and willing to pour upon it their wrath, which only comes from those who vilify simply to gain their own points. You know from the problematical things of this life, that success always means envy from some person. The breath of slander, once breathed, increases voluminously as it grows. We want you gentlemen to carry to your homes, to tell your neighbors, that the American Legion typifies everything that is American.

That it stands for the highest type of Americanism; that no matter what your religion, that no matter what your political affiliations, your son and your neighbor's son can enter its ranks, and we question not his politics or his religion. We want you to know that big business or Wall Street never owned it and they never will. (Applause.)

You know and I know that in a great war like the world war and in the haste of organization, the unfitness of a nation or a people unprepared for war, that it would be remarkable beyond all imagination if some incapable and inefficient men would not be placed in charge of some departments. It would be repugnant to all the laws of civilization if mistakes were not made. While the American Legion as I said before, holds no briefs for those who are inefficient and incapable, it is but human that such things should happen in a nation whose people loved peace and who were untrained in a military system. There was probably some inefficiency in the air craft produc-

tion, but I am unable to agree with a certain speaker who said the American soldiers were bombed and swept away, for I never heard of retreats on the American front, but I did hear of the Lost Battalion and 'Go-to-Hell Whitelsey.'

Regardless of all aircraft productions, regardless of those who hooted and derided the government, regardless of the charge that many men were incapable and inefficient, we know and history tells us that the armies of the United States entered the world war and came out victorious. To my mind the other things were simply incidents. Democracy and civilization were saved and other matters are not compared to that, for your homes and your firesides are safe.

Gentlemen, we want your son and your neighbor's son. We do not want to make him a better American; we could not make him a better American, but we will help to keep him as good an American as he was when he donned his khaki. (Applause.)

## NINTH DAY AFTER RECESS AND TENTH DAY

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
December 3, 1919.

The House assembled pursuant to recess taken, the Speaker presiding.

## REPORTS OF STANDING COMMITTEE

The committee on Railroads made the following report:

Mr. Speaker: Your committee on Railroads, to whom was referred Senate Bill No. 29, "A Bill for an Act to amend and re-enact Section 2 of Chapter 172 of the Laws of the State of North Dakota for the year 1919, and providing the time in which the provisions of said section shall be complied with, relating to furnishing shelter to employees of common carriers."

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

C. W. McDONNELL,

Chairman.

Mr. McDonnell moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Railroads made the following report:

Mr. Speaker: Your committee on Railroads, to whom was referred House Bill No. 51, "A Bill for an Act requiring the Board of Railroad Commissioners to devote each his entire time to his respective office, and to increase the compensation thereof."

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

C. W. McDONNELL,

Chairman.

Mr. McDonnell moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Railroads made the following report:

Mr. Speaker: Your committee on Railroads, to whom was referred House Bill No. 50, "A Bill for an Act authorizing the Board of Railroad Commissioners to investigate trade and commerce profiteering, hoarding and speculation in food, clothing and shelter, in co-operation with the Federal Trade Commission."

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

Line three of the printed bill, after the word "upon" insert the word "written."

Line four, after the word "initiative," insert, the following: "after reasonable notice to the accused and an opportunity to be heard."

Line four, after the word "information" insert the words "to said Board."

Line eight, strike out the word "general" and insert the word "written."

Line nineteen, after the word "states" insert the following: "provided nothing herein contained shall empower the Board to fix or regulate wholesale or retail prices."

And when so amended recommend the same do pass.

C. W. McDONNELL,

Chairman.

Mr. McDonnell moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Taxes and Tax Laws made the following report:

Mr. Speaker: Your committee on Taxes and Tax Laws, to whom was referred House Bill No. 47, "A Bill for an Act to cut down and reduce all state and municipal tax levies for the year 1919."

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

E. E. BRYANS,

Chairman.

Mr. E. E. Bryans moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Taxes and Tax Laws made the following report:

Mr. Speaker: Your committee on Taxes and Tax Laws, to whom was referred House Bill No. 20, "A Bill for an Act to exempt "Money" and "credits" from taxation except as herein provided, and repealing Chapter 255 of the Laws of North Dakota for the year 1915, and Chapter 230 of the Laws of North Dakota for the year 1917 as amended by Chapter 226 of the Laws of North Dakota for the year 1919 and all other Acts and parts of Acts in conflict with the provisions of this Act."

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

Line four, after the word "therefrom," "Except as to income derived from loans on North Dakota Real Property."

And when so amended recommend the same do pass.

E. E. BRYANS,

Chairman.

Mr. E. E. Bryans moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Taxes and Tax Laws made the following report:

Mr. Speaker: Your committee on Taxes and Tax Laws, to whom was referred House Bill No. 23, "A Bill for an Act to amend Chapter two hundred six (206) of the Session Laws of 1919, relating to the levying of one-half of one mill on each dollar of assessed valuation of all taxable property within the state for each year for the purpose of creating a fund to be known as the "Returned Soldiers' Fund"; providing for the payment thereof to returned soldiers; defining the powers and duties of the Adjutant General and of the Industrial Commission with reference thereto; making an appropriation therefor; so as to make the said Fund payable to

said returned soldiers immediately and without any conditions thereto attached."

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

**E. E. BRYANS,**  
Chairman.

Mr. E. E. Bryans moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Appropriations made the following report:

Mr. Speaker: Your committee on Appropriations, to whom was referred House Bill No. 13, "A Bill for an Act providing for the appointment of Special Assistant Attorneys General by the Governor; making an appropriation therefor; and repealing all Acts and parts of Acts in conflict therewith."

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

In line 3, section 2, strike out the word "twenty-five" and insert in lieu thereof the word "ten."

And when so amended recommend that the same do pass.

**JOHN R. MADDOCK,**  
Chairman.

Mr. Maddock moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Appropriations made the following report:

Mr. Speaker: Your committee on Appropriations, to whom was referred House Bill No. 39, "A Bill for an Act to appropriate money for the expenses of the executive department of the state to cover expenses in meeting certain emergencies."

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

**JOHN R. MADDOCK,**  
Chairman.

Mr. Maddock moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Temperance made the following report:

Mr. Speaker: Your committee on Temperance to whom was referred House Bill No. 52, "A Bill for an Act to prohibit the use of cigarettes by minors; prohibiting the supplying of cigarettes, cigarette papers, cigarette wrappers, or cigarette tobacco, to minors; prohibiting the sale of cigarettes, cigarette tobacco, cigarette papers, or cigarette wrappers, without a license; providing for licensing the sale, barter, or giving away of cigarettes, cigarette tobacco, cigarette papers or cigarette wrappers, and making the violation thereof a criminal offense; and providing penalties therefor."

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

**JOHN NATHAN,**  
Chairman.

Mr. J. C. Miller moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Taxes and Tax Laws made the following report:

Mr. Speaker: Your committee on Taxes and Tax Laws, to whom was referred House Bill No. 36, "A Bill for an Act

to amend and re-enact Section 1 of Chapter 152 of the Session Laws of 1915, relating to the Emergency Commission, and membership thereof."

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

E. E. BRYANS,  
Chairman.

Mr. E. E. Bryans moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Taxes and Tax Laws made the following report:

Mr. Speaker: Your committee on Taxes and Tax Laws, to whom was referred House Bill No. 37, "A Bill for an Act amending and re-enacting Section 2189 of the Compiled Laws of North Dakota for the year 1913, relating to Auditor's notice of sale of delinquent taxes."

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

E. E. BRYANS,  
Chairman.

Mr. E. E. Bryans moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Enrollment and Engrossment made the following report:

Mr. Speaker: Your committee on Enrollment and Engrossment have examined the following bills:

House Bill No. 2, "A Bill for an Act to amend and re-enact Section 1 and Section 3 of Chapter 206 of the Session Laws of 1919, relating to the levying of a tax of one-half of one mill upon each dollar of assessed valuation of all taxable property within the state for each year for the purpose of creating a fund to be known as the "Returned Soldiers' Fund"; providing for the payment thereof to returned soldiers; defining the powers and duties of the Adjutant General and of the Industrial Commission with reference thereto."

House Bill No. 5, "A Bill for an Act making an appropriation for general repairs and improvements of the Executive Mansion."

House Bill No. 6, "A Bill for an Act to repeal Chapter 207 of the Session Laws of North Dakota, 1919, relating to the extension of the State Street Car Line and providing for an appropriation therefor."

House Bill No. 10, "A Bill for an Act to amend and re-enact Section 5170 of the Compiled Laws, State of North Dakota, for the year 1913, as amended by Chapter 58 of the Session Laws of 1915, relating to the Legal Reserve Fund of Banking Corporations and Associations."

House Bill No. 42, "A Bill for an Act defining the word "precinct" as used in the laws of the State of North Dakota, relating to elections and providing for the formation of voting districts and the designating of voting places within such voting districts."

House Bill No. 48, "A Joint Resolution creating an Investigating Committee; defining its rights and powers and authorizing it to investigate all efforts to destroy or injure the property or rights of individuals, corporations, or any of the industries, enterprises or utilities owned by the state, or to unlawfully influence or corrupt elections or results thereof and to report the results of such examination to the Governor, to the Legislative Assembly and State's Attorneys; and making an appropriation therefor.

House Bill No. 49, "A Joint Resolution requesting the Supreme Court of the United States to advance the case of John W. Scott et al., vs. Lynn J. Frazier et al., on the Calendar."

And find the same correctly engrossed.

J. W. KUNKEL,

Mr. Kunkel moved that the report be adopted, which motion prevailed and the report was adopted.

#### PRESENTATIONS OF PETITIONS AND COMMUNICATIONS

World War Veterans' Organization, Bismarck Post Number One, Bismarck, North Dakota.

Hon. L. L. Stair,

Speaker, House of Representatives,  
Bismarck, North Dakota.

Dear Sir:

We, the members of the World War Veterans, Post Number One, Bismarck, North Dakota, respectfully urge that your honorable body pass a Soldiers' Bonus Bill for the soldiers of North Dakota without any strings attached or limitations whatsoever.

We believe that the soldier is fully competent to handle his own affairs and that the bonus should be given to him to be used by himself as he sees fit. We cannot conceive of any reason why the Legislature should desire to be the so-called guardian of the soldiers, as we feel that the soldier is amply able to meet the battles of life for himself and to intelligently manage his own affairs without any assistance.

Respectfully submitted,

WORLD WAR VETERANS, POST  
NUMBER ONE.

By

COMMITTEE:

Ralph Madland,  
B. D. Homan,  
W. O. Skeels.

Mr. O'Brien moved that the House recess for 10 minutes, which motion prevailed and the house recessed.

RECESS

House assembled pursuant to recess taken, the Speaker presiding.

Mr. Haines moved that the House do now adjourn, which motion prevailed and the House adjourned.

TENTH DAY

The House assembled pursuant to adjournment, the Speaker presiding.



Prayer by the Chaplain.

Roll Call.

Present 110.

Absent 3.

Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bollinger, Bjerke, Burtness, Burkhart, Byrne, Caddell, Carr, Donner, Dungan, Durkee, Eckert, Engen, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hammond, Hanson, Hardt, Harding, Harris, Herbert, Hoare, Humphreys, Ivers, Johnson of Dickey, Johnson of Steele, Johnson of Cass, Johnson of Pembina, Johnston, Kamrath, Kelder, Kell, Kellogg, Kelly, Keitzman, Koller, Krueger, Kunkel, Larson of Ransom, Larson of Stutsman, Larson of Pierce, Larkin, Lazier, Lowe, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McGauvran, McLarty, McLaughlin, McManus, Mikkelson, Miller, Moen, Murtha, Nathan of Sheridan, Nathan of Logan, Ness, Nesvig, Nims, O'Brien, O'Connor of Pembina, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olson of Barnes, Olsgard, Opland, Patterson, Peterson, Pleasance, Prater, Randall, Riba, Reid, Reishus, Renauld, Robinson, Roquette, Rusch, Severson, Sherman, Strain, Strom, Turner, Twichell, Uglum, Wadeson, Walker, Weld of Wells, Weld of Kidder, Whipple, Wog, Yeater, Mr. Speaker.

Absent: Cleven, Hemmi, Klein.

#### MESSAGE FROM THE SENATE

SENATE CHAMBER,

Bismarck, N. D., December 3, 1919.

Mr. Speaker: I have the honor to transmit the following concurrent resolution:

#### CONCURRENT RESOLUTION

Introduced by Mr. Fraser.

WHEREAS, There is a general demand by the people of the State of North Dakota for copies of the Senate Journals and House Journals, therefore:

BE IT RESOLVED: By the Senate: the House of Representatives concurring, there be printed a sufficient number of Senate Journals and House Journals so that one copy of each may be sent to each school, newspaper, public library, farm club, commercial club, and five additional copies of same for each Senator and Representative.

Which the Senate adopted and your favorable consideration is respectfully requested.

Very respectfully,

W. J. PRATER,  
Secretary.

SENATE CHAMBER,

Bismarck, N. D., December 2, 1919.

Mr. Speaker: I have the honor to transmit herewith the following bills:

Senate Bill No. 4.

"A Bill for an Act to Repeal Chapter 67 of the Session Laws of North Dakota, 1919, authorizing the appointment of Special Assistant Attorneys General, and designating the fund out of which the compensation of such Assistant Attorneys General may be paid."

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

Very respectfully,  
W. J. PRATER,  
Secretary.

Motion made by Mr. Twichell that House Bill No. 2 be referred back to the committee from whence it came, which motion prevailed.

### THIRD READING OF HOUSE BILLS

House Bill No. 5.

"A Bill for an Act making an appropriation for general repairs and improvements of the Executive Mansion."

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 71, nays 34, absent and noting 8.

Ayes: Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bjerke, Byrne, Caddell, Donner, Eckert, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hardt, Harding, Hoare, Ivers, Johnson of Dickey, Kamrath, Kelder, Kell, Kellogg, Keitzman, Kunkel, Larson of Ransom, Larson of Stutsman, Larkin, Lazier, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McLarty, McManus, Miller, Moen, Murtha, Nathan of Sheridan, Nesvig, O'Brien, O'Connor of Pembina, Olsen of Ramsey, Olson of Barnes, Opland, Patterson, Prater, Randall, Riba, Reid, Renault, Sherman, Strain, Strom, Uglum, Wadeson, Walker, Weld of Wells, Weld of Kidder, Whipple, Wog, Yeater, Mr. Speaker.

Nays: Bollinger, Burtness, Carr, Dungan, Durkee, Engen, Hammond, Hanson, Harris, Herbert, Humphreys, Johnson of Cass, Johnson of Pembina, Johnston, Kelly, Koller, Krueger, Larson of Pierce, Lowe, McGauvran, Mikkelson, Nathan of Logan, Ness, Nims, Oisgard, Petterson, Pleasance, Reishus, Robinson, Roquette, Rusch, Severson, Turner, Twichell.

Absent and not voting: Burkhart, Cleven, Hemmi, Johnson of Steele, Klein, McLaughlin, O'Connor of Grand Forks, Olson of Ward.

So the bill passed and the title was agreed to.

The Speaker also declared the emergency carried.

MR. TWICHELL:

I wish to explain my vote on House Bill No. 5. At the last session, less than one year ago, we appropriated \$2,000 for the purposes designed in this bill. Upon investigation in the auditor's office, I find that \$2,000 has not been spent. That was for the repairing of the Governor's mansion. It hasn't been spent, and we are now asked to vote an additional appropriation of \$1,500 for that purpose, and I am against it.

House Bill No. 6.

"A Bill for an Act to repeal Chapter 207 of the Session Laws of North Dakota, 1919, relating to the extension of the State Street Car Line and providing for an appropriation 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 99, nays 5, absent and not voting 9.

Ayes: Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bollinger, Bjerke, Burtness, Byrne, Caddell, Carr, Dungan, Durkee, Eckert, Engen, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hammond, Hanson, Hardt, Harding, Hoare, Humphreys, Ivers, Johnson of Dickey, Johnson of Cass, Johnson of Pembina, Johnston, Kamrath, Kelder, Kell, Kellogg, Kelly, Keitzman, Koller, Krueger, Kunkel, Larson of Ransom, Larson of Stutsman, Larson of Pierce, Larkin, Lazier, Lowe, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McGauvran, McLarty, McManus, Mikkelson, Miller, Moen, Nathan of Sheridan, Nathan of Logan, Ness, Nesvig, O'Brien, O'Connor of Pembina, Olsen of Ramsey, Olson of Ward, Olson of Barnes, Olgard, Opland, Patterson, Petterson, Pleasance, Prater, Randall, Riba, Reid, Reishus, Renauld, Robinson, Rusch, Severson, Sherman, Strain, Strom, Turner, Twichell, Uglum, Wadeson, Weld of Wells, Weld of Kidder, Whipple, Wog, Yeater, Mr. Speaker.

Nays: Harris, Herbert, Murtha, Nims, Roquette.

Absent and not voting: Burkhart, Cleven, Donner, Hemmi, Johnson of Steele, Klein, McLaughlin, O'Connor of Grand Forks, Walker.

So the bill passed and the title was agreed to.

The Speaker also declared the emergency carried.

#### MR. HERBERT:

In voting on this bill I would like to explain my vote. I voted on this measure in good faith last winter. I so voted because I was told and believed that if this street car line extension was put in it would save the State considerable money. I believed it at the time and I can't consistently vote for the repeal of this bill at this time, and I therefore vote no.

#### House Bill No. 10.

"A Bill for an Act to amend and re-enact Section 5170 of the Compiled Laws, State of North Dakota, for the year 1913, as amended by Chapter 58 of the Session Laws of 1915, relating to the legal reserve fund of banking corporations and associations."

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 66, nays 41, absent and not voting 6.

Ayes: Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bjerke, Byrne, Caddell, Eckert, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hardt, Harding, Hoare, Ivers, Johnson of Dickey, Kamrath, Kelder, Kell, Kellogg, Keitzman, Larson of Ransom, Larson of Stutsman, Larkin, Lazier, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McLarty, McManus, Miller, Moen, Nathan of Sheridan, Nesvig, O'Brien, O'Connor of Pembina, Olson of Barnes, Opland, Patterson, Prater, Randall, Riba, Renauld, Sherman, Strain, Strom, Uglum, Wadeson, Walker, Weld of Wells, Weld of Kidder, Whipple, Wog, Yeater, Mr. Speaker.

Nays: Bollinger, Burtness, Carr, Donner, Dungan, Durkee, Engen, Hammond, Hanson, Harris, Herbert, Humphreys, Johnson of Cass, Johnson of Pembina, Johnston, Kelly, Koller, Krueger, Kunkel, Larson of Pierce, Lowe, McGauvran, McLaughlin, Mikkelson, Murtha, Nathan of Logan, Ness, Nims,

Olsen of Ramsey, Olson of Ward, Olsgard, Petterson, Pleasance, Reid, Reishus, Robinson, Roquette, Rusch, Severson, Turner, Twichell.

Absent and not voting: Burkhart, Cleven, Hemmi, Johnson of Steele, Klein, O'Connor of Grand Forks.

So the bill passed and the title was agreed to.

MR. BURTNESS:

In voting on bill No. 10, I wish to explain that I am sorry that this bill has not been discussed before the House, and I deem it merits careful consideration. Personally I think it is a dangerous bill as it cuts into the reserve that has been heretofore required by the banks. I don't think to cut reserve in two is safe banking. I don't think cutting it in two will operate to the best interests of the people of the state, and therefore I vote No.

MR. ENGEN:

I think this bill is a step in the wrong direction. We are cutting up the system so it will be dangerous. The reserve fund of the banks is the safety valve for the people's money. The banks of the state are the custodians of the public money, and should be made as safe as possible, and I believe that the percentage reserve under the present law is sufficient and low enough, and if you lower it 50 per cent., you lessen the safety, and furthermore you lessen the credit of these banks with the correspondent banks in the Twin Cities, Fargo, and Bismarck where they keep their accounts, because under the new law proposed, it lowers the reserve 50 per cent., and no bank is as safe with 10 per cent. reserve as it would be with 20, and I think we should consider these bills very thoroughly. Personally I did not know what committee this bill was referred to and I think it is very important that this bill should be reconsidered. Some may think that by lowering the reserve it may help in lowering interest, but it will not. The conservative banker will not loan out their money any faster, and the credits will be lowered. Furthermore, the present Guaranty fund of the state will be jeopardized, and there will be more failures which will affect every legitimate bank in the state, and therefore I vote no.

MR. RUSCH: I believe this is a dangerous law. The conservative banks will not take advantage of the law. The wild-cat bankers will. That will impose on the guaranty fund. I believe 20 per cent is low enough, and it is the same as the National Bank system. We have always prided ourselves that we are as strong as the National Bank system. I believe it is a mighty poor change, and I vote "no."

House Bill No. 42.

"A Bill for an Act defining the word "precinct" as used in the laws of the State of North Dakota relating to elections and providing for the formation of voting districts and the designating of voting places within such voting districts."

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 88, nays 14, absent and not voting 11.

**Ayes:** Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bjerke, Burtness, Byrne, Caddell, Carr, Donner, Durkee, Eckert, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hammond, Hanson, Hardt, Harding, Herbert, Hoare, Humphreys, Ivers, Johnson of Dickey, Johnson of Cass, Johnson of Pembina, Kamrath, Kelder, Kell, Kellogg, Kelly, Keitzman, Koller, Krueger, Kunkel, Larson of Ransom, Larson of Stutsman, Larson of Pierce, Larkin, Lazier, Lowe, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McGauvran, McLarty, McManus, Mikkelson, Miller, Moen, Murtha, Nathan of Sheridan, Nathan of Logan, Ness, Nesvig, O'Brien, O'Connor of Pembina, Olson of Ward, Olson of Barnes, Opland, Patterson, Pleasance, Prater, Randall, Riba, Reid, Renauld, Sherman, Strain, Strom, Uglum, Wadeson, Weld of Wells, Weld of Kidder, Whipple, Wog, Yeater, Mr. Speaker.

**Nays:** Bollinger, Dungan, Engen, Johnston, Nims, Olsen of Ramsey, Olsgard, Petterson, Robinson, Roquette, Rusch, Severson, Turner.

**Absent and not voting:** Burkhart, Clevon, Harris, Hemmi, Johnson of Steele, Klein, Maddock of Mountrail, McLaughlin, O'Connor of Grand Forks, Twichell, Walker.

So the bill passed and the title was agreed to.

The Speaker also declared the emergency carried.

The Speaker called Mr. Miller to the chair.

#### House Bill No. 48.

"A Joint Resolution creating an investigation committee; defining its rights and powers and authorizing it to investigate all efforts to destroy or injure the property rights of individuals, corporations, or any of the industries, enterprises or utilities owned by the State, or the credit of the State, or to unlawfully influence or corrupt elections or results thereof and to report the results of such examination to the Governor, to the Legislative Assembly and State's Attorneys; and making an appropriation 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 68, nays 41, absent and not voting 4.

**Ayes:** Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bjerke, Burkhart, Byrne, Caddell, Eckert, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hardt, Harding, Hoare, Ivers, Johnson of Dickey, Johnson of Steele, Kamrath, Kelder, Kell, Kellogg, Keitzman, Larson of Ransom, Larson of Stutsman, Larkin, Lazier, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McLarty, McManus, Miller, Moen, Nathan of Sheridan, Nesvig, O'Brien, O'Connor of Pembina, Olson of Barnes, Opland, Patterson, Prater, Randall, Riba, Renauld, Sherman, Strain, Strom, Uglum, Wadeson, Walker, Weld of Wells, Weld of Kidder, Whipple, Wog, Yeater, Mr. Speaker.

**Nays:** Bollinger, Burtness, Carr, Donner, Dungan, Durkee, Engen, Hammond, Hanson, Herbert, Humphreys, Johnson of Cass, Johnson of Pembina, Johnston, Kelly, Koller, Krueger, Kunkel, Larson of Pierce, Lowe, McGauvran, McLaughlin, Mikkelson, Murtha, Nathan of Logan, Ness, Nims,

O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olsgard, Petterson, Pleasance, Reid, Reishus, Robinson, Rquette, Rusch, Severson, Turner, Twichell.

Absent and not voting: Cleven, Harris Hemmi, Klein.

So the bill passed and the title was agreed to.

MR. BURTNESS: I wish to explain my vote. I am opposed to this bill because I am opposed to any political organization which may happen to be in control of a state government, to use the public funds amounting to \$25,000 or any other sum, for the use of a standing committee for the dissemination of political propaganda. The other duties prescribed on your committee by this bill, if any, can properly be performed whenever warranted by our numerous peace and police officers, by our departments and various organizations, public and private, established for the enforcement of all laws. If any criminal laws are required, let us pass such as may be needed in that respect. I vote no.

MR. HANSON: I would say, in explaining my vote on this measure that I vote no, because I think there isn't any need for it. Our taxes have been growing pretty fast lately, and the only way to keep the taxes down is to keep the expenses down, and here we have another appropriation and it will raise taxes more and more. And we are going pretty fast on that line, and if we don't stop, it may come to the point where a good many of us won't be able to pay our taxes.

MR. JOHNSON, of Pembina: I vote no because I consider this bill uncalled for, un-American, undemocratic and expensive.

MR. O'CONNOR of Grand Forks: In explaining my vote I wish to say I was not in the House when this bill was called up for a final vote, being busy with the investigating committee on the book matter. But I assume that the bill has not been amended, and is the same as appears in the printed House Bill 48. Am I right?

The Chief Clerk. That is correct.

MR. O'CONNOR: I vote no on this bill for several reasons. In the first place, I do not believe that there is any demand on the part of the people of the state for such investigating committee at this time. Secondly, I do not believe that the taxpayers have \$25,000 to throw away in this manner.

I believe if we have \$25,000 of the taxpayers' money that it can be used to much better advantage than that outlined in this bill. I object to this bill further on the ground that it is merely an attempt on the part of the Administration to wield a powerful club, which has been wielded in the past by autocratic governments, against those who disagree with them. If this bill becomes a law, or if this committee is authorized to act under this joint resolution, it will establish a precedent in the state that whenever one party obtains control of the Senate and the House of Representatives, that that party will immediately appoint such a committee as is designated in this bill 48, with \$25,000, \$50,000 or \$100,000 of the people's money to discredit any man who happens to be holding office, elected by the people of the state, who disagrees with their program. I object further to this bill on the ground that there is no provision in it for a minority representation. The minority represent about 40 per cent

of the people of this state, and there is nothing in this bill that insures that minority that they will have any representation on this committee. I object to this bill further on the ground that the committee has the power to designate one member of the committee who shall act for and on behalf of the committee, thereby placing in the hands of one man, \$25,000 to be expended, and to be paid to lawyers, examiners, detectives and other employees that he might select for the purposes designated in this Bill. I object to it further on the ground that this Bill gives the committee the power to examine and investigate on the written request of any person, certain acts specified therein. I believe that that should be on the sworn complaint of a person who makes the charge. I vote "no" on this Bill for the reason that I have very serious doubts on the constitutionality of this law, and I believe, and have always believed that the way to reach men in public office who have violated their trust if they have, is not by empowering one man to spend enormous sums of money, to discredit him, but to lay his case before the voters of the state and retire him from office. I believe that that is the proper way. I object to this bill further on the ground that it will establish a dangerous precedent in that, should the next Legislative Assembly North Dakota and its reputation and credit, that they should be investigated under such a resolution as this, and expend money belonging to the state and cite this as a precedent for their action, and I therefore vote "no."

House Bill No. 49, "A Joint Resolution requesting the Supreme Court of the United States to advance the case of John W. Scott et al., vs. Lynn J. Frazier, et al., on the Calendar."

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, 95; nays, 8; absent and not voting, 10.

Ayes—Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bjerke, Burtness, Byrne, Caddell, Carr, Dungan, Durkee, Eckert, Ferguson, Fredrickson, Gunhos, Haines, Hall, Hanson, Hardt, Harding, Herbert, Hoare, Humphreys, Ivers, Johnson of Dickey, Johnson of Cass, Kamrath, Kelder, Kell, Kellogg, Kelly, Keitzman, Koller, Krueger, Kunkel, Larson of Ransom, Larson of Stutsman, Larson of Pierce, Larkin, Lazier, Lowe, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McGauvran, McLarty, McManus, Mikkelson, Miller, Moen, Murtha, Nathan of Sheridan, Nathan of Logan, Nesvig, Nims, O'Brien, O'Connor of Pembina, Olsen of Ramsey, Olson of Ward, Olson of Barnes, Opland, Patterson, Peterson, Pleasance, Prater, Randall, Riba, Reid, Renauld, Robinson, Roquette, Rusch, Sherman, Strain, Strom, Turner, Twichell, Uglum, Wadeson, Weld of Wells, Weld of Kidder, Whipple, Wog, Yeater, Mr. Speaker.

Nays—Bollinger, Engen, Hammond, Johnson of Pembina, Johnston, Ness, Reishus, Severson.

Absent and not voting—Burkhart, Cleven, Harris, Hemmi, Johnson of Steele, Klein, McLaughlin, O'Connor of Grand Forks, Olsgard, Walker.

So the bill passed and the title was agreed to.

## MESSAGE FROM THE SENATE

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,

December 3, 1919.

Mr. Speaker: I have the honor to transmit herewith the following bills:

Senate Bill No. 19, "A Bill for an Act providing for the exemption from taxation of the income from moneys deposited by non-residents in banks within the State."

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

Very respectfully,

W. J. PRATER,

Secretary.

## FIRST AND SECOND READING OF SENATE BILLS

Senate Bill No. 4, "A Bill for an Act to repeal Chapter 67 of the Session Laws of North Dakota, 1919, authorizing the appointment of Special Assistant Attorneys General, and designating the fund out of which the compensation of such Assistant Attorneys General may be paid."

Was read the first and second time and referred to the committee on Judiciary.

Senate Bill No. 19, "A Bill for an Act providing for the exemption from taxation of the income from moneys deposited by non-residents in banks within the State."

Was read the first and second time and referred to the committee on Taxes and Tax Laws."

## PRESENTATIONS OF PETITIONS AND COMMUNICATIONS

BOARD OF ADMINISTRATION  
Bismarck, N. Dak.TO THE HOUSE OF REPRESENTATIVES AND SENATE,  
SPECIAL 1919 SESSION OF THE SIXTEENTH LEGISLATIVE ASSEMBLY, OF THE STATE OF NORTH DAKOTA.

Gentlemen:

WHEREAS, on or about January 6th, 1919, one Alice Anna Bixby, was in the employ of the state in the capacity of domestic in the kitchen of the School for the Deaf, a State Institution at Devils Lake, and on that date had her right hand amputated by an automatic bread mixer, thereby rendering her right arm useless, and

WHEREAS, said Alice Anna Bixby has no visible means of support and said Institution has no appropriation whereby she may be in some measure provided for on account of said disability, and

WHEREAS, since this unfortunate accident happened the Legislature has seen the necessity for making provisions for workers who are injured or maimed at their work by passing the Workmen's Compensation Act.

NOW THEREFORE, the Board of Administration of the State of North Dakota has duly considered said matter and does hereby recommend that the said Special Legislative Assembly make such commensurate appropriation for the aid of



Alice Anna Bixby, as may be deemed just and reasonable in the premises.

WITNESS OUR HANDS AND THE SEAL OF SAID BOARD  
THIS SECOND DAY OF DECEMBER, A. D. 1919.

GEO. A. TOTTEN,  
Chairman, Board of Administration,  
State of North Dakota.

Attest:

CHARLES LIESSMAN,  
Executive Secretary.

TO THE HONORABLE MEMBERS OF THE LEGISLATURE:

I learn from the message of the Governor that he recommends to you a Law for a State or Overhead Sheriff. This in itself creates another officer, hence more expense on the State's taxpayers.

If you intelligent law makers can see any urgent need for such officer or officers, you will create it, otherwise I trust you will leave well enough alone with the sheriffs our State does now have.

If we were a State composed of Russian Bolsheviks nomading back and forth over our State, rebelling against our laws and liberties of a peaceable pursuit of our citizens, there might be some object in the Governor's recommendation for an Overhead Sheriff to call on all the other sheriffs.

I do believe that you will agree with me that there are already in the minds of all taxpayers of our State, created more than enough offices on the Man Jones, that pays the freight or taxes of our State.

Respectfully submitted,

By one who has been a citizen of  
North Dakota with you for 40 years.  
C. J. SUNDAHL,  
Niagara, N. Dak.

At request of Mr. Sundahl Mr. Burtness moved the foregoing be read from the desk and printed in the Journal.

#### REPORTS OF STANDING COMMITTEE

The committee on Counties made the following report:

Mr. Speaker: Your committee on Counties to whom was referred House Bill No. 41, "

Have had the same under consideration and recommend Strike out all of Section Six.

And when so amended recommend the same do pass.

JOSEPH RENAULD,  
Chairman.

The committee on Counties made the following report:

Mr. Speaker: Your committee on Counties to whom was referred House Bill No. 34,

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

On line five, Section One of the printed bill, strike out the figure (5) and insert in lieu thereof the figure (0), and in line eight, same section, strike out the figure (9) and insert in lieu thereof the figure (8).

And when so amended recommend the same do pass.

JOSEPH RENAULD,

Chairman.

Mr. Hoare moved that the House resolve itself into a committee of the whole for the consideration of general orders, which motion prevailed and the House resolved itself into a committee of the whole.

The Speaker called Mr. Hoare to the chair.

When the committee arose, it submitted the following report:

Mr. Speaker: the Committee of the Whole have had under consideration the following bills:

House Bill No. 17, "A Bill for an Act to repeal Chapter 219 of the Laws of North Dakota for the year 1919, being the law creating the office of County Tax Supervisor and defining his powers and duties."

And recommend that same as amended by the standing committee do pass.

House Bill No. 21, "A Bill for an Act to amend Sections Eight (8) and Thirteen (13) of Chapter Ninety-seven (97) of the Laws of 1917 as amended by Section Two (2) of Chapter 99 of the Laws of 1919."

And recommend that same as amended by the standing committee do pass.

House Bill No. 46, "A Bill for an Act to amend and re-enact Section 4 of Chapter 162 of the Compiled Laws of 1919, relating to Workmen's Compensation Fund."

And recommend that same do pass as amended by the Standing Committee and the Committee of the Whole, which was to strike out "\$3,000" in line 18 on page 2 of the printed bill and insert in lieu thereof "\$2,500."

MR. HOARE,

Chairman.

Mr. Patterson moved that the report be adopted, which motion prevailed and the report was adopted.

#### MESSAGE FROM THE SENATE

SENATE CHAMBER,

BISMARCK, NORTH DAKOTA,

December 3, 1919.

Mr. Speaker: I have the honor to transmit herewith the following bills:

Senate Bill No. 13.

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

Very respectfully.

W. J. PRATER,

Chairman.

Senate Bill No. 26, "A Bill for an Act to amend and re-enact Section 2141 of the Compiled Laws of North Dakota for the year 1913 providing for the substitution of the commissioner of insurance as a member of the state board of equalization and as secretary thereof instead of the state auditor."

Senate Bill No. 40, "A Bill for an Act to amend and re-enact Section 375 of the Compiled Laws, State of North Dakota, for the year 1913, as amended by Chapter 227 of the Session Laws of 1915, relating to the State Auditing Board, its duties, and the membership thereof."

Senate Bill No. 37, "A Bill for an Act to provide for an appropriation for the purpose of carrying out the provisions of the State Hail Insurance Law."

Senate Bill No. 31, "A Bill for an Act authorizing the Governor as Commander-in-Chief of the Military and Naval Forces of this state, to take over and operate any coal mines or other public utility in any emergency where necessary for the protection of life and property."

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

Very respectfully,

W. J. PRATER,  
Secretary.

#### FIRST AND SECOND READING OF SENATE BILLS

Senate Bill No. 13.

"A Bill for an Act to amend and re-enact Section 160 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Chapter 66 of the Laws of North Dakota for the year 1919, relating to the appointment of assistant attorneys general."

Was read the first and second time and referred to committee on Judiciary.

Senate Bill No. 26, "A Bill for an Act to amend and re-enact Section 2141 of the Compiled Laws of North Dakota for the year 1913 providing for the substitution of the commissioner of insurance as a member of the state board of equalization and as secretary thereof instead of the state auditor."

Was read the first and second time and referred to the committee on State Affairs.

Senate Bill No. 31, "A Bill for an Act authorizing the Governor as Commander-in-Chief of the Military and Naval Forces of this state, to take over and operate any coal mines or other public utility in any emergency where necessary for the protection of life and property."

Was read the first and second time and referred to the committee on Judiciary.

Senate Bill No. 37, "A Bill for an Act to provide for an appropriation for the purpose of carrying out the provisions of the State Hail Insurance Law."

Was read the first and second time and referred to the committee on Appropriations.

Senate Bill No. 40, "A Bill for an Act to amend and re-enact Section 375 of the Compiled Laws, State of North Dakota, for the year 1913, as amended by Chapter 227 of the Session Laws of 1915, relating to the State Auditing Board, its duties, and the membership thereof."

Was read the first and second time and referred to the committee on State Affairs.

Mr. Murtha moved that the House recess for 15 minutes, which motion prevailed and the House recessed.

RECESS

The House assembled pursuant to recess taken, the Speaker presiding.

Mr. Walker moved that the House turn to the Sixth Order of Business.

Which motion prevailed.

The time for making report by the committee on Book Investigations was extended until Thursday.

Mr. O'Connor moved to recess until 1 o'clock, Dec. 4th.

Which motion prevailed.

Courtesies of the floor were extended to Wm. Buck, Jamestown, N. Dak.

TENTH DAY AFTER RECESS AND ELEVENTH DAY  
HOUSE OF REPRESENTATIVES

BISMARCK, NORTH DAKOTA,

December 4, 1919.

The House assembled at 1 o'clock P. M. pursuant to recess taken, the Speaker presiding.

MOTIONS AND RESOLUTIONS

Mr. O'Connor of Grand Forks, moved that a committee of three be appointed, two from the majority and one from the minority and empowered to investigate reports circulated about any members of this House and with reference to any inaccurate reports that have been circulated through the newspapers, and after an investigation to report its findings to this House for the determination of this body, and the House to determine upon the punishment of the men who are sending out those false reports, limited to the newspapers that have the courtesy of the floor. Which motion was amended, that it be a continuous committee until this session closes, which motion prevailed.

Mr. Maddock moved that the action of the House in indefinitely postponing House Bill No. 52 be reconsidered.

A roll call was demanded.

The question being to reconsider the indefinite postponement of House Bill No. 52 by the Temperance Committee, the roll was called and there were ayes 64, nays 45, absent and not voting 4.

Ayes: Bratsberg, Bollinger, Bjerke, Burtness, Caddell, Carr, Donner, Dungan, Durkee, Engen, Ferguson, Gunhus, Haines, Hammond, Hardt, Harris, Herbert, Humphreys, Johnson of Cass, Johnson of Pembina, Kell, Kelly, Keitzman, Koller, Krueger, Kunkel, Larson of Pierce, Maddock of Mount-rail, Maddock of Benson, Malone, Martin of Slope, Maxwell, McGauvran, McLaughlin, McManus, Mikkelson, Murtha, Nathan of Logan, Ness, O'Brien, O'Connor of Pembina, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olson of Barnes, Olsgard, Opland, Patterson, Petterson, Prater, Reid, Reishus, Renauld, Robinson, Roquette, Rusch, Sever-son, Turner, Twichell, Wadeson, Walker, Whipple, Wog, Yeater.

Nays: Arnold, Alberts, Bailey, Brady, Brostuen, Bryans, Burkhart, Byrne, Eckert, Fredrickson, Hall, Hanson, Harding, Hoare, Ivers, Johnson of Dickey, Johnson of Steele, Johnston, Kamrath, Kelder, Kellogg, Larson of Ransom, Larson of Stutsman, Larkin, Lazier, Lowe, Magnuson, Marshall, Martin of Bottineau, McDonnell, McLarty, Miller, Moen, Nathan of Sheridan, Nesvig, Nims, Pleasance, Randall, Riba, Sherman, Strain, Strom, Weld of Wells, Weld of Kidder, Mr. Speaker.

Absent and not voting: Cleven, Hemmi, Klein, Uglum.

Mr. Burtness. I want to explain my vote which is aye and I don't want it to be taken or deemed to be in favor of repealing the law or the substitution of another or the present law of any law that might be submitted by the committee or someone else, but I think it is only fair and proper that an important proposition or measure like this when there is a reasonable request for it, to let it be reconsidered, and let the bill go back into the House, and therefore I vote for the reconsideration.

Mr. Johnson of Steele. I vote no. In doing so, I don't wish to show any discourtesy to the gentleman who has made this motion, or to this House, but I have learned that the newspapers sometime do misconstrue things. I have been painted as being one who was a Socialist and as one who was a Free Lover, and I wouldn't be at all surprised most any day to see a cartoon of myself and my numerous wives, but I do object in any way to allowing them to add to that cartoon a picture of me with a cigarett in the corner of my mouth.

Mr. Kelly. I want to explain my vote. I was the member of the committee that voted to bring this matter before the House without any recommendation, and I think I was the member spoken of a while ago. I came in late and he had made the motion to indefinitely postpone this matter. I am not in favor of this bill as it stands, or as it is printed, so I would like to see it come before the committee of the whole and have section 3 stricken out, and so I vote aye.

Mr. Maddock of Mountrail: I was anxious that this bill would go back before the House for this reason that there's many here who are taking a very narrow view of this subject.

Although I do not use tobacco, and none of my immediate family use tobacco, and I think it is very detrimental, I am not in favor of preventing the people from having a vote on this subject after the Church and Red Cross organizations join all forces to bring that habit on. Boys who went into camp to fight for Democracy were given every means of using cigarettes, and I know dozens of boys who learned the habit in the army, and to keep the boys from having any say in the matter is strictly unfair and I would like to see this matter brought back before the House in the proper way, and I vote aye.

Mr. O'Connor of Grand Forks. The motion we are voting on is to reconsider the vote of this House on this House Bill 52, being the cigarette bill. I am going to vote aye, for reconsideration. I believe that the House, when a request is made by any large number of men that they desire to give more full consideration to any measure before this House, that we owe it to this House as well as to the people of the State to give it fuller consideration, and as I understand from the remarks that have been made, the purpose of reconsideration is to get the bill in such shape that it will be put into agreeable form so that the people of the state will have the right to pass upon it. I believe as a fundamental principle, whenever it is possible to get the sentiment of the people of the state on a measure, that that is carrying out more truly the principles of real Democracy. When the bill comes again, if it is not in a proper shape and it is objectionable in some features, we will have an opportunity to discuss the merits and vote for or against it, but on a reconsideration, which merely means to

bring the bill out of the dark and into the light of discussion. I certainly will never vote no on such a motion as that.

Mr. Sherman. I vote no because I believe those that are interested in this particular measure are in position to initiate it on their own accord, that is to initiate it on submission to the people of their own accord.

Mr. Strom. In view of the explanations of the gentleman from Grand Forks, I have this to say for my own vote. We did refer some bills a year ago I think, and have had the worst time on them after the majority voted on it, and I suppose it will be the same thing with this, and therefore I vote no.

Mr. Maddock moved that House Bill 52 be re-referred to the Judiciary Committee, which motion prevailed.

Mr. Hoare moved that House Bill 17 be re-referred to the committee whence it came, which motion prevailed.

### REPORTS OF STANDING COMMITTEES

The committee on Taxes and Tax Laws made the following report:

Mr. Speaker: Your committee on Taxes and Tax Laws to whom was referred Senate Bill No. 19.

"A Bill for an Act Providing for the Exemption from Taxation of the Income from Moneys Deposited by Non-Residents in Banks within The State."

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

E. C. BRYANS,  
Chairman.

Mr. E. C. Bryans moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Elections made the following report:

Mr. Speaker: Your committee on Elections to whom was referred to House Bill No. 24.

"A Bill for an Act authorizing and directing the Bank of North Dakota to make loans upon post dated checks to North Dakota drouth stricken farmers."

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

N. E. WHIPPLE,  
Chairman.

Mr. Walker moved that the committee's report on House Bill No. 24 be rejected, which motion prevailed.

The committee on School and Public Lands made the following report:

Mr. Speaker: Your committee on School and Public Lands to whom was referred House Bill No. 16.

"A Bill for an Act to amend and re-enact Chapter 199 of the Session Laws of 1919 of the State of North Dakota relative to consolidation of schools and transportation of pupils."

Have had the same under consideration and return the same without recommendation.

L. O. FREDERICKSON,  
Chairman.

Mr. Frederickson moved that the report be adopted, which motion prevailed and the report was adopted.

Nathan of Sheridan moved that House Bill No. 16 be re-referred to the State Affairs committee, which motion prevailed.

The committee on School and Public Lands made the following report:

Mr. Speaker: Your committee on School and Public Lands to whom was referred House Bill No. 19.

"A Bill for an Act to provide for joint ownership and use of public building and grounds by villages and townships.

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

At the beginning of line three strike out the words "A majority" and insert in lieu thereof the words "three fourths."

And when so amended recommend the same do pass.

L. O. FREDERICKSON,  
Chairman.

Mr. Frederickson moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Kelly moved that the House do now adjourn, which motion prevailed and the house adjourned.

#### ELEVENTH DAY

The House assembled pursuant to adjournment, the Speaker presiding.

Prayer by the Chaplain.

#### HOUSE ROLL CALL

Present:

Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bollinger, Bjerke, Burtness, Burkhart, Byrne, Caddell, Carr, Donner, Dungan, Durkee, Engen, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hammond, Hanson, Hardt, Harris, Herbert, Hoare, Ivers, Johnson of Dickey, Johnson of Steele, Johnson of Cass, Johnson of Pembina, Johnston, Kamrath, Kelder, Kell, Kellogg, Kelly, Keitzman, Koller, Krueger, Kunkel, Larson of Ransom, Larson of Stutsman, Larson of Pierce, Larkin, Lazier, Lowe, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McGauvran, McLarty, McLaughlin, McManus, Mikkelson, Miller, Moen, Murtha, Nathan of Sheridan, Nathan of Logan, Ness, Nesvig, Nims, O'Brien, O'Connor of Pembina, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olson of Barnes, Olsgard, Opland, Patterson, Petterson of Sargent, Pleasance, Prater, Randall, Riba, Reid, Reishus, Renauld, Robinson, Roquette, Rusch, Severson, Sherman, Strain, Strom, Turner, Twitchell, Uglum, Wadson, Walker, Weld of Wells, Weld of Kidder, Whipple, Wog, Yeater, Mr. Speaker.

Absent: Cleven, Eckert, Harding, Hemmi, Humphreys, Klein.

#### MOTIONS AND RESOLUTIONS

Mr. Walker moved that House Bill 24 be placed on the calendar for the next Legislative day, which motion prevailed.



## SIGNING OF BILLS

The Chief Clerk announced that the Speaker was about to sign Senate Bill No. 7.

"A Bill for an Act to amend and re-enact Section 2 of Chapter 243 of the Laws of North Dakota for the year 1919, relating to the destruction of predatory animals."

And also Senate Bill No. 1.

"A Bill for a Joint Resolution ratifying a proposed amendment to the Constitution of the United States in regard to Woman's Suffrage."

And the Speaker signed the same in the presence of the House.

## REPORT OF SELECT COMMITTEES

Mr. Walker:

As chairman of the committee appointed to investigate the affairs of the State Librarian, I ask for the committee that we have an attorney to represent us, and the question came up as to whether we had authority to get an attorney, and I wish to place the matter to the House, and ask that authority be granted us, if we don't already possess it.

Mr. Arnold moved that the committee be given authority to obtain an attorney, which motion prevailed.

## PRESENTATION OF PETITIONS AND COMMUNICATIONS

WHEREAS, A bill has been introduced into the special session of our Legislature to repeal the tax on credits; and

WHEREAS, Said tax has a tendency to keep capital out of the state and especially because it penalizes a merchant, banker or dealer for giving credit at a time when a large portion of the state is very much in need of credit, and

WHEREAS, Said tax is an injustice in that it does not allow debts to be reduced from credits.

THEREFORE BE IT RESOLVED, By the Larimore Commercial Club that we ask our Legislature to repeal said law, and

BE IT FURTHER RESOLVED: That copies of these resolutions be sent to our senator and representative and that they be asked to introduce these resolutions in the senate and house and that they be requested to give their earnest support to said repeal.

J. DEXTER PEIRCE,

Secretary.

The following telegrams were received by members of the House recommending favorable action on all legislation affecting the American Legion.

One from Lakota, N. D., Rundell Holicky Post.

One from Hope, N. D., Post No. 18.

One from Goodrich, N. D., Post No. 56.

One from Grand Forks, N. D., R. D. Campbell, Commander.

Grand Forks, N. Dak.,

December 1, 1919.

Hon. J. F. T. O'Connor,

Bismarck, N. Dak.:

I have been instructed by the Executive Board of the State

Federation of labor to urge upon you to use all influence in your power towards defeating the following bills now pending in the Legislature, the repealing of the anti-injunction law, the repealing of the eight-hour law for women, the amending of the eight-hour law for women, and the eight-hour section of the mine inspection law.—N. M. Aune, Secretary-Treasurer.

Grand Forks, N. Dak.,  
December 1, 1919.

Hon. J. F. T. O'Connor,  
Bismarck, N. Dak.:

I have been instructed by the Laundry Workers Local Union to urge you to use your influence toward defeating the bill repealing the eight-hour law for women and the ten-hour amendment.—Christ Nelson, President.

Grand Forks, N. Dak.,  
December 2, 1919.

J. F. T. O'Connor,  
Member from Grand Forks County,  
Bismarck, N. Dak.

The undersigned motion picture exhibitors of Grand Forks request your support of the bill for the repeal of the present Sunday theatre law. Knowing as you do that theatres are open in East Grand Forks on Sunday, we see no valid reason why the citizens of this State should be denied the same privilege. We will appreciate your support of this Bill, as we believe a large majority of our people want Sunday amusements.

A. J. Kavanagh,  
J. J. Isacs,  
Stanley Brown,  
Samuel Marks,  
William Castor,  
Frank McCarthy.  
Grand Forks, N. Dak.,  
December 1, 1919.

Hon. J. F. T. O'Connor,  
Bismarck, N. Dak.:

The Trades and Labor Assembly wishes to inform you that we expect the changing and repealing of several of our labor laws at this session, especially the anti-injunction law, minimum wage and hour law for women and minors; also the striking out of the eight hours in the miners' law. We would like to have you help us fight any attack on these laws in their present form.—Peter Morgan, President; S. A. Koonsmo, Secretary.

A COMMUNICATION TO REPRESENTATIVE JOHNSON  
OF STEELE

A RESOLUTION PROTESTING THE REPEAL OR WEAKENING OF THE LAW PROHIBITING SUNDAY THEATERS AND MOVING PICTURE SHOWS, THE ANTI-CIGARET LAW AND THE LAW PROHIBITING THE CHARGING OF ADMISSION AT SUNDAY BASE BALL GAMES.

TO THE HONORABLE MEMBERS OF THE SIXTEENTH  
LEGISLATIVE DISTRICT, STATE OF NORTH DAKOTA:

WHEREAS, We believe that the greatness of this nation, the splendid morale of its citizen soldiers and its people,

are largely the result of high moral standards,—the conformity of the laws of the land with the law of God. Therefore,

RESOLVED, That we most earnest petition the Legislature of North Dakota in special session to safeguard all of the moral laws of the State and to take no step toward repealing, referring or weakening the law prohibiting Sunday theaters and moving picture shows, the anti-cigaret law and the law prohibiting the charging of admission at Sunday baseball games.

Signed: I. D. Allen and twenty-one others.

REPORTS OF STANDING COMMITTEES

Mr. Speaker:

Your Committee on Mileage and Per Diem beg leave to submit the following report, showing the changes made necessary from the mileage allowed at the last regular session of the Legislature, because of the necessary and actual travel in going to and returning from the State Capitol on the most usual route.

J. C. SHERMAN,  
J. F. T. O'CONNOR,  
ROBERT H. JOHNSON.

REPORT OF COMMITTEE ON MILEAGE AND PER DIEM

Mileage allowed following members of the Legislature where changes have been found necessary.

Dist. No.		Total
8	Henry Strom, N. P. Ry., 390 miles; G. N. Ry., 80 miles .....	470
	H. B. Durkee, N. P. Ry., 390 miles; C. M. & St. P. Ry., 94 miles; team, 20 miles.....	504
13	Frank Riba, Soo Ry., 392 miles; team, 14 miles	406
26	Fay A. Harding, N. P. Ry., 130 miles.....	130
47	J. W. Ivers, N. P. Ry., 219 miles; team, 21 miles	240
49	W. L. Caddell, N. P. Ry., 106 miles; team, 78 miles .....	184
49	H. O. Bratsberg, N. P. Ry., 564 miles; C., M. & St. P. Ry., 270 miles.....	834

Have had the same under consideration and recommend that the same be adopted.

J. C. SHERMAN,  
J. F. T. O'CONNOR,  
ROBT. H. JOHNSON.

Mr. Patterson moved that the report of the committee on mileage and per diem be adopted, which motion prevailed.

The committee on Enrollment and Engrossment made the following report:

Mr. Speaker: Your committee on Enrollment and Engrossment have examined the following bills:

House Bill No. 17, "A Bill for an Act to repeal Chapter 219 of the Laws of North Dakota for the year 1919, being the law creating the office of County Tax Supervisor and defining his powers and duties."

House Bill No. 21, "A Bill for an Act to amend Sections Eight (8) and Thirteen (13) of Chapter Ninety-seven (97) of the Laws of 1917 as amended by Section Two (2) of Chapter 99 of the Laws of 1919."

House Bill No. 36, "A Bill for an Act to amend and re-enact Section 1 of Chapter 152 of the Session Laws of 1915, relating to the Emergency Commission, and membership thereof."

House Bill No. 37, "A Bill for an Act amending and re-enacting Section 2189 of the Compiled Laws of North Dakota for the year 1913, relating to auditor's notice of sale of delinquent taxes."

House Bill No. 39, "A Bill for an Act to appropriate money for the expenses of the executive department of the state to cover expenses in meeting certain emergencies."

House Bill No. 46, "A Bill for an Act to amend and re-enact Section 4 of Chapter 162 of the Compiled Laws of 1919, relating to Workmen's Compensation Fund."

House Bill No. 51, "A Bill for an Act requiring the Board of Railroad Commissioners to devote each his entire time to his respective office, and to increase the compensation thereof."

And find the same correctly engrossed.

J. W. Kunkel,  
Chairman.

Mr. Kunkel moved that the report be adopted, which motion prevailed and the report was adopted.

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

Mr. Speaker: Your committee on revision and correction of the Journal have carefully examined the Journal of the 8th day after recess and recommend that the same be corrected as follows:

On page 1, line 8, in the word "hireling" insert the letter "e" better the letters "r" and "i"

On page 1, line 30, after the name "Larson" insert the words "of Stutsman."

On page 17 of Journal of the Ninth Day, in line 4, after the name "O'Connor" insert the words "of Grand Forks."

And when so corrected recommend that the same be approved.

ROLLAN V. WELD,  
Chairman.

Mr. Weld moved that the report be adopted, which motion prevailed and the report was adopted.

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

Mr. Speaker: Your committee on revision and correction of the Journal have carefully examined the Journal of the Tenth Day and recommend that the same be corrected as follows:

On page 11, after line 40, insert the following words "constitutionality of this law and I believe and have always believed that the way to reach men in public office who have violated their trust if they have, is not by empowering one man to spend enormous sums of money, to discredit him but to lay his case before the voters of the State and retire him from office. I believe that is the proper way.

I object to this bill further on the ground that it will establish a".

And when so corrected recommend that the same be approved.

ROLLAN V. WELD,  
Chairman.

Mr. Weld moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on State Affairs made the following report:

Mr. Speaker: Your committee on State Affairs to whom was referred Senate Bill No. 40, "A Bill for an Act to amend and re-enact Section 375 of the Compiled Laws, State of North Dakota, for the year 1913, as amended by Chapter 227 of the Session Laws of 1915, relating to the State Auditing Board, its duties, and the membership thereof."

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

WALTER J. MADDOCK,  
Chairman.

Mr. Maddock moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on State Affairs made the following report:

Mr. Speaker: Your committee on State Affairs to whom was referred Senate Bill No. 26, "A Bill for an Act to amend and re-enact Section 2141 of the Compiled Laws of North Dakota for the year 1913, providing for the substitution of the commissioner of insurance as a member of the state board of equalization and as secretary thereof instead of the state auditor."

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

WALTER J. MADDOCK,  
Chairman.

Mr. Maddock moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on State Affairs made the following report:

Mr. Speaker: Your committee on State Affairs to whom was referred House Bill No. 35, "A Bill for an Act to repeal Chapter 142 of the Session Laws of 1915, relating to the payment of tuition for attendance at any model high or graded or elementary school which is operated, maintained or in any manner connected with the state university, any normal school or any educational institution of higher learning."

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

WALTER J. MADDOCK,  
Chairman.

Mr. Maddock moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on State Affairs made the following report:

Mr. Speaker: Your committee on State Affairs to whom was referred House Bill No. 2, "A Bill for an Act to amend and re-enact Section 1 and Section 3 of Chapter 206 of the

Session Laws of 1919."

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

In Section 1, line 20, after the word "Schools" add the following amendment, to-wit: "(f) to secure medical care or treatment and surgical services, provided that in the event that any returned soldier is mentally incompetent, application be made therefor on his behalf by any person having the custody of any such soldier."

WALTER J. MADDOCK,

Chairman.

The committee on Judiciary made the following report:

Mr. Speaker: Your committee on Judiciary to whom was referred House Bill No. 7, "A Bill for an Act to repeal Chapter 6 of the Session Laws of 1919, relating to the licensing and inspection of pool and billiard rooms, ball and pin alleys, dance halls, theaters, moving picture shows, taxicab stands and places where soft drinks are sold; providing fees therefor, inspectors, office help and supplies; defining the powers and duties; and repealing all Acts and parts of Acts in conflict therewith."

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

That House Bill No. 7 be amended by striking everything after the words "A Bill" and inserting in lieu thereof, the following: "For an Act relating to the licensing and regulation of pool and billiard rooms, ball and pin alleys, dance halls, theaters, moving picture shows, taxicab stands and places where soft drinks are sold," and repealing Chapter 6 of the Session Laws of North Dakota for the year 1919 and all Acts and parts of Acts inconsistent therewith and declaring an emergency and transferring all moneys from the Attorney General Inspector License Fund to the general fund."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF  
THE STATE OF NORTH DAKOTA:

Section 1. The Board of Trustees of any incorporated village or town, the City Council of any city and the Board of City Commissioners of any city, shall have the power to license, regulate, tax, or prohibit and suppress billiard, bagetelle, pigeon hole, pin alleys, ball alleys or the tables or implements kept or used for a similar purpose in any place of public resort, and license dance halls, theaters, moving picture shows, taxicab stands, or any place where soft drinks are sold or public halls owned privately and used for public purposes.

Section 2. That Chapter 6 of the Session Laws of North Dakota for the year 1919 be and the same is hereby repealed.

Section 3. All moneys in the State Treasury in the special fund, known as the Attorney General Inspector License Fund shall be transferred to the general fund and dispersed in the same manner as other moneys therein.

Section 4. This Act is hereby declared an emergency measure and shall be in full force and effect from and after its passage and approval.

And when so amended recommend the same do pass.

FRANK PRATER,  
Chairman.

The committee on Judiciary made the following report:

Mr. Speaker: Your committee on Judiciary to whom was referred Senate Bill No. 31, "A Bill for an Act authorizing the Governor as Commander-in-Chief of the Military and Naval Forces of this State to take over and operate any coal mines or other public utility in any emergency where necessary for the protection of life and property."

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

FRANK PRATER,  
Chairman.

Mr. Prater moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Judiciary made the following report:

Mr. Speaker: Your committee on Judiciary to whom was referred Senate Bill No. 4, "A Bill for an Act to repeal Chapter 67 of the Session Laws of North Dakota for the year 1919; same being an Act entitled 'An Act providing for the appointment of Special Assistant Attorneys General, and designating the fund out of which the compensation of such Assistant Attorneys General may be paid.'"

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

FRANK PRATER,  
Chairman.

Mr. Prater moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Judiciary made the following report:

Mr. Speaker: Your committee on Judiciary to whom was referred Senate Bill No. 13, "A Bill for an Act to amend and re-enact Section 160 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Chapter 66 of the Laws of North Dakota for the year 1919, relating to the appointment of Assistant Attorneys General."

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

FRANK PRATER,  
Chairman.

The committee on Judiciary made the following report:

Mr. Speaker: Your committee on Judiciary to whom was referred House Bill No. 18, "A Bill for an Act to amend and re-enact Section 6 of Chapter 6 of the Session Laws for the year 1919, relating to the disposition and disbursement of license fees obtained from the licensing and inspection of pool halls, theaters, etc."

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

FRANK PRATER,  
Chairman.

Mr. Prater moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Judiciary made the following report:

Mr. Speaker: Your committee on Judiciary to whom was referred House Bill No. 43, "A Bill for an Act to amend and re-enact Sections 4, 5 and 7 of Chapter 6 of the Session Laws of North Dakota for 1919."

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

FRANK PRATER,  
Chairman.

Mr. Prater moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Prater moved that a recess be taken for 10 minutes, which motion prevailed, and recess was taken.

#### AFTER RECESS

The House reconvened pursuant to recess taken, the Speaker presiding.

#### A MESSAGE FROM THE SENATE

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA.

December 4, 1919.

Mr. Speaker: I have the honor to transmit herewith the following bills:

Senate Bill No. 11, "A Bill for an Act authorizing the Bank of North Dakota to make loans to various state departments, industries and institutions, and providing the manner under which loans shall be made and providing for the repayment of such loans and directing the state auditor to issue warrants against such funds so loaned."

Senate Bill No. 35, "A Bill for an Act to amend Section 4441 of the Revised Codes of North Dakota for the year 1913, and all Acts or parts of Acts amendatory thereto."

Senate Bill No. 43, "A Bill for an Act making effective Section 9, Chapter 167, Session Laws of North Dakota for the year 1919, as regards expenses of district judges, by making an appropriation therefor."

Senate Bill No. 23, "A Bill for an Act to amend and reenact Sections 1445 and 1446 of the Session Laws of 1917 for North Dakota, relating to apportionment of state aid funds to rural schools, their inspection and administration, and to repeal all Acts and parts of Acts in conflict therewith."

Senate Bill No. 50, "A Bill for an Act repealing statutes imposing certain restrictions upon foreign corporations."

Senate Bill No. 14.

Senate Bill No. 42, "A Bill for an Act to appropriate funds to be placed at the disposal of the State Emergency Commission and to be used as provided by Chapters 26 and 152 of the Session Laws of North Dakota for 1915 in the amount of \$25,000."

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

Very respectfully,  
W. J. PRATER,  
Secretary.



## THIRD READING OF HOUSE BILLS

## HOUSE ROLL CALL

House Bill No. 21, "A Bill for an Act to amend Sections Eight (8) and Thirteen (13) of Chapter Ninety-seven (97) of the Laws of 1917 as amended by Section Two (2) of Chapter 99 of the Laws of 1919."

Was read the third time.

The question being on the final passage of the bill, the roll was called and there were, ayes, 60; nays, 44; absent and not voting, 9.

Ayes—Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bjerke, Burkhart, Caddell, Donner, Eckert, Ferguson, Gunhus, Haines, Hall, Hardt, Harding, Hoare, Ivers, Johnson of Dickey, Johnson of Steele, Kelder, Kell, Kellogg, Keitzman, Krueger, Larkin, Lazier, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, Miller, Moen, Nathan of Sheridan, O'Brien, O'Connor of Pembina, Olson of Barnes, Opland, Patterson, Pleasance, Prater, Riba, Renauld, Sherman, Strain, Strom, Walker, Weld of Wells, Weld of Kidder, Whipple, Wog, Yeater, Mr. Speaker.

Nays—Bollinger, Burtness, Carr, Dungan, Durkee, Engen, Hammond, Hanson, Harris, Herbert, Humphreys, Johnson of Cass, Johnson of Pembina, Johnston, Kelly, Koller, Kunkel, Larson of Ransom, Larson of Stutsman, Larson of Pierce, Lowe, McLarty, McLaughlin, McManus, Mikkelson, Murtha, Nathan of Logan, Ness, Nims, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olsgard, Petterson of Sargent, Randall, Reid, Reishus, Robinson, Roquette, Rusch, Severson, Turner, Twichell, Wadson.

Absent and not voting—Byrne, Cleven, Fredrickson, Hemmi, Kamrath, Klein, McGauvran, Nesvig, Uglum.

So the bill passed and the title was agreed to.

MR. KELLY. I wish to explain my vote on House Bill 21, by saying, that I vote no because I think this is a very poor bill. This 5 per cent mentioned here, is on the gross earnings, and everyone knows what that means. It looks to me as if some board of directors wants to get a large fund to be used for some purpose, and I don't know what it would be for.

MR. NESS. I vote "no" on this bill because it requires a farmer to establish a surplus fund to do business with.

MR. O'CONNOR of Grand Forks. Mr. Speaker, in explaining why I vote on this bill I will say it is for the reason that I believe the same to be clearly unconstitutional. It is true that we can take a man's property through taxation, but we have no authority to determine what he should do with the balance of the money we leave him, or the property we may leave him. This bill is an attempt to say to certain co-operative companies in this state, what they should do with their earnings. The Legislature of this state is attempting to say what they are going to do with their own money. I don't believe we have quite reached that place in North Dakota where the Legislature is going to determine what a man is going to do with the little money or property we leave him. I don't believe the bill would be upheld in any court, and I am afraid

any good provisions there may be in the bill, if there is any, would be lost, and I therefore vote no.

MR. WHIPPLE. I would like to explain my vote. I vote aye on this bill because it does give more privileges and more advances for a man to keep the balance of his money after his taxes are paid than the laws at present on the statute books.

### HOUSE ROLL CALL

House Bill No. 36.

"A Bill for an Act to amend and re-enact Section 1 of Chapter 152 of the Session Laws of 1915, relating to the Emergency Commission, and membership thereof."

Was read the third time.

The question being on the final passage of the bill, the roll was called and there were ayes 67, nays 42, absent and not voting 4.

Ayes: Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bjerke, Burkhart, Byrne, Caddell, Eckert, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hardt, Harding, Hoare, Ivers, Johnson of Dickey, Johnson of Steele, Kamrath, Kelder, Kell, Kellogg, Keitzman, Larson of Ransom, Larson of Stutsman, Larkin, Lazier, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McLarty, McManus, Miller, Moen, Nathan of Sheridan, Nesvig, O'Brien, O'Connor of Pembina, Olson of Barnes, Opland, Patterson, Prater, Randall, Riba, Renauld, Sherman, Strain, Strom, Wadeson, Walker, Weld of Wells, Weld of Kidder, Whipple, Wog, Yeater, Mr. Speaker.

Nays: Bollinger, Burtness, Carr, Donner, Dungan, Durkee, Engen, Hammond, Hanson, Harris, Herbert, Humphreys, Johnson of Cass, Johnson of Pembina, Johnston, Kelly, Koller, Krueger, Kunkel, Larson of Pierce, Lowe, McGauvran, Mikkelsen, Murtha, Nathan of Logan, Ness, Nims, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olsgard, Petterson of Sargent, Pleasance, Reid, Reishus, Robinson, Roquette, Rusch, Severson, Turner, Twichell.

Absent and not voting: Cleven, Hemmi, Klein, Uglum.

So the bill passed and the title was agreed to.

MR. BURTNESS. I wish to explain my vote on House Bill 36. I was not surprised to see that the author of this bill hesitated very much in giving us the information that was asked by the gentleman from Cass before the roll was called, and when it finally came to show up that one of the elective officers of this state, namely the state auditor was taken off and another officer, namely the Commissioner of Agriculture and Labor is placed on the Emergency Commission. I take it that there is nothing in the particular duties in connection with the Commissioner of Agriculture and Labor which ordinarily demand a man for the election to that position who has any more peculiar qualifications to sit upon the Emergency Commission than, for instance, the state auditor, and no suggestion has been made why it is better for the state for all time to come to have the Commissioner of Agriculture and Labor on the Board rather than the State Auditor. There is no one who should have a greater knowledge of the financial affairs of the State, and of the business of the State, than the State Auditor,

aside perhaps from the Governor of the State. So I take it that the purpose of the bill is a political one. No other argument has been advanced, and I am opposed to establishing a precedent today for all time to come, namely that a member and memberships of the boards may be changed from one elective official to another, depending entirely upon the political whims of a majority of the Legislature, and depending entirely upon whether some official is willing to take orders or not. I vote "no".

MR. WALKER interrupts with the question of whether the discussion is explaining the gentleman's vote.

MR. BURTNESS. I am telling you the reasons why I am opposed to the bill. I like a man who fights in the open. In fact, I rather enjoy an honest fight, one based upon conviction, where both men or sides will deal fairly, but I detest a man who fights in the dark, a man who would stab the other fellow in the back by a vote on this bill. I detest the man who by a stab in the back will try to deprive the state auditor of this state of the duties of his office to which he was elected and who aren't men enough to attempt to impeach him on the charges they have made against him. I vote "no".

MR. WALKER. Mr. Speaker, I rise to a question of personal privilege. I don't know whether it should be the privilege of any gentlemen on the floor of this House in the explanation of his vote, to impute unworthy motives to anyone who introduces a bill in this House. If I get the sense of the explanation of the gentleman from Grand Forks he referred to me as the author of the bill, as one that fights in the dark. Now, I am not much on fighting, but I don't go down in the dark alleys when I go looking for a fight, and if it is necessary to fight I am willing to fight in the daylight. I resent the insult of the gentleman from Grand Forks when he referred to me as the author of this bill as a coward, and I demand that that explanation be stricken from the record.

MR. BURTNESS. I have availed myself of my right as a member of this House to explain my vote. My explanation stands.

MR. WALKER here repeats his request to strike from the record.

MR. BURTNESS. (In Journal.)

MR. WALKER. I would like a ruling. If it is necessary to make a motion to enforce the rules of the House. I believe the rules can be enforced without a specific motion, and I demand that those remarks be stricken from the record.

MR. CHAIRMAN. Your motion is sustained.

MR. O'CONNOR states that in order to avoid setting a bad precedent, he would ask the Chair what part of a record the Speaker had the right to strike out, and further explains his position in the matter.

THE SPEAKER. I will back up my ruling with Mr. Walker. I don't know as the Chair would have any right to

cut out part of a speech that was made. I would say it was the Chair's duty to call a halt when the man was making his remarks, and if he was sustained it would be considered right and otherwise the Chair would be wrong. The Chair is very much interested in this question now, and will try and take care of the future when we come to it. If the Chair stops a man when he thinks he is making offensive remarks, he could leave it to the House whether he is sustained or not.

MR. JOHNSON of Pembina. I wish to explain my vote. In accordance with the oath of office which I took here, I simply have to vote "no".

MR. REIHUS. I rise to explain my vote. I am going to vote no on this measure because I am opposed to legislating for certain occasions and for certain individuals. We elect men to certain offices, we choose men from among the candidates for certain offices of the state, considering them in view of their qualifications for the offices which they seek. Now we are asked under this new system, to pass laws to hinder and repeat the effect of their election. Our laws are designed to establish and secure power with some certain individual in the State house. Next winter possibly the Session will be asked to amend the bill so as to remove the Commissioner of Agriculture and Labor after he has "gone wrong" and departed, from what is considered the right ways.

Mr. Burtness. I take it that the only objection made to my explanation by the gentleman from Oliver,—have I the county correct is in reference to the type of man who will fight in the dark rather than in the open. In making that statement, I did not refer particularly to the author of the bill, but the statement that I made applies absolutely to the move that is behind the bill, and I am not going to withdraw from that, and I want to say I do believe just as firmly as I believe anything, that the motives behind this bill are political motives. I firmly believe, for instance, that if Mr. Kostitzky, the present state auditor, hadn't taken an independent stand in the administration of certain state affairs, this bill would not have been introduced at this Session.

Now then, is there anyone here that disagrees with that? If I am not right, if there is any demand for a change in the policy of the law, by someone, then the author of the bill or someone else would have introduced this bill last winter, and it would have become a law, and would have established the policy of the State. What is the purpose of the bill? As I said before, purely political. It is to remove Mr. Kostitzky from the Emergency Commission after he was elected to office by the people of the State, and his office carried with it the right to sit upon that Emergency Commission. Now you want to change it. Many charges have been made against Mr. Kostitzky in the press of this State, in the Press which represents the views of the majority of this House, the Official Press if you please of that majority. Those charges have been raised. They have called him time and again Krazy Karl. I read in the Leader a few weeks ago some reference to him like this, as a feline and things of that sort and then to something that couldn't penetrate that dome of ivory which encircles the little piece of Limberger cheese which he calls his brains. I say that

is a remark of the official organ of the majority, an awful remark to make concerning a man whom you elected first in 1917 to a high office in this state. You tried him out. When the next election came along, they indersed him again, and he was one of their trump cards, so to speak on the stump of this State, and surely the majority wouldn't have nominated him after trying him two years if they had actually believed there was resting on top of his shoulders only a dome of ivory, which encircles a little piece of limberger cheese which he calls his brains. And they elected him again, and now when he has shown his independence of boss rule and autocratic government, now when there are some men in this state who would like to have Mr. Kositzky impeached by this House, instead of being men and coming forward with an impeachment resolution to impeach him and have him tried at the bar of the Senate, you try to do the other way and I say this is a sneaking way, and I say it is a stab in the back. You didn't require him to come before you to protect his record. You deny him the privilege of appearing before the bar of the Senate and protecting his record, and that is what I mean, and I want to say gentlemen, if you take offense at my explanation of my vote because of the statement, if it fits you, if you take offense at it, why well and good. I can't help it. I would rather believe that what I have said has struck home to some of you and that you realize now the unfair tactics that you are employing against a public servant. And I don't care whether you step on me and the minority or not. You had the power. Last winter you condemned some of the minority, and you did some thing which is unheard of in the history of all deliberative bodies. The majority condemned the action of a small minority. You have the right, and you have the power today perhaps, to again do the same thing in another way, to deprive the minority from stating their reasons as the rules of the House give the right to show as to why they are opposed to a bill. I have stated my reasons I think fairly. I have at least entered them conscientiously. If you want to enforce autocratic rule, then use the steam roller to have my remarks cut out, and show that this House is afraid to let those remarks go out to the people of the State,—do so and they will come back to you a good many times louder than if allowed to remain part of the records of this deliberative body. I thank you.

#### MESSAGE FROM THE SENATE

SENATE CHAMBER.

BISMARCK, NORTH DAKOTA.

December 4, 1919.

Mr. Speaker: I have the honor to transmit herewith the following bills:

Senate Bill No. 20.

"A Bill for an Act making it a felony for any state official to wilfully publish false statements with reference to any state department, institution or industry and providing the manner in which such cases under the provisions of this act shall be tried: and providing the penalty therefor."

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

Very respectfully,

W. J. PRATER,  
Secretary.

The Speaker called Mr. Johnson of Steele to the chair.

Mr. Nesvig moved that House Bill No. 37 be referred to the State Affairs committee, which motion prevailed.

House Bill No. 39.

"A Bill for an Act to appropriate money for the expenses of the executive department of the state to cover expenses in meeting certain emergencies."

Was read the third time.

The question being on the final passage of the bill, the roll was called and there were ayes 68, nays 41, absent and not voting 4.

Ayes: Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bjerke, Burkhart, Byrne, Caddell, Eckert, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hardt, Harding, Hoare, Ivers, Johnson of Dickey, Johnson of Steele, Kamrath, Kelder, Kell, Kellogg, Keitzman, Larson of Ransom, Larson of Stutsman, Larkin, Lazier, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McLarty, McManus, Miller, Moen, Nathan of Sheridan, Nesvig, O'Brien, O'Connor of Pembina, Olson of Barnes, Opland, Patterson, Prater, Randall, Riba, Renauld, Sherman, Strain, Strom, Uglum, Wadeson, Walker, Weld of Wells, Weld of Kidder, Whipple, Wog, Yeater, Mr. Speaker.

Nays: Bollinger, Burtness, Carr, Donner, Dungan, Durkee, Engen, Hammond, Hanson, Harris, Herbert, Humphreys, Johnson of Cass, Johnson of Pembina, Johnston, Kelly, Koller, Kunkel, Larson of Pierce, Lowe, McGauvran, McLaughlin, Mikkelson, Murtha, Nathan of Logan, Ness, Nims, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olsgard, Petterson of Sargent, Pleasance, Reid, Reishus, Robinson, Roquette, Rusch, Severson, Turner, Twichell.

Absent and not voting: Cleven, Hemmi, Klein, Krueger.  
Emergency clause declared lost.

House Bill No. 46.

"A Bill for an Act to amend and re-enact Section 4 of Chapter 162 of the Compiled Laws of 1919 relating to Workmen's Compensation Fund."

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 70, nays 39, absent and not voting 4.

Ayes: Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bjerke, Burkhart, Byrne, Caddell, Donner, Eckert, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hardt, Harding, Hoare, Ivers, Johnson of Dickey, Johnson of Steele, Kamrath, Kelder, Kell, Kellogg, Keitzman, Larson of Ransom, Larson of Stutsman, Larkin, Lazier, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McLarty, McManus, Miller, Moen, Nathan of Sheridan, Nathan of Logan, Nesvig, O'Brien, O'Connor of Pembina, O'Connor of Grand Forks, Olson of Barnes, Opland, Patterson, Prater, Randall, Riba, Renauld, Sherman, Strain, Strom, Wadeson, Walker, Weld of Wells, Weld of Kidder, Whipple, Wog, Mr. Speaker.

Nays: Bollinger, Burtness, Carr, Dungan, Durkee, Engen, Hammond, Hanson, Harris, Herbert, Humphreys, Johnson of

Cass, Johnson of Pembina, Johnston, Kelly, Koller, Krueger, Kunkel, Larson of Pierce, Lowe, McGauvran, McLaughlin, Mikkelson, Murtha, Ness, Nims, Olsen of Ramsey, Olson of Ward, Olsgard, Petterson of Sergeant, Pleasance, Reid, Reishus, Robinson, Roquette, Rusch, Severson, Turner, Twichell.

Absent and not voting: Cleven, Hemmi, Klein, Uglum.

So the bill passed and the title was agreed to.

MR. BURTNESS:

I was highly in favor of a Workman's Compensation act. There were three men appointed to conduct that bureau, and we have no information before us whatsoever which would indicate that any additional commissioner is required. If one is required, the adding of another man, of course that simply means an additional job and an additional burden to the taxpayer of the state, either direct or indirect, and even though the salary is taken from the amount of commissions paid in by way of premiums, it is just the same, something that is taken away from the public; and in view of the fact that no reason whatsoever has been made for the need of an additional man, I vote no.

MR. TWICHELL:

I desire to explain my vote on this measure. It gives two more commissioners in the Workmen's Compensation Bureau. We now have two civilian employees. It has been explained here on the record that it is necessary to put a third man in, who is a representative of the employer, why should not one of these two represent the employer, and let the two state officials hold the balance between them. It is necessary because you only got men on that board of control in favor of the employees, to put on an additional man to represent the employer. Furthermore, the bill makes these offices expire in 1925, on July 1st, 1925, and I vote no on the bill.

House Bill No. 51.

"A Bill for an Act requiring the Board of Railroad Commissioners to devote each his entire time to his respective office, and increase the compensation thereof."

Was read the third time.

The question being on the final passage of the bill, the roll was called and there were ayes 81, nays 27, absent and not voting 5.

Ayes: Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bollinger, Bjerke, Burkhart, Byrne, Caddell, Carr, Donner, Eckert, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hanson, Hardt, Harding, Hoare, Humphreys, Ivers, Johnson of Dickey, Johnson of Steele, Johnson of Pembina, Kamrath, Kelder, Kell, Kellogg, Kelly, Keitzman, Koller, Krueger, Larson of Ransom, Larson of Stutsman, Larkin, Lazier, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McLarty, McManus, Miller, Moen, Nathan of Sheridan, Nathan of Logan, Nesvig, O'Brien, O'Connor of Pembina, Olsen of Ramsey, Olson of Ward, Olson of Barnes, Opland, Patterson, Pleasance, Prater, Randall, Riba, Reid, Renauld, Sherman, Strain, Strom, Wadson, Walker, Weld of Wells, Weld of Kidder, Whipple, Wog, Yeater, Mr. Speaker.

Nays: Burtness, Dungan, Durkee, Engen, Hammond, Harris, Herbert, Johnson of Cass, Johnston, Kunkel, Larson of

Pierce, Lowe, McGauvran, McLaughlin, Mikkelson, Murtha, Ness, Nims, Olsgard, Petterson of Sargent, Reishus, Robinson, Roquette, Rusch, Severson, Turner, Twichell.

Absent and not voting: Cleven, Hemmi, Klein, Uglum, O'Connor of Grand Forks.

So the bill passed and the title was agreed to.

#### FIRST AND SECOND READING OF SENATE BILLS

Senate Bill No. 14.

"A Bill for an Act to amend and re-enact Chapter 58, Laws of North Dakota, 1917, relating to registration of licensed architects and the regulation of the practice of architecture as a profession in the State of North Dakota."

Was read the first and second time and referred to the committee on Judiciary.

Senate Bill No. 20.

"A Bill for an Act making it a felony for any state official to wilfully publish false statements with reference to any state department, institution or industry and providing the manner in which such cases under the provisions of this act shall be tried; and providing the penalty therefor."

Was read the first and second time and referred to the committee on Judiciary.

Senate Bill No. 23.

"A Bill for an Act to amend and re-enact Sections 1445 and 1446 of the Session Laws of 1917 for North Dakota Relating to Apportionment of State Aid Funds to Rural Schools, Their Inspection and Administration, and to Repeal all acts and parts of acts in Conflict therewith."

Was read the first and second time and referred to the committee on State Affairs.

Senate Bill No. 35.

"A Bill for an Act to amend Section 4441 of the Revised Codes of North Dakota for the year 1913, and all acts or parts of acts amendatory thereto."

Was read the first and second time and referred to the committee on Ways and Means.

Senate Bill No. 42.

"A Bill for an Act to appropriate funds to be placed at the disposal of the State Emergency Commission and to be used as provided by Chapter 26 and 152 of the Session Laws of North Dakota for 1915 in the amount of \$25,000."

Was read the first and second time and referred to the committee on Appropriations.

Senate Bill No. 43.

"A Bill for an Act making effective Section 9, Chapter 167, Session Laws of North Dakota, for the year 1919, as regards expenses of district judges, by making an appropriation therefor."

Was read the first and second time and referred to the committee on Appropriations.

Senate Bill No. 50.

"A Bill for an Act repealing statutes imposing certain restrictions upon foreign corporations."

Was read the first and second time and referred to the committee on State Affairs.



## THIRD READING OF SENATE BILLS

Senate Bill No. 29, "A Bill for an Act to amend and re-enact Section 2 of Chapter 172 of the Laws of the State of North Dakota for the year 1919, and providing the time in which the provisions of said section shall be complied with."

Was read the third time.

The question being on the final passage of the bill, the roll was called and there were, ayes, 108; nays, 0; absent and not voting, 5.

Ayes—Arnold, Alberts, Pailey, Brady, Brostuen Bratsberg, Bryans, Bollinger, Burtruss, Burkhart, Byrne, Caddell, Carr, Donner, Dungan, Durkee, Eckert, Engen, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hammond, Hanson, Hardt, Harding, Harris, Herbert, Hoare, Humphreys, Ivers, Johnson of Dickey, Johnson of Steele, Johnson of Cass, Johnson of Pembina, Johnston, Kamrath, Kelder, Kell, Kellogg, Kelly, Keitzman, Koller, Krueger, Kunkel, Larson of Ransom, Larson of Stutsman, Larson of Pierce, Larkin, Lazier, Lowe, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McGauvran, McLarty, McLaughlin, McManus, Mikkelson, Miller, Moen, Murtha, Nathan of Sheridan, Nathan of Logan, Ness, Nesvig, Nims, O'Brien, O'Connor of Pembina, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olson of Barnes, Olsgard, Opland, Patterson, Petterson of Sargent, Pleasance, Prater, Randall, Riba, Reid, Reishus, Renauld, Robinson, Roquette, Rusch, Severson, Sherman, Strain, Strom, Turner, Twichell, Wadson, Walker, Weld of Wells, Weld of Kidder, Whipple, Wog, Yeater, Mr. Speaker.

Absent and not voting—Bjerke, Cleven, Hemmi, Klein, Uglum.

So the bill passed and the title was agreed to.

Emergency clause was declared carried.

Mr. Miller moved that the House do now resolve itself into a Committee of the Whole.

Which motion prevailed and the House resolved itself into a Committee of the Whole.

The Speaker called Mr. Miller to the Chair.

When the committee arose it submitted the following report:

Mr. Speaker: The Committee of the Whole have had under consideration the following bills:

House Bill No. 13, "A Bill for an Act providing for the appointment of Special Assistant Attorneys General by the Governor; making an appropriation therefor; and repealing all Acts and parts of Acts in conflict therewith."

And recommend same do pass as amended.

Also House Bill No. 20, "A Bill for an Act to exempt "money" and "credits" from taxation except as herein provided, and repealing Chapter 255 of the Laws of North Dakota for the year 1915, and Chapter 230 of the Laws of North Dakota for the year 1917 as amended by Chapter 226 of the Laws of North Dakota for the year 1919 and all other Acts and parts of Acts in conflict with the provisions of this Act."

And recommend same do pass as amended.

Also House Bill No. 34, "A Bill for an Act to amend and re-enact Section 4219, Compiled Laws of North Dakota for 1913, relating to the compensation of assessors."

And recommend that same be indefinitely postponed.

House Bill No. 41, "A Bill for an Act to provide for the cutting and removing of weeds and grasses along the public highways, streets and alleys, prescribing the duties of township supervisors, road overseers and county commissioners with reference thereto, and providing for the payment of the expense thereof."

And recommend same do pass as amended.

House Bill No. 50 be re-referred to the State Affairs Committee.

MR. MILLER,  
Chairman.

Mr. Hoare moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Hoare moved that the House recess until 1 o'clock P. M. tomorrow, which motion prevailed and the House recessed.

Courtesies of the floor were extended to Rev. C. B. Ingebretson, Tuttle, N. Dak.; E. B. McCutcheon and Wm. C. O'Leary of Minot, N. Dak.

#### CALENDAR FOR DECEMBER 5, 1919

House Bill No. 13, "A Bill for an Act providing for the appointment of Special Assistant Attorneys General by the Governor; making an appropriation therefor; and repealing all Acts and parts of Acts in conflict therewith."

House Bill No. 20, "A Bill for an Act to exempt "money" and "credits" from taxation except as herein provided, and repealing Chapter 255 of the Laws of North Dakota for the year 1915, and Chapter 230 of the Laws of North Dakota for the year 1917 as amended by Chapter 226 of the Laws of North Dakota for the year 1919 and all other Acts and parts of Acts in conflict with the provisions of this Act."

House Bill No. 24, "A Bill for an Act authorizing and directing the Bank of North Dakota to make loans upon post-dated checks to North Dakota drouth-stricken farmers."

House Bill No. 35, "A Bill for an Act to repeal Chapter 142 of the Session Laws of 1915, relating to the payment of tuition for attendance at any model high or graded or elementary school which is operated, maintained or in any manner connected with the state university, any normal school or any educational institution of higher learning."

House Bill No. 41, "A Bill for an Act to provide for the cutting and removing of weeds and grasses along the public highways, streets and alleys, prescribing the duties of township supervisors, road overseers and county commissioners with reference thereto, and providing for the payment of the expense thereof."

Senate Bill No. 4, "A Bill for an Act to repeal Chapter 67 of the Session Laws of North Dakota, 1919, authorizing the appointment of Special Assistant Attorneys General, and designating the fund out of which the compensation of such Assistant Attorneys General may be paid."

Senate Bill No. 13, "A Bill for an Act to amend and re-enact Section 160 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Chapter 66 of the laws of North Dakota for the year 1919, relating to the appointment of assistant attorneys general."

Senate Bill No. 19, "A Bill for an Act providing for the exemption from taxation of the income from moneys deposited by non-residents in banks within the state."

Senate Bill No. 26, "A Bill for an Act to amend and re-enact Section 2141 of the Compiled Laws of North Dakota for the year 1913, providing for the substitution of the commissioner of insurance as a member of the state board of equalization and as secretary thereof instead of the state auditor."

Senate Bill No. 31, "A Bill for an Act authorizing the Governor as Commander-in-Chief of the Military and Naval Forces of this State to take over and operate any coal mines or other public utility in any emergency where necessary for the protection of life and property."

Senate Bill No. 40, "A Bill for an Act to amend and re-enact Section 375 of the Compiled Laws, State of North Dakota, for the year 1913, as amended by Chapter 227 of the Session Laws of 1915, relating to the State Auditing Board, its duties, and the membership thereof."

#### GENERAL ORDERS

House Bill No. 2, "A Bill for an Act to amend and re-enact Sec. 1 and Sec. 3 of Chapter 206 of the Session Laws of 1919, relating to the levying of a tax of one-half of one mill upon each dollar of assessed valuation of all taxable property within the state for each year for the purpose of creating a fund to be known as the "Returned Soldiers' Fund"; providing for the payment thereof to returned soldiers; defining the powers and duties of the Adjutant General and of the Industrial Commission with reference thereto."

House Bill No. 7,

"A Bill for an Act to repeal Chapter 6 of the Session Laws of 1919, relating to the licensing and inspection of pool and billiard rooms, ball and pin alleys, dance halls, theaters, moving picture shows, taxicab stands and places where soft drinks are sold; providing fees therefor, inspectors, office help and supplies; defining the powers and duties; and repealing all Acts and parts of Acts in conflict therewith."

House Bill No. 19, "A Bill for an Act to provide for the joint ownership and use of public buildings and grounds by villages and townships."

ELEVENTH DAY AFTER RECESS AND  
TWELFTH DAY

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
December 5th, 1919.

The House assembled at 1 o'clock P. M., pursuant to recess taken, the Speaker presiding.

REPORTS OF STANDING COMMITTEES

The committee on Revision and Correction of the Journal made the following report:

Mr. Speaker: Your committee on Revision and Correction of the Journal have carefully examined the Journal of the Tenth Day and recommend that the same be corrected as follows:

On page 15, after line 17, insert "Senate Bill No. 13" was read the first and second time and referred to the committee on Judiciary.

And when so corrected recommend that the same be approved.

ROLLAN V. WELD,  
Chairman.

Mr. Weld moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Delayed Bills made the following report:

Mr. Speaker: Your committee on Delayed Bills to whom was referred a House Bill for an Act for licensing electricians and electrical workers.

Have had the same under consideration and recommend that the same be not introduced.

EDW. W. HERBERT,  
Chairman.

Mr. Herbert moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Ways and Means made the following report:

Mr. Speaker: Your committee on Ways and Means to whom was referred Senate Bill No. 35, "A Bill for an Act to amend Section 4441 of the Revised Codes of North Dakota for the year 1913, and all Acts and parts of Acts amendatory thereto."

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

F. J. HAINES,  
Chairman.

Mr. F. J. Haines moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Judiciary made the following report:

Mr. Speaker: Your committee on Judiciary to whom was referred Senate Bill No. 20, "A Bill for an Act making it a felony for any state official to wilfully publish false statements with reference to any state department, institution or industry and providing the manner in which such cases under the provisions of this Act shall be tried and providing the penalty therefor."

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

FRANK PRATER,  
Chairman.

Mr. Prater moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Judiciary made the following report:

Mr. Speaker: Your committee on Judiciary to whom was referred House Bill No. 53, "A Bill for an Act repealing Chapter 170 of the Session Laws of 1919, relating to hours for females."

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

FRANK PRATER,  
Chairman.

Mr. Prater moved that the report be adopted.

A roll call was demanded.

The question being on an adoption of committee report to indefinitely postpone. The roll was called and there were, ayes, 69; nays, 38; absent and not voting, 6.

Ayes—Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bjerke, Burtness, Byrne, Caddell, Carr, Eckert, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hardt, Harding, Hoare, Ivers, Johnson of Dickey, Johnson of Steele, Kamrath, Kelder, Kell, Kellogg, Keitzman, Larson of Ransom, Larson of Stutsman, Lark'a, Lazier, Maddock of Mountrail, Maddock of Benson, Malo'e, Magnuson, Marshall, Martin of Slope, Martin of Bottreau, Maxwell, McDonnell, McLarty, McManus, Miller, Moen, Nathan of Sheridan, Nesvig, O'Brien, O'Connor of Pembina, O'Connor of Grand Forks, Olson of Barnes, Opland, Patte son, Pleasance, Prater, Randall, Riba, Renault, Sherman, Strom, Wadson, Walker, Weld of Wells, Weld of Kidder, Whipple, Wog, Yeater, Mr. Speaker.

Nays—Bo'linger, Donner, Dungan, Durkee, Engen, Hammond, Han'on, Harris, Herbert, Humphreys, Johnson of Cass, Johnson of Pembina, Johnston, Kelly, Koller, Krueger, Kunkel, Larson of Pierce, Lowe, McGauvran, McLaughlin, Mikkelson, Murtha, Nathan of Logan, Ness, Nims, Olsen of Ramsey, Olson of Ward, Olsgard, Petterson of Sargent, Reid, Reishus, Robinson, Roquette, Rusch, Severson, Turner, Twitchell.

Absent and not voting—Cleven, Hemmi, Klein, Strain, Uglum.

Committee report was adopted.

MR. ROQUETTE: On House Bill 53 I wish to explain my vote. I vote "no" on this measure because I believe it is an

injustice to the women because I think that they have a perfect right to get overtime when they are willing to work. I would like to have seen the bill amended and passed so that they had the same rights as men. I believe that women who want to work and get time and a half for overtime, I believe they should be allowed to enter into such an agreement. These are some of my reasons for voting "no."

MR. TWICHELL: I vote "no" for the reason that I think the women should have a right to contract if they see fit for eight hours or more work in any one day, and I would like to have had an opportunity to vote on the other bill that was in here which gave them that privilege. I therefore vote "no" on this bill.

The committee on Judiciary made the following report:

Mr. Speaker: Your committee on Judiciary to whom was referred House Bill No. 45, "A Bill for an Act to amend and re-enact Section 3471 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Section 1 of Chapter 13 of the laws of the Special Session of the State of North Dakota for the year 1918; and amending and re-enacting Section 3473 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Section 3 of Chapter 13 of the Laws of the Special Session of the State of North Dakota for the year 1918; and amending and re-enacting Section 3481 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Section 9, Chapter 13 of the laws of the Special Session of the State of North Dakota for the year 1918 and amended and re-enacted by Section 1 of Chapter 177 of the Laws of North Dakota for the year 1919, relating to the issuance of bonds and warrants to procure seed grain and seed for needy inhabitants; making an appropriation therefor; and repealing all Acts and parts of Acts in conflict therewith."

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

FRANK PRATER,  
Chairman.

Mr. Prater moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Ways and Means made the following report:

Mr. Speaker: Your committee on Ways and Means to whom was referred House Bill No. 40, "A Bill for an Act to amend Section 1218, Compiled Laws of North Dakota, 1913, requiring school district treasurers to file a copy of their annual report with the Bank of North Dakota."

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

F. J. HAINES,  
Chairman.

Mr. McDonnell moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Judiciary made the following report:

Mr. Speaker: Your committee on Judiciary to whom was referred House Bill No. 52, "A Bill for an Act to prohibit

the use of cigarettes by minors; prohibiting the supplying of cigarettes, cigarette papers, cigarette wrappers, or cigarette tobacco, to minors; prohibiting the sale of cigarettes, cigarette tobacco, cigarette papers, or cigarette wrapping, without a license; providing for licensing the sale, barter, or giving away of cigarettes, cigarette, tobacco, cigarette papers, or cigarette wrappers, and making the violation thereof a criminal offense; and providing penalties therefor."

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

Strike out all of Sections three and four.

Strike out the words "Section five" and insert in lieu thereof the words "Section 3".

Strike out the words "Section 6" and insert in lieu thereof "Section 4".

Strike out the words "Section 7" and insert in lieu thereof the words "Section 5".

Strike out the words "Section 8" and insert in lieu thereof "Section 6".

Strike out the words "Section 9" and insert in lieu thereof the words "Section 7".

Strike out the words "Section 10" and insert in lieu thereof the words "Section 8".

Strike out the words "Section 11" and insert in lieu thereof the words "Section 9".

In Section six, line seven, strike out the word "within" and insert in lieu thereof the words "in which".

In Section 9, line 3, strike out the words "and three hereof".

Strike out all of Section 12 and insert in lieu thereof the following: "This Act shall be submitted to the qualified electors of the State, for their approval or rejection, at the primary election to be held on the third Tuesday of March, 1920, and shall be submitted by its ballot title and shall be placed upon the ballot by the Secretary of State, and the Secretary of State shall cause to be printed and mailed to each elector a publicity pamphlet containing a copy of this Act, together with its ballot title, and any citizen or officer of any organization may submit to the Secretary of State for publication in such pamphlet, arguments concerning this Act, upon first subscribing their names and addresses thereto and paying the sum of two hundred dollars per page therefor".

And when so amended recommend the same do pass.

FRANK PRATER,  
Chairman.

Mr. Prater moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Judiciary made the following report:

Mr. Speaker: Your committee on Judiciary to whom was referred Senate Bill No. 22, "A Bill for an Act to amend and re-enact Section 780, Compiled Laws of North Dakota in the year 1913, relating to compensation of court stenographers."

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

FRANK PRATER,  
Chairman.

Mr. Prater moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Judiciary made the following report:

Mr. Speaker: Your committee on Judiciary to whom was referred House Bill No. 8, "A Bill for an Act to amend and re-enact Chapter 170 of the Compiled Laws of the State of North Dakota for the year 1919, regulating and fixing the hours of labor for females and providing penalties for the violation thereof."

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

FRANK PRATER,  
Chairman.

Mr. Prater moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Hoare moved that the House do now resolve itself into a Committee of the Whole, which motion prevailed and the House resolved itself into a Committee of the Whole.

The Speaker called Mr. Nesvig to the Chair.

When the Committee arose, it submitted the following report:

Mr. Speaker: Your committee of the Whole made the following report:

MR. NESVIG,  
Chairman.

Mr. Maddock of Mountrail moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Patterson moved that the House do now adjourn, which motion prevailed and the House adjourned.

#### TWELFTH DAY

The House assembled pursuant to adjournment, the Speaker presiding.

Prayer by the Chaplain.

Roll call.

Present, 107; absent, 6.

Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bollinger, Bjerke, Burkhart, Byrne, Caddell, Carr, Donner, Dungan, Durkee, Eckert, Engen, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hammond, Hanson, Hardt, Harding, Harris, Herbert, Hoare, Humphreys, Ivers, Johnson of Dickey, Johnson of Steele, Johnson of Cass, Johnson of Pembina, Johnston, Kamrath, Kelder, Kell, Kellogg, Kelly, Keitzman, Koller, Krueger, Kunkel, Larson of Ransom, Larson of Stutsman, Larson of Pierce, Larkin, Lazier, Lowe, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McGauvran, McLarty, McLaughlin, McManus, Mikkelson, Miller, Moen, Murtha, Nathan of Sheridan, Nathan of Logan, Ness, Nesvig, Nims, O'Brien, O'Connor of Pembina, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olson of Barnes, Olgard, Opland, Patterson, Petterson of Sargent, Pleasance, Prater, Randall, Riba, Reid, Reishus, Renauld, Robinson, Roquette, Rusch, Severson, Sherman, Strom, Turner, Twichell, Wadson, Walker, Weld of Wells, Weld of Kidder, Whipple, Wog, Yeater, Mr. Speaker.



Absent—Burtness, Cleven, Hemmi, Klein, Strain, Uglum.

MESSAGE FROM THE SENATE

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,

December 4, 1919.

Mr. Speaker: I have the honor to return herewith the following bills:

House Bill No. 5, "A Bill for an Act making an appropriation for general repairs and improvements of the Executive Mansion."

House Bill No. 6, "A Bill for an Act to repeal Chapter 207 of the Session Laws of North Dakota, 1919, relating to the extension of the State Street Car Line and providing for an appropriation therefor."

House Bill No. 49, "A Joint Resolution requesting the Supreme Court of the United States to advance the case of John W. Scott, et al., vs. Lynn J. Frazier, et al., on the Calendar."

Which the Senate has passed unchanged.

Very respectfully,

W. J. PRATER,

Secretary.

SENATE CHAMBER,

BISMARCK, NORTH DAKOTA,

December 4, 1919.

Mr. Speaker: I have the honor to return:

House Bill No. 48, "A Joint Resolution creating a Joint Investigation Committee; defining its rights and powers, and authorizing it to investigate all efforts to destroy or injure the property or rights of individuals, corporations, or any of the industries, enterprises or utilities owned by the State, or the credit of the State, or to unlawfully influence or corrupt elections or results thereof and to report the results of such examination to the Governor, to the Legislative Assembly and State's Attorneys; and making an appropriation therefor."

Which the Senate has amended as follows:

At the end of Section 1, strike out the period and place in its place a semicolon and add the following: "provided, that one of the two members appointed by the President of the Senate and one of the three members appointed by the Speaker of the House shall be from among the minority members of those bodies."

Very respectfully,

W. J. PRATER,

Secretary.

Messrs. Uglum and Strain were excused by the Speaker.

PRESENTATIONS OF PETITIONS AND  
COMMUNICATIONS

Whereas: There is a rumor current that there will be an attempt to induce the North Dakota Legislature to repeal or weaken the anti-cigarette law, the law prohibiting the

Sunday opening of theaters and moving picture houses and the law prohibiting the charging of admission at Sunday baseball games; and

Whereas: Our State is widely known as one that stands in the forefront of those that maintain a high moral standard and we are jealous of the reputation and the future welfare of our commonwealth; therefore

Be it resolved, that we, the congregation of the Presbyterian Church of Kenmare, North Dakota, do earnestly petition the Legislature of North Dakota in special session at Bismarck, to see that no step is taken which would in any degree weaken the high moral standard which is now to be found on the statute books of the State.

Endorsed and passed by the Congregation at its regular morning service held in Kenmare, North Dakota, November 23, 1919.

Signed for the Congregation by Ralph T. Fulton, Pastor. There were 59 present at this meeting.--R. T. F.

Lisbon, N. D., November 29, '19.

Hon. Martin Larson, Bismarck, N. D.

Sir:—

We, the undersigned, representatives of the various churches and patriotic organizations of this City, at a called meeting, have come to the following conclusions, regarding the possible presentation of the laws now on our Statute books known as the Blue Laws for referendum.

We believe that should this come to pass and they are changed, that the morality of our communities will be imperiled, therefore we entreat you as our representative to use your best effort and also your influence in keeping said laws as they now stand.

Yours very truly,

Signed,

Mrs. M. E. Moore, Vice Pres., W. C. T. U.;  
J. B. Jones, Post Comdr., American Legion;  
Retta Cooch, Pres., Woman's Relief Corps;  
Mrs. Albert E. Jones, State Vice War  
Mother;  
Harley S. Grover, Representative, First M.  
E. Church.  
Karl H. Thomte, Representative, First  
Presbyterian Church;  
J. E. Murray.

#### REPORTS OF STANDING COMMITTEES

The committee on Revision and Correction of the Journal made the following report:

Mr. Speaker: Your committee on Revision and Correction of the Journal have carefully examined the Journal of the Eleventh Day and recommend that the same be corrected as follows:

On page 4, after line 51, insert the words "Signing of Bills".

On Page 9, after line 46, strike out the words "of Acts in conflict therewith."

On page 10, after line 10, strike out the following words: "That House Bill No. 7 be amended by striking out every-

thing after the words 'A Bill' and inserting in lieu thereof the following".

On page 12, line 6, strike out the word "House" and insert in lieu thereof the word "Senate".

On page 21, after line 2, insert the words, "Mr. Hoare moved that the House recess until 1 o'clock P. M. tomorrow, which motion prevailed and the House recessed."

On page 7, line 27, change the figure "2" to "3", and in line 28, same page, change the figure "4" to "5", making "404" read "504".

And when so corrected recommend that the same be approved.

ROLLAN V. WELD,  
Chairman.

Mr. Weld moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Enrollment and Engrossment made the following report:

Mr. Speaker: Your committee on Enrollment and Engrossment have examined the following bills:

House Bill No. 13, "A Bill for an Act providing for the appointment of Special Assistant Attorneys General by the Governor; making an appropriation therefor; and repealing all Acts and parts of Acts in conflict therewith."

House Bill No. 20, "A Bill for an Act to exempt "money" and "credits" from taxation except as herein provided, and repealing Chapter 255 of the Laws of North Dakota for the year 1915, and Chapter 230 of the Laws of North Dakota for the year 1917 as amended Chapter 226 of the Laws of North Dakota for the year 1919 and all other Acts and parts of Acts in conflict with the provisions of this Act."

House Bill No. 24, "A Bill for an Act authorizing and directing the Bank of North Dakota to make loans upon post-dated checks to North Dakota drouth-stricken farmers."

House Bill No. 35, "A Bill for an Act to repeal Chapter 142 of the Session Laws of 1915, relating to the payment of tuition for attendance at any model high or graded or elementary school which is operated, maintained or in any manner connected with the state university, any normal school or any educational institution of higher learning."

House Bill No. 41.

"A Bill for an Act to provide for the cutting and removing of weeds and grasses along the public highways, streets and alleys, prescribing the duties of township supervisors, road overseers and county commissioners with reference thereto, and providing for the payment of the expense thereof."

And find the same correctly engrossed.

J. H. KUNKEL,  
Chairman.

Mr. Kunkel moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Public Printing made the following report:

Mr. Speaker: Your committee on Public Printing to whom was referred House Bill No. 32.

"A Bill for an Act to amend and re-enact Section 5 of Chapter 187 of the Session Laws of the State of North Dakota for the year 1919."

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

ROBERT BYRNE,  
Chairman.

Mr. Byrne moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Public Printing made the following report:

Mr. Speaker: Your committee on Public Printing to whom was referred House Bill No. 33.

"A Bill for an Act to amend and re-enact Section 4 of Chapter 188 of the Session Laws of the State of North Dakota for the year 1919."

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

ROBERT BYRNE,  
Chairman.

Mr. Byrne moved that the report be adopted, which motion prevailed and the report was adopted.

### THIRD READING OF HOUSE BILLS HOUSE ROLL CALL

House Bill No. 13.

"A Bill for an Act providing for the appointment of Special Assistant Attorneys General by the Governor; making an appropriation therefor; and repealing all Acts and parts of acts in conflict therewith."

Was read the third time.

The question being on the final passage of the bill, the roll was called and there were ayes 67, nays 40, absent and not voting 6.

Ayes: Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bjerke, Burkhart, Byrne, Caddell, Eckert, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hardt, Harding, Hoare, Ivers, Johnson of Dickey, Johnson of Steele, Kamrath, Kelder, Kell, Kellogg, Keitzman, Krueger, Larson of Ransom, Larson of Stutsman, Larkin, Lazier, Maddock of Mount-rail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McLarty, McManus, Miller, Moen, Nathan of Sheridan, Nathan of Logan, Nesvig, O'Brien, O'Connor of Pembina, Olson of Barnes, Opland, Patterson, Prater, Riba, Renauld, Sherman, Strom, Wadeson, Walker, Weld of Wells, Weld of Kidder, Whipple, Wog, Yeater, Mr. Speaker.

Nays: Bollinger, Burtness, Carr, Donner, Dungan, Durkee, Engen, Hammond, Hanson, Harris, Herbert, Humphreys, Johnson of Cass, Johnson of Pembina, Johnston, Kelly, Koller, Kunkel, Larson of Pierce, Lowe, McGauvran, McLaughlin,

Mikkelson, Murtha, Ness, Nims, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olsgard, Petterson of Sargeant, Pleasance, Reid, Reishus, Robinson, Roquette, Rusch, Severson, Turner, Twichell.

Absent and not voting: Cleven, Hemmi, Klein, Randall, Uglum.

So the bill passed and the title was agreed to.

Mr. Burtness: I hadn't intended to speak on this bill until a few moments ago when some of the members of the minority asked me to report very briefly their views on this matter and on co-related matters, and in view of the fact that during the past few days I have been more or less misquoted in the press, I would ask that my remarks be taken down, and that they be made part of the Journal.

I am speaking somewhat at a disadvantage because I have just come from a three hour session of a committee in which I was being cross-examined by the attorney for the majority of or one of the Committees of the House, and we had delved into biology and metaphysics and science and economics and many other kindred subjects, until my mind is almost in a whirlpool, and it is a little bit hard to get back to earth and deal with facts as they actually exist.

I am going to talk, not only on House Bill No. 13, but for the purpose of saving time on one or two other bills which are for consideration today, the general objects of which, as I view them, are in line with House Bill 13, that is, that these various bills are in a way companion bills to each other; that they are for the purpose of accomplishing the same general results. House Bill 13 which is the first bill on the calendar and the one on which we are about to call the roll, provides for the appointment of special assistant attorney therefor. Now, do you really get that Gentlemen of the Assembly? Special assistants attorneys general. Assistant to an elective official of this state. What does it mean? It means that one official elected by the people of this state for certain purposes is given the right which he has never had heretofore, to appoint the assistants of another official who has been elected as the head of the law enforcement department, of the legal department of the State. What is the principle underlying our representative government when you elect a man and put him in charge of a particular branch or department of the government, and hold him responsible therefor, whether it be in the State, County or in the smaller municipalities. Why, the men that you elect for a particular job is responsible for the conduct of that office, and so in the county, when the county treasurer is elected who appoints his deputy? Why, the treasurer, the treasurer under the terms of his bond is responsible for any defalcations on the part of the deputy, and so on down the line in the counties, the state's attorneys appoint their assistant states attorneys. Your clerk of courts appoint their deputies. Your auditors their deputies, and so on, and that is the rule which I think you will find in practically every state in the Union.

Now, last winter, you passed a law, Chapter 67 of the Session laws of 1919, authorizing the attorney general to appoint special assistants, that is, men who couldn't be on the regular salary, but men who might be selected to represent that office in some of the important litigation which was pending at the time, or should become pending in the State. Under this

calendar we find today a Senate bill, being No. 4, which attempts to repeal that law. Last March you passed this Chapter 66 of the Laws of North Dakota for the year 1919 which increased the number of the assistant attorneys general to five assistants. Today on the calendar we find Senate Bill No. 13, which reduces the number of those assistants to two. Last winter in the latter part of the session you passed Senate Bill 74 providing for the attorney general's licensing fund, and the appointment of inspectors and deputies for the enforcement of the laws of this state. Today you find on the calendar for general orders House Bill No. 2 repealing that law. In other words, a veritable array of bills are here that undo the work which you did in January. And what has been the suggestion as to the need for doing it? Has there been any other suggestion as to it made here on the floor of this House, or in the public press or by any administrative head of this state, or any other individual who pretends to speak on behalf of the majority? as we have come to call it in this House, or on behalf of the Administration, other than the newspaper charges against the attorney general? Has there? None that I have been able to hear. And so, I say today that the purpose of this bill is political rather than a piece of legislation which has anything to do with good laws, with good morals, with good business, or conduct of the business affairs of the state. And I feel that the remarks which I made yesterday on the bill where you took the State Auditor off the Emergency Commission and placed on that committee another state official applies with equal force to the measures which are before you today, and with reference to each and every one of them. My record, gentlemen, is consistent. I joined with you in the past on these bills last March, for I realized that the work of the Attorney General should not be tied down by technicalities, that ought to be allowed to go out in the open if need be to get men to help him in the more important litigation, men possessing perhaps, if you want to put it that way, better qualifications than can be obtained on the salaries now allowed, to assistants in the attorney general's office. And what was the situation? What was the need of it? Let us see some of the litigation that is pending right now before that department. There is some railroad tax legislation, the legislation involving railroad taxes for last year in which practically two millions of dollars is involved. This litigation has been handled by the regular office of the attorney general, as I understand it, by Mr. Packard and Mr. Cox. In that litigation the railroad companies have offered to pay already one million dollars in cash. I have been told, I am not in position to know whether it is a fact or not, that the Governor of this state has told the attorney general that if he thinks that figure ought to be accepted, that he would so recommend. The attorney general has taken the position that every dollar of that two million can be collected, and will be collected in law, and does not care to recommend a compromise on that basis. There is pending at the same time an action against an elevator corporation, so-called, which was commenced by Mr. Bronson, former assistant attorney general, now on the Supreme Court, started by him just before he assumed the duties of his present office. There is pending the case against the state of Minnesota involving a million and a half dollars, the damage done by floods on the lands in the Red River

Valley, a most important case all ready to be argued before the Supreme Court of the United States. There is pending the case against the Standard Oil Company, involving taxes approximating one half million dollars per year. There is pending litigation relating to evidence of violations—I don't recall whether obtained, by the license inspectors, there is pending in Minot a case against a man known as "Thief" Olson, a millionaire who has been charged with accepting the profits of prostitutes. That has been once tried, and a change of venue had been taken. The jury stood nine to three for conviction but finally disagreed, and in that case a special assistant was appointed because of the death of Daniel Brennan, former assistant attorney general who had been conducting the case. Mr. Owens, former state's attorney in Williams county in the northwestern part of the state now being the special assistant attorney general. There is pending today a case against P. R. Sherman, in which a special assistant attorney general has been appointed, Judge Lauder. Now, I presume I would have hesitated in mentioning that case yesterday because I knew that there would have gone up from the majority of the House bitter feelings and contentions that the charge laid against Mr. Hagen and Mr. Sherman of the Scandinavian-American Bank of Fargo, were unsound and unjust, and brought by the attorney general's department for political propaganda. But today, gentlemen of the Assembly, you know that twelve men of Cass county, after hearing the evidence, after hearing the evidence introduced before the judge appointed by this Administration, have found President Hagen guilty. Is that not a fact? Is there any one of you who will deny it? And is there any one of you who can say that Judge Englert and the twelve men who sat on that jury were corrupted when they rendered the decision they rendered in that court? And is there anyone of you who can say that the case pending against Mr. Sherman is not equally important? Or who can say that if Mr. Hagen sees fit to take further proceedings in that case by taking an appeal, or some other steps, to the Supreme Court of this state, or further action in the district court, that the case isn't of the utmost importance to the people of the state? Why, we have some men who it would seem, have become so prejudiced that they absolutely refuse to pay attention to letters and to facts that haven't been denied and that the only thing that is necessary to say is that the person tried to do his duty and conform to his oath of office is such a renegade and such a traitor that he wilfully violates his oath of office and does something for political purposes, in spite of the fact that these things haven't been denied. Has Mr. Halliday of the Examiner's force denied the writing of this letter dated June 10th, 1918? Those of you who have read the public press and been willing to read both sides know what was in that letter. You know that at that time the guaranty commission decided to send some men down to the Scandinavian-American Bank to ascertain whether or not the bank was in such condition that it should be admitted and get the privileges of the provisions of law relating to guaranty deposits. These men happened to go down there without the knowledge, apparently, of Mr. Waters, who was then the State Bank Examiner, and so it seems to be the case as shown by the correspondence that has appeared in the press that it was a little out of the ordinary for the examiners to go to the Scandinavian

American Bank for an examination without some notice from the examiner having been tipped off beforehand. So that when these men got there for the purpose of making the examination it seemed some explanation was due to the Scandanivian-American Bank of Fargo, and so an explanation was written to Mr. J. J. Hastings, the vice president of that bank, by Roy M. Halliday, on the force of the examiner's office on June 10th, 1918.

OFFICE OF STATE EXAMINER  
State of North Dakota  
BISMARCK

J. R. Waters, State Examiner.

E. A. Thorberg, Chief Deputy Examiner.

June 10, 1918.

Mr. J. J. Hastings, Vice President,  
Scandinavian-American Bank,  
Fargo, N. D.

Dear Mr. Hastings:

Mr. Waters submitted to an operation at the hospital here today. While the operation is not serious, yet he is not very well and will be laid up for a while. This is the reason that you and Mr. Semingsen were not able to get him over the phone.

He has asked me to write you regarding the extra help you have at your bank just now making an examination. He has been sick since last Thursday or he would have headed the thing off. Being that Mr. Schoregge, Mr. Semingsen and Mr. Halldorson are there now to make an examination on behalf of the Commission, he does not care to create any animosity and antagonism over this matter at this time and get as good a report from them as possible so they wont have anything to hand the opposition parties over League finances and business method or criticise the amount of paper carried there. It appears quite evident that this is a political play for thunder. You see the opposition parties are a little short on real sensation thunder and they are trying to scare up something for the last act, and, I don't suppose the other banks in Fargo are just what you would term "Crazy about you." Mr. Waters wishes me to advise you that if the examiners object to any of the paper carried there, you are to tell them that it will be removed at once. The plan for taking care of objectionable matters is to shoot it out to the other League banks—Grand Forks, Lisbon, Hillsboro, Buxton, Hatton,—these banks are practically all new banks and have been passed by the Commission which will leave them in a position to do this. They would not have anything that the Commission could object to just now. Anything that you sent them could be taken back later on, if necessary. Of course, we don't want you to move any more than is absolutely necessary to get by with a clean report. Mr. Waters is satisfied, with this information, that you and Mr. Semingsen will be able to handle this matter satisfactorily to all.

If anything further develops, kindly write me.

Yours very truly,

ROY M. HALLIDAY.

Mr. Maddock:

I would like to ask whether the gentleman is talking on



this bill or making a political speech on matters not before this House?

Mr. Burtness:

I am showing you how wrong it would be to deprive the attorney general of the state of the right to appoint his own assistants in such special instances as he sees fit, and that they shouldn't be turned over to the Governor of the state, and if the gentleman is afraid to hear it, well and good, but this is the very meat of the situation I say, Mr. Speaker and gentlemen of the Assembly.

Mr. Maddock:

I would like to have the gentleman point out wherein this particular bill mentions the Scandinavian-American Bank.

Mr. Burtness:

I do not yield to a question of that kind. I will continue to read.

The Speaker:

You have only twenty minutes.

Mr. Burtness:

May I be allowed to take up the twenty minutes on each of the bills to be discussed, and take it all at this time instead of talking on each separately, if the House will allow me that privilege? I think I can save time by doing it in that manner.

Mr. Speaker:

The Chair holds that the 20 minutes is up.

Mr. Burtness:

The other members have discussed the merits of the bill, and under the rules I am now entitled to another ten minutes. I will finish reading the letter. (Reads the balance of the letter not read before). When was Mr. Waters elected for the purpose of telling the various bankers of this state as to how they were going to get around the objections that might be made to the condition of the banks by officials of the state including the Guaranty Fund Commission? Then he mentions a plan. Does that plan apply to this case, or does it apply to a general scheme or plan in the mind of Mr. Waters and other people connected with him? These matters are of more importance than just the few hundreds of thousands of dollars that might be spent by the state of North Dakota, for it affects the very acts of public officials. It goes to the very question as to the integrity of those men, and as to whether the State Examiner's department in this state has been enforcing the law honorably or not, or whether he has been enforcing the law for the benefit of some, and perhaps to the disadvantage of others. And I want to repeat again, as I said yesterday, that any attempt to attack the attorney general's office by bills of this kind, is not an attempt which excites admiration on my part at least; and if the charges you have made, some of you at least, against the attorney general are true, if he has been corrupt, if he has proven a traitor and has been as bad as you charge him with being, then why don't you prove what some people believe, and what should be done, why don't you impeach him and not attack him in this way. The attorney general is not

allowed the privilege of coming on the floor of this House and defend himself on this bill. I don't think you would let him do it. I would be glad to move that privilege to him if I thought you would allow it, but I know you wouldn't. You don't dare to impeach him and bring him before the bar of the Senate where he would have a constitutional right to appear and defend himself. You are depriving him if you pass all of these bills, of the right which the Constitution has guaranteed to him, and if you vote on your convictions, gentlemen, if you vote as you consider really down in your hearts think you ought to vote, I know you would vote against these bills. But if you are going to vote just because some self-appointed dictator and autocratic leaders have told you that these bills should pass, then you will simply follow your instructions as you have in times followed them in the past, and will deprive an elective official of this state of his constitutional rights as I view them. I thank you.

M.: Burtness:

I wish to ask the gentleman (Mr. Maddock) this question. Would it be fair for the minority in this House to vote for House Bill 13 if the majority would kill Senate Bill No. 4, and so leave the law that both the Governor and the attorney general can each appoint special assistants? I for one would be glad to see that done under the circumstances, and if you will agree Mr. Maddock at this time that the privileges of the attorney general are not taken away and his office crippled, I shall be very glad to vote for a bill which will give the Governor power to appoint assistants also.

Mr. O'Connor:

Inasmuch as the attorney general's office has been criticized for his handling of the case against the Standard Oil Company, I ask to have the privilege of having the official report of that case printed in the Journal.

Bismarck, N. D., December 3, 1919.

To the Honorable Members of the Sixteenth

Legislative Assembly, in Special Session:

Sirs:

It has come to my attention that a member of the Senate yesterday on the floor of the Senate charged either that I had "lain down," "sold out" or "gone to sleep," or did all three in the Standard Oil Company case.

Senator Cahill, who made that statement, either deliberately misrepresented the truth or either deliberately falsified.

The full record of the Standard Oil Company case is as follows:

1. The Standard Oil Company filed its bill on Thursday July 10, 1919, and the subpoena that was served on me stated to appear in Fargo on July 30, 1919.

2. On July 21st, Judge Charles F. Amidon wired me that the hearing was set in St. Paul at ten o'clock A. M. on July 22nd, and that the other Judges would be Circuit Judge Hook, and Judge Booth of the Minnesota District.

3. I immediately telephoned Judge Amidon that it was very nearly physically impossible to prepare the brief thoroughly in three days.

4. Judge Amidon stated that this was the only time at which the three Judges could meet as they were going on their vacations and insisted on the State getting ready in three days.

5. I immediately detailed Assistant Attorney General Packard and Assistant Attorney General Foster and turned over all office help to help them prepare their briefs.

6. On July 21st Assistant Attorney Generals Packard and Foster appeared in St. Paul before Judge Amidon, Hook and Booth, and argued the injunction and at the conclusion requested of the Honorable Court that we be allowed fifteen days to file an additional brief. The Judges finally by a vote of two to one allowed us ten days.

7. At the conclusion of the argument before the Court Assistant Attorney General Packard suggested that it would be grossly inequitable to allow an injunction to issue with the Standard Oil Company collecting the tax in the way of increased sale price. This was discussed by the court and the attorneys and in open court the Attorneys for the Standard Oil Company agreed that if the injunction issued that they would immediately lower the price of straight run gasoline a cent a gallon and all other gasoline a quarter of a cent a gallon thereby deducting the tax from the selling price.

8. We won at St. Paul, the Judges denying the Standard Oil Company's demand for immediate injunction and thereafter I received the following letter:

"Minneapolis, Minn., July 23, 1919.

Hon. Wm. Langer,  
Attorney General,  
Bismarck, N. D.

Dear Mr. Langer:

After court adjourned yesterday the Judges decided to enlarge the terms of the Order in the case of the Standard Oil Company v. Olson, so that it should provide as follows:

The defendants shall have fifteen days from the date hereof, within which to prepare counter affidavits and a written brief. The plaintiff shall then have five days within which to prepare reply affidavits and reply briefs.

Both affidavits and briefs are to be sent to J. A. Montgomery, Clerk U. S. District Court, Fargo, North Dakota. Three of the briefs and three copies of the affidavits, in typewriting, shall be sent to the Clerk for transmission to the Judges. At the time of sending the briefs and affidavits to the Clerk, copies thereof shall be mailed to opposing counsel.

Very truly yours,  
CHARLES F. AMIDON,  
Judge.

9. Immediately after Mr. Packard's return, and at his request I appointed former District Judge S. L. Nuchols of Mandan, and former District Judge W. S. Lauder of Wabpeton, to assist in the case.

10. Judge S. L. Nuchols of Mandan was detailed to assist in the preparation of the briefs asked for by Judge Amidon's letter.

11. Judge W. S. Lauder was instructed to secure all possible affidavits and counter affidavits.

12. Immediately called a conference of Judges Lauder and Nuchols at Fargo with Pres. E. F. Ladd, State Oil Inspector and with his Chief Deputy, Mr. Jackman. We met

in Fargo, and Oil Inspector Ladd detailed his Chief Deputy, Mr. Jackman, to assist in getting affidavits to be presented

13. Assistant Attorney General Foster was detained to take off enough time in helping Judge Nuchols with the Brief, to ascertain if there were any experts in the United States who could give affidavits which would off set those of the Standard Oil Company's expert and especially that of William M. Burton, President of the Standard Oil Company of Indiana.

14. I attempted to hire Clifford Thorne, the Attorney for the leading independent Oil companies in the western part of the United States, and we wired him. Mr. Thorne is the man who appeared before the League caucus advocating the passage of the bill which created this tax. We also asked in my telegram to Mr. Clifford Thorne whether the presidents of any of these independent oil companies would make any affidavits to assist us.

15. I received a telegram from Mr. Thorne of Chicago, Illinois, stating that while he was at Bismarck that he had suggested to William Lemke that he had serious doubts as to the constitutionality of the law because of the way the bill was drawn and said this while the same was pending before this very assembly.

16. Clifford Thorne suggested that the only man who would likely make an affidavit was L. B. Hancock, President of the Pure Oil Company of Minnesota.

17. I immediately telephoned Judge Lauder to proceed to Minneapolis at once to get the affidavit of L. B. Hancock.

18. Assistant Attorney General Foster stated that the only expert in the United States who could off set efficiently President William M. Burton's affidavit was W. F. Rittman of Pittsburg, Pa.

19. We immediately wired the Mayor of Pittsburg asking him to locate Rittman so that we could get in touch with him.

20. The mayor replied giving us Rittman's address. We wired Rittman asking his assistance.

21. August 2nd Mr. Rittman replied as follows:

'Pittsburg, Penn., August 2, 1919

William Langer,  
Attorney General,  
Bismarck, N. D.

Answering your telegram August first do not believe I can be of assistance to you in this matter because personally am a strong advocate of cracked gasoline as well as intelligently blended gasolines which considering mileage are not inferior to straight run materials and without these materials there would be a very serious shortage indeed and prices would be higher. The only hope of the gasoline situation is cracking.

W. F. RITTMAN."

The above telegram speaks for itself and shows that Mr. Rittman, the greatest opponent of the Standard Oil Company in the United States, would not assist us.

22. Judge Lauder and I called another conference in Fargo and called to see Judge Amidon asking for an extension of fifteen days.

23. Judge Amidon stated that our request for an extension of fifteen days was hopeless. The Judges Hook and

Booth would not under any consideration agree to it, although he himself was perfectly willing to have the time extended.

24. We filed the affidavits of:

E. F. Ladd, verified August 4, 1919.

George T. Walker, verified August 4, 1919.

Burton L. Smith, verified August 5, 1919.

Thomas W. Jackman verified August 5, 1919.

25. Previous to this time Edw. E. Lindquist of Fairmount, while at Bismarck, promised Assistant Attorney General Packard to come up to our office and sign an affidavit and to secure other affidavits. Lindquist is an officer of the Home Oil Company of Fairmount.

26. Judge Lauder and I, when Lindquist failed to appear in my office, went to Fargo and had Dr. Ladd ask Thomas W. Jackman to secure affidavits of H. M. Wilson and others.

27. About a week afterwards, on the failure of these affidavits to appear, I received a letter from E. F. Ladd stating that one Attorney Lashkowitz was getting the affidavits and filing a brief as a friend of the court and asking whether he should sign.

28. I wrote to Dr. Ladd that Lashkowitz did not in any way represent this office and a short time afterwards I received a letter from Judge Amidon stating that Lashkowitz had not filed either his brief nor the affidavits he had secured and Judge Amidon refused to file the same without my consent. I replied by return mail requesting Judge Amidon to file both the brief and affidavits.

29. Judge Amidon complied with my request over the protests of the Standard Oil Company and filed the affidavits of E. E. Lindquist, H. M. Wilson, J. A. Hoffman, Alex Leurson and Lawrence Larson.

30. I learned that Senator Mees, member of the Tax Committee of the Senate had a transcript of the testimony given by Lindquist at the time the bill was under consideration by the Senate Committee.

31. I telephoned Senator Mees and had him come to Bismarck for a conference and Assistant Attorney General Packard inserted in his brief Senator Mees' statement of the flash test and experiment conducted before the legislative caucus together with the transcript of the testimony given by Lindquist.

32. I filed the brief prepared by Assistant Attorney General Packard and Special Assistant Attorney General Nuchols.

33. Judge W. S. Lauder secured an affidavit from an officer of any independent company and I instructed that he immediately file the same.

34. Judge Lauder immediately filed the affidavit which was signed by an officer of the company who had repeatedly refused to make any affidavit and finally did so only at Judge Lauder's earnest solicitation.

35. I filed the briefs and affidavits and upon consideration by the Court the Judge denied the application of the Standard Oil Company for a temporary injunction and I had again beaten the Standard Oil Company.

36. The Standard Oil Company then made application for a modification of the order to the extent that a stay in the

proceedings be granted for the purpose of appealing to the Supreme Court.

37. Immediately upon receipt of the said application I wrote Judge Nuchols as follows:

"Hon. S. L. Nuchols,

Mandan, N. D.

Dear Judge:—As you know the injunction in the Standard Oil Case has been over-ruled. I take it that further steps to protect the State are now necessary and I would like to have you take these immediately.

Yours very truly,

WILLIAM LANGER,  
Attorney General."

38. I O. K'd the voucher of Judge Lauder in the sum of \$80.00 for his services and wrote him as follows:

Sept. 18, 1919.

"Hon. W. S. Lauder,  
Wahpeton, N. D.

Dear Judge Lauder:

I am in receipt of your favor of the 16th in re, the Standard Oil Co. vs. Obert Olson. Needless to say I felt very much pleased when I learned that the application of the plaintiff for a temporary injunction was denied.

I have O. K'd your bill and filed same with the State Auditor. I regret that it will probably be sometime before you get your money from the State for the reason that the State has no money in the General Fund. Your bill for legal services was very reasonable and I desire to thank you very warmly for your assistance in the matter. I will want your help further at the time the trial is up.

Yours sincerely,

WILLIAM LANGER,  
Attorney General.

WL:P

39. On September 23rd I wrote Judge Young, one of the attorneys for the Standard Oil Company as follows:

"Hon. N. C. Young, Judge.

Fargo, N. D.

Dear Judge Young:

I wish you would please let me know by return mail whether the Standard Oil Company will not pay the oil tax which is now in litigation pending the suit. I dislike very much to take any drastic action unless I am compelled to and I understand from Mr. Packard that this would be commenced to be paid if the injunction was not granted. Ordinarily there would not be such a great hurry about the matter but the State Treasurer is especially low at this time and we will need every dollar. If you can give us any assistance in getting the oil tax paid it would be greatly appreciated.

Yours very truly,

WILLIAM LANGER,  
Attorney General.

WL P

40. Judge Young replied requesting again that the State defer any action in the matter of the collection of these taxes.

41. On September 26th I replied as follows:

"Hon. N. C. Young.

Watson Young & Conmy,  
 Fargo, N. D.

My dear Mr. Young:

In re Standard Oil Co. vs. Obert Olson.

I am in receipt of your favor of yesterday in re the above.

After considering the matter we have come to the conclusion that there is no reason why the Standard Oil Company should not pay its taxes the same as any other company and we are therefore starting an action to collect the taxes delinquent at this time.

Yours very truly,

WILLIAM LANGER,

Attorney General.

WL P

Under date of September 26, immediately after writing Judge Young, I wrote the following letter of instructions to Assistant Attorney General Foster:—

"Sept. 26, 1919.

Hon. George K. Foster,  
 Asst. Attorney General,  
 Bismarck, N. D.

In Re. Standard Oil Company  
 vs.

Obert Olson, et al.

Dear Mr. Foster:

In accordance with our conversation in re the above case. I have made an investigation and find that practically all of the companies have paid their oil tax with the exception of the following:

Standard Oil Co., Fargo, .....	June	\$35,265.42
Standard Oil Co., Fargo, .....	May	32,304.03
Standard Oil Co., Fargo, .....	April	21,073.15
Marshall Oil Co. ....	May	370.77
Vantilburg Oil Co. Minneapolis .....	April 1	4.11
National Refining Co. ....	May	62.99
Sioux City		
Soo Line Ry. Minneapolis .....	April	59.65
Master Oil Co., Fargo, .....	April	26.00
Standard Oil Co., Fargo, .....	March	36,978.77

Totaling, together with penalties and interest nearly \$150,000.00 of which amount \$143,730.00 is due from the Standard Oil Company.

I want to have this Company hauled up before the bar of justice, either arrest the officers of the company or corporation itself, attach their property, or do anything else which you believe will get the tax. The Treasurer needs the money and we must get it if possible.

Yours,

WILLIAM LANGER.

Attorney General.

WL; P"

42½. On October 7th I received the following letter from J. A. Montgomery, Clerk of the United States District Court.

"Messrs. O'Connor & Johnson, Grand Forks, N. D.  
Messrs. Miller, Zuger & Tillotson, Bismarck, N. D.  
Hon. Wm. Langer, Attorney General, Bismarck, N. D.  
Gentlemen:—

Judge Amidon will hear the argument on motion to dismiss in the Grain Grading case on next Saturday, October 11th, at two o'clock in the afternoon.

Very truly yours,  
J. A. Montgomery, Clerk."

43. At the same time I received a letter from J. A. Montgomery stating the Standard Oil Case would come up at ten o'clock in the forenoon of October 11th.

44. On the day I received the letter I wrote as follows:  
"Messrs. Watson, Young & Conmy,  
Attorneys at Law,  
Fargo, N. Dak.

Dear Sirs:

Re: *Standard Oil vs. Obert Olson, et al.*

I am in receipt of your favor of yesterday, in regard to the above matter. Either Mr. Sheets or Judge S. L. Nuchols will appear at the hearing of your application for a superedeas on next Saturday morning.

Yours very truly,  
WILLIAM LANGER,  
Attorney General."

45. On October 8th I wrote further, as follows:  
"Mr. J. A. Montgomery,  
Clerk U. S. District Court,  
Fargo, N. Dak.

Dear Sir:

I am in receipt of your favor of yesterday and note that Judge Amidon will hear the argument on motion dismiss in the Grain Grading case, on next Saturday, October 11th, at two o'clock in the afternoon.

Mr. Sheets or Judge Nuchols, or both, will be present at that time.

Thanking you, I am

Yours very truly,  
WILLIAM LANGER,  
Attorney General."

46. Judge Nuchols suggested that the Grain Grading Case would take all his time; that it involved millions of dollars in dockage, grading, etc., and was more important than the Standard Oil Case, and requested that Mr. Foster, who had assisted in the preparation of the brief in the Standard Oil Case, make the argument.

47. From telephone conversations with Assistant Attorney General Sheets I knew the Scandinavian-American Bank matter was taking all his time and in conversation with him over the telephone I told him that Assistant Attorney General Foster would take care of the argument in the Standard Oil Case.

48. Immediately after telephoning Assistant Attorney General Sheets I directed Assistant Attorney General Foster to make the argument in the Standard Oil Case, on Saturday morning, October 7th.



49. On Saturday, October 7th, I found Mr. Foster was at the office and immediately called for Asst. Attorney General Sheets, Judge Nuchols and Attorney N. C. Young of Fargo, all of them at Fargo. I was unable to get Asst. Attorney General Sheets or Judge Nuchols before ten o'clock in the morning, at which time the hearing was set, but I did get Judge N. C. Young and immediately requested the case be postponed until Monday. Judge Young reluctantly agreed that the adjournment would be satisfactory to himself and Attorneys Martin and Butler, who were present. I also asked Judge Young to go and see Mr. Sheets at the hotel and have him represent us in the matter of the adjournment before Judge Amidon.

50. Judge Young was unable to get hold of Mr. Sheets but when he appeared before Judge Amidon he stated Mr. Sheets was at the hotel and that he would try and find him. When Mr. Sheets was located he immediately stated he knew too little about the case to present the argument and joined in the request that it be continued until Monday.

51. This was agreeable to Judge Amidon who set the case for Tuesday.

52. Governor Frazier, while enroute to South Dakota, without conference of any nature or description with the Attorney General's office, appointed Seth L. Richardson of Fargo, on Saturday.

53. Mr. Foster appeared before Judge Amidon on Tuesday and argued the case. Mr. Richardson interfered just enough to spoil the argument with the result that all that Mr. Packard and Mr. Foster had accomplished was undone, and the Court directed there be a stay of proceedings until the motion of the Standard Oil Company was finally decide and in the event they determined to appeal until their appeal was perfected in the Supreme Court of the United States.

54. The argument made by Asst. Attorney General Foster, in this case, was so brilliant that Judge Charles F. Amidon wrote me a personal letter complimenting me on Asst. Attorney General Foster's splendid presentation of the case.

55. The net result of the Governor's 'butting in' to the case was the State of North Dakota has been restrained from the collection of these taxes, which Mr. Foster was all prepared to proceed with at the time he was in Fargo arguing the motion.

The conclusion is too obvious to need pointing out; that these charges have been concocted out of whole cloth for political effect and that the Attorney General's Office has not been dilatory or negligent in this case but has done every thing possible to safe-guard the interests of the State. I wish to state further that what was done in this case by the Attorney General's Office has been done in every other case since I have been Attorney General. The interests of the State have been ably guarded. I have not read Senator Cahill's remarks but if the rest of them are as reliable as in the Standard Oil Company case you can judge as to the value of them

Very respectfully,

WILLIAM LANGER,  
Attorney General.

MR. HERBERT:

I wish to explain my vote. I believe it is the duty of every man in this state to stand behind the attorney general at this time. I believe we have a man occupying that office who plays no favorites, and I would never cast a vote to curtail his powers. I vote no.

MR. O'CONNOR of Grand Forks:

I wish to explain my vote. On page 206 of the 1919 Journal of proceedings is found Senate Bill No. 24, (Mr. O'Connor here reads the bill referred to). This bill was read the third time in this house at the regular session. This was another measure that I parted from the men of the minority on, and voted with the majority of this House, the Non-Partisans, to give to the attorney general five assistant attorneys general, and I believed at that time, as I believe now, that it was proper to give them to him, and I do not believe that there has been any sufficient reason given to this House why we should now attempt to curb the attorney general and deprive him of his five assistants. The attorney general is a constitutional officer. Section 82 of that instrument provides: (Reads Section 82 of the Constitution). That is one of the officials named to be elected by the people, and section 83 requires the powers and duties of his office to be prescribed by law. We are violating a fundamental principle of government by attempting to give the Governor this power to appoint attorney generals. The prosecuting power of the state is lodged in the attorney general, a man elected by the people, and the people must have had confidence in him or they wouldn't have elected him. And the proper way to do, if the attorney general is corrupt and unsafe, or has grossly misused or abused the powers of his office, is to impeach him, or take the case before the people of the state and relieve him of his office, and therefore I vote no.

#### MESSAGE FROM THE SENATE

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA.  
December 5, 1919.

Mr. Speaker: I have the honor to transmit herewith the following bills:

Senate Bill No. 57.

"A Bill for an Act appropriating the sum of Five Thousand dollars for the relief of Alice Bixby."

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

Very respectfully,  
W. J. PRATER,  
Secretary.

House Bill No. 20.

"A Bill for an Act to exempt "money" and "credits" from taxation except as herein provided, and repealing Chapter 255 of the Laws of North Dakota for the year 1915, and Chapter 230 of the Laws of North Dakota for the year 1917 as amended by Chapter 226 of the Laws of North Dakota for the year 1919 and all other Acts and parts of Acts in conflict with the provisions of this Act."

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 104, nays 0, absent and not voting 9.

Ayes: Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bollinger, Bjerke, Burtness, Burkhart, Byrne, Caddell, Carr, Donner, Dungan, Eckert, Engen, Ferguson, Fredrickson, Gunhus, Haines, Hammond, Hanson, Hardt, Harding, Harris, Herbert, Hoare, Humphreys, Ivers, Johnson of Dickey, Johnson of Steele, Johnson of Cass, Johnson of Pembina, Johnston, Kamrath, Kelder, Kell, Kellogg, Kelly, Keitzman, Koller, Krueger, Kunkel, Larson of Ransom, Larson of Stutsman, Larson of Pierce, Larkin, Lazier, Lowe, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McGauvran, McLarty, McLaughlin, McManus, Miller, Moen, Murtha, Nathan of Sheridan, Nathan of Logan, Ness, Nesvig, Nims, O'Brien, O'Connor of Pembina, O'Connor of Grand Forks, Olson of Ward, Olson of Barnes, Ols-gard, Opland, Patterson, Petterson of Sargent, Pleasance, Prater, Randall, Patterson, Petterson, Renauld, Robinson, Roquette, Rusch, Sherman, Strain, Strom, Turner, Twichell, Wadeson, Walker, Weld of Wells, Weld of Kidder, Whipple, Wog, Yeater, Mr. Speaker.

Absent and not voting: Cleven, Durkee, Hall, Hemmi, Klein, Mikkelson, Olsen of Ramsey, Severson, Uglum.

So the bill passed and the title was agreed to.

Emergency clause declared passed.

MR. BURTNESS:

I wish to explain my vote. I vote aye on this bill because I realize now, as I realized last winter that some of the provisions entered into the present law as passed last winter, make it impossible to inforce the law or to make it operative. To get away from that situation I vote aye on this bill, but I do not want to have my vote of aye contrued to mean that I am in favor of the provisions of the law which removes the tax from moneys and credits within the state of North Dakota. That is the law which we have had for a number of years last past, since about 1915 I believe, and I feel that the three mill tax on moneys and credits owned by residents of this state has been a fair tax, that it has worked well, and that tax is paid by people who can well afford to pay taxes, and that it has given the state and municipalities a great deal of revenue and gotten it from a proper source.

MR. O'CONNOR of Grand Forks:

I understand that the enactment of the law as passed in the last Session of the Legislature affecting companies and individuals who have loaned money in this state and who live outside the state, has caused them to withdraw their money. The laws of the states in which these people live tax their property in their domociles, or where they reside, and North Dakota attempted to tax them and those people preferred to place their money for investment in other places, and North Dakota, being a new state and it being necessary to invite foreign money for investment here rather than to drive it away, I believe that feature of this bill is correct, and therefore I vote aye.

House Bill No. 41.

"A Bill for an Act to provide for the cutting and removing of weeds and grasses along the public highways, streets, and

alleys, prescribing the duties of Township Supervisors, Road Overseers, and County Commissioners with reference thereto, and providing for the payment of the expense thereof."

Was read the third time.

The question being on the final passage of the bill, the roll was called and there were ayes 107, nays 0, absent and not voting 6.

Ayes: Arnold, Alberts, Bailey, Brady, Brostuen, Bryans, Bollinger, Bjerke, Burtness, Burkhart, Byrne, Caddell, Carr, Donner, Dungan, Durkee, Eckert, Engen, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hammond, Hanson, Hardt, Harding, Harris, Herbert, Hoare, Humphreys, Ivers, Johnson of Dickey, Johnson of Steele, Johnson of Cass, Johnson of Pembina, Johnston, Kamrath, Kelder, Kell, Kellogg, Kelly, Keitzman, Koller, Krueger, Kunkel, Larson of Ransom, Larson of Stutsman, Larson of Pierce, Larkin, Lazier, Lowe, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McGauvran, McLarty, McLaughlin, McManus, Miller, Moen, Murtha, Nathan of Sheridan, Nathan of Logan, Ness, Nesvig, Nims, O'Brien, O'Connor of Pembina, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olson of Barnes, Olsgard, Opland, Patterson, Petterson of Sargent, Pleasance, Prater, Randall, Riba, Reid, Reishus Renauld, Robinson, Roquette, Rusch, Severson, Sherman, Strain, Strom, Turner, Twichell, Wadeson, Walker, Weld of Wells, Weld of Kidder, Whipple, Wog, Yeater, Mr. Speaker.

Absent and not voting: Bratsberg, Cleven, Hemmi, Klein, Mikkelson, Uglum.

So the bill passed and the title was agreed to.

Emergency clause declared passed.

Mr. Hoare moved that a call of the House be made, which motion prevailed.

Motion made by Mr. Kelly that the call of the House be suspended, which motion prevailed.

#### HOUSE ROLL CALL

House Bill No. 24, "A Bill for an Act authorizing and directing the Bank of North Dakota to make loans upon post-dated checks to North Dakota drouth-stricken farmers."

Was read the third time.

The question being on the final passage of the bill, the roll was called and there were, ayes, 2; nays, 107; absent and not voting, 4.

Ayes—Durkee, Mikkelson.

Nays—Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bollinger, Bjerke, Burtness, Burkhart, Byrne, Caddell, Carr, Donner, Dungan, Eckert, Engen, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hammond, Hanson, Hardt, Harding, Harris, Herbert, Hoare, Humphreys, Ivers, Johnson of Dickey, Johnson of Steele, Johnson of Cass, Johnson of Pembina, Johnston, Kamrath, Kelder, Kell, Kellogg, Kelly, Keitzman, Koller, Krueger, Kunkel, Larson of Ransom, Larson of Stutsman, Larson of Pierce, Larkin, Lazier, Lowe, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McGauvran, McLarty, McLaughlin, McManus, Miller, Moen, Murtha, Nathan of Sheridan, Nathan of Logan, Ness, Nesvig, Nims, O'Brien, O'Connor of Pembina, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olson of

Barnes, Olsgard, Opland, Patterson, Petterson of Sargent, Pleasance, Prater, Randall, Riba, Reid, Reishus, Renauld, Robinson, Roquette, Rusch, Severson, Sherman, Strain, Strom, Turner, Twichell, Wadeson, Walker, Weld of Wells, Weld of Kidder, Whipple, Wog, Yeater, Mr. Speaker.

Absent and not voting—Cleven, Hemmi, Klein, Uglum.

So the bill was declared lost.

MR. BURTNES: I wish to explain my vote. The use of post-dated checks on a large scale was commenced in this State a few years ago, and was started by one A. C. Townley and his ilk. The use of them has already brought so much damage to the State of North Dakota that I don't believe we should give further legal standing to such post-dated checks than has been given them already by the Supreme Court of this State, and therefore I vote "no."

MR. HERBERT:

Mr. Speaker, Since my name has been connected with this Bill both directly and indirectly I feel that I should explain my vote. There is no question in my mind but what if this Bill became law, a great many farmers in the western part of the State would avail themselves of the chance to secure seed and feed in this manner. I know that there are men in my county that must be provided with seed and feed. I believe that under the ruling of the Supreme Court of North Dakota that post-dated checks are considered as good collateral, and I further believe that every farmer that availed himself of the opportunity of getting assistance in this way, would make good his check when it became due, providing he had sufficient crops to do so.

In my county there were still unpaid seed and feed loans amounting to about \$100,000.00 this fall.

Some of these loans I understand have been paid since. There is no doubt in my mind but that if we had a good year or two almost if not all of those loans will be taken up.

I merely mention these facts to show that those of us in the western part of the State that have no financial backing must depend upon some relief in one form or other.

However, I want to say that I have never believed in post-dated checks and while it might bring temporary relief, I believe it would establish a bad precedent, and further, I believe that the Bill would be detrimental to the best interests of the State if it became law. I vote "no."

MR. KELLY: I wish to explain my vote. The Supreme Court has held that post-dated checks are negotiable instruments, but I don't believe in establishing a precedent of that kind, for the farmer might get the habit of using them more and more, and so I vote "no."

MR. NATHAN of Sheridan: I don't really see any need of this kind of a law, but as long as the minority in this House are asking for that bill, I vote "yes."

MR. RIBA: This bill is an artistically drawn bill, but I always abide with the majority, so I vote "No."

MR. TWICHELL: It seems to me that the decision of the Supreme Court in effect that they passed only on the checks of the Non-Partisan Leaguers, and therefore I would like to

have this bill amended so that it provided only to those loans being made to Non-Partisans. As it is now drawn, I vote against it.

House Bill No. 35, "A Bill for an Act to repeal Chapter 142 of the Session Laws of 1915, relating to the payment of tuition for attendance at any model high or graded or elementary school which is operated, maintained or in any manner connected with the State University, any normal schools or any educational institution of higher learning."

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, 108; nays, 0; absent and not voting, 5.

Ayes—Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bollinger, Bjerke, Burtness, Burkhardt, Byrne, Carr, Donner, Dungan, Durkee, Eckert, Engen, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hammond, Hanson, Hardt, Harding, Harris, Herbert, Hoare, Humphreys, Ivers, Johnson of Dickey, Johnson of Steele, Johnson of Cass, Johnson of Pembina, Johnston, Kamrath, Kelder, Kell, Kellogg, Kelly, Keitzman, Koller, Krueger, Kunkel, Larson of Ransom, Larson of Stutsman, Larson of Pierce, Larkin, Lazier, Lowe, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McGauvran, McLarty, McLaughlin, McManus, Mikkelson, Miller, Moen, Murtha, Nathan of Sheridan, Nathan of Logan, Ness, Nesvig, Nims, O'Brien, O'Connor of Pembina, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olson of Barnes, Olsgard, Opland, Patterson, Petterson of Sargent, Pleasance, Prater, Randall, Riba, Reid, Reishus, Renauld, Robinson, Roquette, Rusch, Severson, Sherman, Strain, Strom, Turner, Twichell, Wadeson, Walker, Weld of Wells, Weld of Kidder, Whipple, Wog, Yeater, Mr. Speaker.

Absent and not voting—Caddell, Cleven, Hemmi, Klein, Uglum.

So the bill passed and the title was agreed to.

Mr. Sherman moved that the House do not concur in the Senate amendment on House Bill No. 48, which motion prevailed.

Mr. Hoare moved that a conference committee of three be appointed on House Bill 48, which motion prevailed. The Speaker appointed as such committee Messrs. O'Connor of Pembina and Bryans.

#### FIRST AND SECOND READING OF SENATE BILLS

Senate Bill No. 57, "A Bill for an Act appropriating the sum of Five Thousand Dollars for the relief of Alice Bixby."

Was read the first and second time and referred to the committee on Appropriations.

The Speaker called Mr. Johnson of Steele to the Chair.

#### THIRD READING OF SENATE BILLS

Senate Bill No. 4, "A Bill for an Act to repeal Chapter 67 of the Session Laws of North Dakota, 1919, authorizing the appointment of Special Assistant Attorneys General, and designating the fund out of which the compensation of such Assistant Attorneys General may be paid."

Was read the third time.

The question being on the final passage of the bill, the roll was called and there were, ayes, 67; nays, 41; absent and not voting, 5."

Ayes—Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bjerke, Burkhart, Byrne, Caddell, Dungan, Eckert, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hardt, Harding, Hoare, Ivers, Johnson of Dickey, Johnson of Steele, Kamrath, Kelder, Kell, Kellogg, Keitzman, Larson of Ransom, Larson of Stutsman, Larkin, Lazier, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McLarty, McManus, Miller, Moen, Nathan of Sheridan, Nesvig, O'Brien, O'Connor of Pembina, Olson of Barnes, Opland, Patterson, Prater, Randall, Riba, Renauld, Sherman, Strain, Strom, Wadeson, Walker, Weld of Wells, Weld of Kidder, Whipple, Wog, Yeater, Mr. Speaker.

Nays—Bollinger, Burtness, Carr, Donner, Durkee, Engen, Hammond, Hanson, Harris, Herbert, Humphreys, Johnson of Cass, Johnson of Pembina, Johnston, Kelly, Koller, Krueger, Kunkel, Larson of Pierce, Lowe, McGauvran, McLaughlin, Mikkelson, Murtha, Nathan of Logan, Ness, Nims, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olsgard, Petterson of Sargent, Pleasance, Reid, Reishus, Renauld, Robinson, Roquette, Rusch, Severson, Turner, Twichell.

Absent and not voting—Cleven, Hemmi, Klein, Maddock of Mountrail, Uglum.

So the bill passed and the title was agreed to.

MR. KRUEGER: I do not intend to vote for Senate Bill No. 4 for the reason that in the regular session of 1919, I voted for Senate Bill No. 24 which gave the Attorney General the right to appoint Assistant Attorney and I therefore do not intend to repeal that Section of Law which takes such power away from the Attorney General. I vote "no."

MR. LOWE: I vote against this bill for the reason that it is a political measure, pure and simple. During the past year the Attorney General has shown us he can use these assistants very effectively. If this bill was for the purpose of cutting down expenses, it would be a different matter, but we have already passed a bill in this House here today that simply transfers the cost from the Attorney General to the Governor, so that the question of economy is not in it. In further explanation of my vote I want to read a few lines taken from an editorial in the North Dakota Leader some time ago. This editorial expresses my views exactly. (Reads)

It is fortunate indeed that North Dakota has an attorney general who is absolutely fearless and who refuses to permit petty officials to foster and protect lawlessness. The farmers elected him to enforce the law, and that is what he is doing and will continue to do in spite of the criticism of corruptionists and criminals, including their accessories of the Kept Press."

These words are as true to day as they were at the time they were written, and I vote "no."

MR. O'CONNOR of Grand Forks. Mr. Speaker, in explaining my vote on this measure, which is "no," I will say that it is for the reason that in the Regular Session of 1919, Senate Bill No. 24 was introduced by the majority of this House,

which was the bill for an act to amend and re-enact Sections 160 and 161 of the Compiled Laws of North Dakota for the year 1913, and providing for five assistant Attorneys General, and prescribing for a bond and oath of office and the salary therefor. And on that occasion, when that bill was called in for final passage, as reported on page 206 of the Journal of the General Assembly, on Thursday, January 29th, 1919, I left the members of the minority and went over with the majority and voted to give the Attorney General these assistants that he asked for because we believed he should have them. And the men who gave to the Attorney General these assistants now sitting in this body are repudiating their votes given at that time. I have never repudiated a vote yet that I have given.

MR. PATTERSON. I voted for the law that was enacted and is on the statute books today, because I thought the Attorney General was in good faith and would act in the capacity to serve the people for their best interests. I have ample reasons to believe since then that he has betrayed the people, that he has used his office and the appropriations that were made on his "flying squadrons" to do a great damage to the people in North Dakota, and to do a great damage to the credit and moral reputations in the eyes of the states around us. I vote "aye."

MR. PETERSON. I don't believe I would be any more justified in going into the Attorney General's office and stealing his coat, than to vote now to take away the powers which the people gave to him in the elections. I should consider myself a criminal if I should vote for this bill. I vote "no."

Senate Bill No. 13, "A Bill for an Act to amend and re-enact Section 160 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Chapter 66 of the laws of North Dakota for the year 1919, relating to the appointment of assistant attorneys general."

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, 65; nays, 41; absent and not voting, 7.

Ayes—Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bjerke, Burkhart, Byrne, Caddell, Eckert, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hardt, Harding, Hoare, Ivers, Johnson of Dickey, Johnson of Steele, Kamrath, Kelder, Kell, Kellogg, Keitzman, Larson of Ransom, Larkin, Lazier, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McLarty, McManus, Miller, Moen, Nathan of Sheridan, Nesvig, O'Brien, O'Connor of Pembina, Olson of Barnes, Opland, Patterson, Prater, Randall, Riba, Renauld, Sherman, Strain, Strom, Wadeson, Walker, Weld of Wells, Weld of Kidder, Whipple, Wog, Yeater, Mr. Speaker.

Nays—Bollinger, Burtness, Carr, Donner, Dungan, Durkee, Engen, Hammond, Hanson, Harris, Herbert, Humphreys, Johnson of Cass, Johnson of Pembina, Johnston, Kelly, Koller, Krueger, Kunkel, Larson of Pierce, Lowe, McGauvran, McLaughlin, Murtha, Nathan of Logan, Ness, Nims, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olsgard,



Petterson of Sargent, Pleasance, Reid, Reishus, Robinson, Roquette, Rusch, Severson, Turner, Twichell.

Absent and not voting—Cleven, Hemmi, Klein, Larson of Stutsman, Maddock of Mountrail, Mikkelson, Uglum.

So the bill passed and the title was agreed to.

MR. JOHNSON of Pembina:

We have an attorney general now elected by the people of North Dakota, and I don't feel like voting to spend \$25,000 for another man where we have a man duly elected by the people, and therefore I vote no.

Senate Bill No. 19.

"A Bill for an Act providing for the exemption from taxation of the income from moneys deposited by non-residents in Banks within the state."

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 97, nays 10, absent and not voting 6.

Ayes: Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bollinger, Bjerke, Burtness, Burkhart, Byrne, Caddell, Carr, Dungan, Durkee, Eckert, Engen, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hammond, Hanson, Hardt, Harding, Hoare, Humphreys, Ivers, Johnson of Dickey, Johnson of Steele, Johnson of Cass, Johnson of Pembina, Kamrath, Kelder, Kell, Kellogg, Keitzman, Koller, Krueger, Kunkel, Larson of Ransom, Larson of Stutsman, Larson of Pierce, Larkin, Lazier, Lowe, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McGauvran, McLarty, McLaughlin, McManus, Mikkelson, Miller, Moen, Murtha, Nathan of Logan, Nesvig, Nims, O'Brien, O'Connor of Pembina, Olson of Ward, Olson of Barnes, Olsgard, Op-land, Patterson, Petterson of Sargent, Pleasance, Prater, Randall, Riba, Reid, Renaud, Robinson, Rusch, Severson, Sherman, Strain, Strom, Turner, Wadeson, Walker, Weld of Wells, Weld of Kidder, Whipple, Wog, Yeater, Mr. Speaker.

Nays: Donner, Harris, Herbert, Johnston, Kelly, Nathan of Sheridan, Ness, O'Connor of Grand Forks, Roquette, Twichell.

Absent and not voting: Cleven, Hemmi, Klein, Olsen of Ramsey, Reishus, Uglum.

So the bill passed and the title was agreed to.

Emergency clause declared passed.

Senate Bill No. 26.

"A Bill for an Act to amend and re-enact Section 2141 of the Compiled Laws of North Dakota for the year 1913 providing for the substitution of the commissioner of insurance as a member of the state board of equalization and as secretary thereof instead of the state auditor."

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 64, nays 42, absent and not voting 7.

Ayes: Arnold, Alberts, Bailey, Brady, Brostuen, Bryans, Bjerke, Burkhart, Byrne, Eckert, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hardt, Harding, Hoare, Ivers, Johnson of Dickey, Johnson of Steele, Kamrath, Kelder, Kell, Kellogg, Keitzman, Larson of Ransom, Larson of Stutsman,

Larkin, Lazier, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McLarty, McManus, Miller, Moen, Nathan of Sheridan, Nesvig, O'Brien, O'Connor of Pembina, Olson of Barnes, Opland, Patterson, Randall, Riba, Renauld, Sherman, Strain, Strom, Wadeson, Walker, Weld of Wells, Weld of Kidder, Whipple, Wog, Yeater, Mr. Speaker.

Nays: Bollinger, Burtness, Carr, Donner, Dungan, Durkee, Engen, Hammond, Hanson, Harris, Herbert, Humphreys, Johnson of Cass, Johnson of Pembina, Johnston, Kelly, Koller, Krueger, Kunkel, Larson of Pierce, Lowe, McGauvran, McLaughlin, Mikkelson, Murtha, Nathan of Logan, Ness, Nims, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olsgard, Petterson of Sargent, Pleasance, Reid, Reishus, Robinson, Roquette, Rusch, Severson, Turner, Twichell,

Absent and not voting: Bratsberg, Caddel, Cleven, Hemmi, Klein, Prater, Uglum.

So the bill passed and the title was agreed to.

#### HOUSE ROLL CALL

Senate Bill No. 31

"A Bill for an Act authorizing the governor as commander-in-chief of the Military and Naval forces of this state to take over and operate any coal mines or other public utility in any emergency where necessary for the protection of life and property."

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 67, nays 42, absent and not voting 4.

Ayes: Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bjerke, Burkhart, Byrne, Caddell, Eckert, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hardt, Harding, Hoare, Ivers, Johnson of Dickey, Johnson of Steele, Kamrath, Kelder, Kell, Kellogg, Keitzman, Larson of Ransom, Larson of Stutsman, Larkin, Lazier, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McLarty, McManus, Miller, Moen, Nathan of Logan, Ness, Nesvig, O'Brien, O'Connor of Pembina, Olson of Barnes, Opland, Patterson, Prater, Randall, Riba, Renauld, Sherman, Strain, Strom, Wadeson, Walker, Weld of Wells, Weld of Kidder, Whipple, Wog, Yeater, Mr. Speaker.

Nays: Bollinger, Burtness, Carr, Donner, Durkee, Engen, Hammond, Hanson, Harris, Herbert, Humphreys, Johnson of Cass, Johnson of Pembina, Johnston, Kelly, Koller, Krueger, Kunkel, Larson of Pierce, Lowe, McGauvran, McLaughlin, Mikkelson, Murtha, Nathan of Logan, Ness, Nims, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olsgard, Petterson of Sargent, Pleasance, Reid, Reishus, Robinson, Roquette, Rusch, Severson, Turner, Twichell.

Absent and not voting: Cleven, Hemmi, Klein, Uglum.

So the bill passed and the title was agreed to.

MR. PATTERSON:

Mr. Speaker, I wish to explain my vote on this bill. For many years I have been opposed to militarism, and we today are living under militarism, and as we today have a governor that is big enough to use the powers to the protec-

tion of life instead of protection of property, I am willing to take a chance on extending the governor of this state the powers that he sees fit to use or that the court says that he needs in order that he may take care of the people of this state instead of property of a few coal barons, and set a precedent not only for this state to go by, but for every state in the Union to go by.

#### MESSAGE FROM THE SENATE

SENATE CHAMBER,  
Bismarck, North Dakota,  
December 5, 1919.

Mr. Speaker: I have the honor to transmit the following bills:

Senate Bill No. 34, "A Bill for an Act to amend and reenact Section 12 of Chapter 150 of the Laws of North Dakota for the year 1919, being an Act declaring the purpose of the State of North Dakota to engage in the enterprise of providing homes for residents of this State and to that end to establish a business system operated by the state under the name of the Home Building Association of North Dakota; defining the scope and manner of its operation and the powers and duties of the persons charged with its management; making an appropriation therefor; and providing that the Association may retain the title to property when more than twenty per cent has been paid thereon and give the buyer a contract for a deed therefor."

Which the Senate has passed and your favorable consideration irrespectfully requested.

Very respectfully,  
W. J. PRAT)R,  
Secretary.

Mr. Maddock moved to appoint a committee of three to escort several distinguished visitors from the British Isles into the House Chamber where they are asked to address the Assembly after recess, and the Speaker appointed as such committee Mr. Maddock, Mr. O'Connor of Grand Forks and Mr. Johnson of Steele.

Mr. Maddock moved to recess until 12 o'clock M. Saturday, December 6th, which motion prevailed and the House recessed.

Courtesies of the floor were extended to Judge A. B. Dill and John Wallin, Minot, N. D.

#### CALENDAR FOR DECEMBER 6, 1919.

House Bill No. 40.

"A Bill for an Act to amend Section 1218, Compiled Laws of North Dakota, 1913, requiring school district treasurers to file a copy of their annual report with the Bank of North Dakota."

Senate Bill No. 20.

"A Bill for an Act making it a felony for any state official to wilfully publish false statements with reference to any state department, institution or industry and providing the manner under which such cases under the provisions of this act shall be tried; and providing the penalty therefor."

Senate Bill No. 22.

"A Bill for an Act to amend and re-enact Section 780, Compiled Laws of North Dakota for the year 1913, relating to compensation of court stenographers."

Senate Bill No. 35.

"A Bill for an Act to amend Section 4441 of the Revised Codes of North Dakota for the year 1913, and all acts or parts of acts amendatory thereto."

#### GENERAL ORDERS

House Bill No. 52.

"A Bill for an Act to prohibit the use of cigarettes by minors; prohibiting the supplying of cigarettes, cigarette papers, cigarette wrappers, or cigarette tobacco to minors; prohibiting the sale of cigarettes, cigarette tobacco, cigarette papers or cigarette wrappers without a license; providing for licensing the sale, barter, or giving away of cigarettes, cigarette tobacco, cigarette papers or cigarette wrappers, and making the violation thereof a criminal offense; and providing penalties therefor."

TWELFTH DAY AFTER RECESS AND THIRTEENTH DAY

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
December 6th, 1919.

The House assembled at 12 o'clock M. pursuant to recess taken, the speaker presiding.

FIRST AND SECOND READING OF SENATE BILLS

Senate Bill No. 34.

"A Bill for an Act to amend and re-enact Section 12 of Chapter 150 of the Laws of North Dakota for the year 1919, being an Act Declaring the purpose of the State of North Dakota to engage in the enterprise of providing homes for residents of this State and to that end to establish a business system operated by the State under the name of The Home Building Association of North Dakota; defining the scope and manner of its operation and the powers and duties of the persons charged with its management; making an appropriation therefor; and providing that the Association may retain the title to property when more than twenty per cent has been paid thereon and give the buyer a contract for a deed therefor."

Was read the first and second time and referred to the committee on State Affairs.

THIRD READING OF SENATE BILLS

Senate Bill No. 40.

"A Bill for an Act to amend and re-enact Section 375 of the Compiled Laws, State of North Dakota, for the year 1913, as amended by Chapter 227 of the Session Laws of 1915, relating to the State Auditing Board, its duties, and the membership 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 66. nays 39, absent and not voting, 8.

Ayes: Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bjerke, Burkhart, Byrne, Caddell, Donner, Eckert, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hardt, Harding, Hoare, Ivers, Johnson of Dickey, Johnson of Steele, Kelder, Kell: Kellogg, Keitzman, Larson of Ransom, Larson of Stutsman, Larkin, Lazier, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McLarty, McManus, Miller, Moen, Nathan of Sheridan, Nesvig, O'Brien, O'Connor of Pembina, Olson of Barnes, Opland, Patterson, Prater, Randall, Riba, Renauld, Sherman, Strom, Wadson, Walker, Weld of Wells, Weld of Kidder, Whipple, Wog, Yeater, Mr. Speaker.

Nays: Bollinger, Burtness, Carr, Dungan, Durkee, Engen, Hammond, Hanson, Harris, Humphreys, Johnson of Cass, Johnson of Pembina, Johnston, Kelly, Koller, Krueger, Kunkel, Larson of Pierce, Lowe, McGauvran, McLaughlin, Mikkelson, Murtha, Nathan of Logan, Ness, Nims, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olgard, Petterson of Sargent, Pleasance, Reid, Reishus, Robinson, Roquette, Rusch, Turner, Twichell.

Absent and not voting: Cleven, Hemmi, Herbert, Kamrath, Klein, Severson, Uglum.

So the bill passed and the title was agreed to.

Mr. Hoare moved that the House do now resolve itself into a committee of the whole, which motion prevailed and the House resolved itself into a committee of the whole.

The Speaker called Mr. Hoare to the chair.

When the committee arose it submitted the following:

The committee of the Whole to whom was referred House Bill No. 2.

"A Bill for an Act to amend and re-enact Section 1 and Section 3 of Chapter 206 of the Session Laws of 1919, relating to the levying of a tax of one-half of one mill upon each dollar assessed valuation of all taxable property within the state for each year for the purpose of creating a fund to be known as the "Returned Soldiers' Fund;" providing for the payment thereof to returned soldiers; defining the powers and duties of the Adjutant General and of the Industrial Commission with reference thereto."

And recommend that same do pass as amended, by standing committee.

House Bill No. 7.

"A Bill for an Act to repeal Chapter 6 of the Session Laws of 1919, relating to the licensing and inspection of pool and billiard rooms, ball and pin alleys, dance halls, theaters, moving picture shows, taxicab stands and places where soft drinks are sold; providing fees therefor, inspectors, office help and supplies; defining the powers and duties; and repealing all Acts and parts of Acts in conflict therewith."

And recommend that same do pass as amended by standing committee.

House Bill No. 19.

"A Bill for an Act to provide for the joint ownership and use of public buildings and grounds by villages and townships."

And recommend that same do pass as amended by standing committee.

MR. HOARE,  
Chairman.

Mr. Nesvig moved that the report be adopted, which motion prevailed and the report was adopted.

#### REPORTS OF STANDING COMMITTEES

The committee on State Affairs made the following report:

Mr. Speaker: Your committee on State Affairs to whom was referred Senate Bill No. 23.

"A Bill for an Act to amend and re-enact Sections 1445 and 1446 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Chapter 212 of the Laws of North Dakota for the year 1917, relating to state aid for Rural Schools as represented by the one-room Graded and Graded Consolidated Schools."

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

In line 27 of the printed bill strike out the word "five" and insert in lieu thereof the words "3.9." In the same line strike out the word "eight" and insert in lieu thereof "6.5." In line 29 strike out the word "eight" and insert in lieu thereof "6.5." Also in line 66 strike out the word "five" and insert in lieu thereof the words "3.9". Strike out the word "eight" in the same line and insert in lieu thereof the words "6.5." In line 68 strike out the word "eight" and insert in lieu thereof the words "6.5."

And when so amended recommend the same do pass.

WALTER J. MADDOCK,  
Chairman.

The committee on Judiciary made the following report:

Mr. Speaker: Your committee on Judiciary to whom was referred House Bill No. 4.

"A Bill for an Act to amend and re-enact Section 3471 of the Compiled Laws of North Dakota for the year 1913, as amended and re-enacted by Section 1 of Chapter 177 of the Laws of North Dakota for the year 1919, relating to the issuance of bonds and warrants to procure seed grain and feed; and repealing all acts and parts of acts in conflict herewith."

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

Strike out everything after "A Bill" and in lieu thereof insert the following:

For an Act to amend and re-enact Section 3471 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Section 1 of Chapter 13 of the Laws of the Special Session of the State of North Dakota for the year 1918; amending and re-enacting Section 3473 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Section 3 of Chapter 13 of the Laws of the Special Session of the State of North Dakota for the year 1918; and amending and re-enacting Section 3481 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Section 9, Chapter 13 of the Laws of the Special Session of the State of North Dakota for the year 1918 and as amended and re-enacted by Section 1 of Chapter 177 of the Laws of North Dakota for the year 1919, relating to the issuance of bonds and warrants to procure seed grain and feed for needy inhabitants; making an appropriation therefor; and repealing all Acts and parts of Acts in conflict therewith.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF  
THE STATE OF NORTH DAKOTA:**

Section 1. Section 3471 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by

Section 1 of Chapter 13 of the Laws of the Special Session of the State of North Dakota for the year 1918 to be amended and re-enacted to read as follows:

Section 3471. AMENDMENT. In any county of the state where the crops have been a total or partial failure by reason of drouth, hail or other cause. It shall be lawful for, and it shall be the duty of the Board of County Commissioners in such County to issue the bonds of the county under and pursuant to the provisions of this Article and with the proceeds derived from the sale thereof to purchase seed grain and feed for the inhabitants thereof who are in need of seed grain and feed and are unable to procure the same whenever said Board shall be petitioned in writing so to do by not less than fifty freeholders resident in the county; and said Board, at the meeting called as hereinafter provided to consider said petition, shall by a majority vote determine that the prayer of petitioners shall be granted; provided that all such petitions shall be filed with the County Auditor at any time between the first day of November of any crop failure year and the 25th day of February of the succeeding year; and thereupon it shall be the duty of said officer to forthwith call a meeting of the Board of County Commissioners of his county to consider said petition; and provided further, that the total amount of such bonds issued by any county under the provisions of this Article shall not, with the then existing indebtedness of the county exceed the limit of indebtedness fixed by the Constitution in such case; that said bonds shall be in denomination of from one hundred to five hundred dollars; shall bear a rate of interest not exceeding six per cent per annum, payable semi-annually at such place and time as shall be agreed upon by the Commissioner of Agriculture and Labor and the purchaser, and that all bonds issued under the provision of this Article shall become due and payable in not less than one nor more than five years from the date thereof, the date of maturity to be fixed by the County Board at the time of the issuance thereof, provided that the township supervisors shall advise with the Commissioners concerning the application of applicants from their township, with the above limitations.

Section 2. That Section 3473 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Section 3 of Chapter 13 of the Laws of the Special Session of the State of North Dakota for the year 1918 be amended and re-enacted to read as follows:

Section 3473. AMENDMENT. BONDS, HOW SOLD OR DISPOSED OF. Immediately after it has been determined to issue bonds of warrants for any county, the County Auditor shall notify the Commissioner of Agriculture and Labor, giving full particulars. Thereupon, the Commissioner of Agriculture and Labor shall act for and on behalf of the Board of County Commissioners in the sale or disposition of any bonds to be sold. He shall receive sealed proposals for the purchase of such bonds or any part thereof, after giving at least ten days' notice in one leading daily newspaper within this State, in two leading daily newspapers without this State, at financial centers, and one newspaper within the county for which bonds are to be issued, together with such other publicity as in his discretion is deemed advisable. He shall sell the bonds of each county separately



to the highest bidder for cash but he shall not sell them for less than par, and he may reject any or all bids or postpone the sale from time to time, not exceeding ten days, or in his discretion he may call for new bids, provided, however, that said Commissioner may sell or dispose of said bonds or any part thereof to the State of North Dakota or any board thereof, without receiving proposals therefor, or giving notice, as hereinbefore provided, but he shall not sell them for less than par; provided, further, however, that the Commissioner of Agriculture and Labor may make a reasonable allowance for printing, advertising, brokerage and attorneys' fees.

Section 3. That Section 3481 of the Compiled Laws of North Dakota for the year 1913 as amended by Chapter 9 of Chapter 13 of the Laws of the Special Session of the State of North Dakota for the year 1918 as amended and re-enacted by Section 1 of Chapter 177 of the Laws of North Dakota for the year 1919, be amended and re-enacted to read as follows:

Section 3481.—AMENDMENT. The County Auditor of each county shall, as soon as the County Commissioners shall perform the duties prescribed in the preceding sections, issue to each applicant demanding it an order for the number of bushels of each kind of seed grain and amount of feed which had been allowed said applicant, unless otherwise directed by the Board, or the chairman thereof; provided that in no event shall seed be so furnished for more than one hundred and sixty (160) acres of the actual number of acres owned and cultivated by such applicant; provided, however, the Commissioners may furnish seed for two-thirds ( $\frac{2}{3}$ ) of the remaining number of acres actually owned and cultivated by such applicant; provided, further, that said order shall not be delivered until said applicant shall have signed a contract in duplicate, which contract shall have the same force and effect as a promissory note attested by the County Auditor to the effect that said applicant for and in consideration of.....bushels of seed grain and.....of feed from.....County promises to pay the said County.....Dollars, the amount of the cost of said seed grain and feed; that the amount of such indebtedness shall become due and payable on the first day of October in each year in which said seed grain and feed is furnished, together with interest on such amount from the date of the bonds provided for herein at the rate of not to exceed six percent per annum.

Provided, further that if the applicant is a renter, the owner of the land shall also sign the contract with him, except where an exception is made by the order of the Board of County Commissioners, and where the owner signed such contract, the county shall have in addition a lien upon all of the real estate of said owner upon which said seed and grain was sown.

It shall be the duty of the County Treasurer to collect said notes as they fall due and upon payment of the same to satisfy the lien in the office of the Register of Deeds and return the note to the debtor.

It shall further be the duty of the County Treasurer to deliver to the Board of County Commissioners a statement of all contracts which remain unpaid on the first day of

January in the year following. At any time such contracts fall due, it shall be the duty of the Board of County Commissioners when it deems such action advisable to order the State's Attorney to immediately commence an action in behalf of and in the name of said County for the placing of such indebtedness in judgment or for the foreclosure of the lien in accordance with the laws providing for the foreclosure of mortgages by advertisement.

Provided, in cases where the enforcement of such payment would work great hardship, the Board of County Commissioners may extend the date for payment of such debtor's contract from time to time; provided, further, that in no case shall any extension be given beyond the time stipulated for the payment of bonds issued to provide the seed grain or feed furnished by the County to any such debtor.

Section 4. APPROPRIATIONS. There is hereby appropriated from any moneys in the State treasury not otherwise appropriated, to the Commissioner of Agriculture and Labor the sum of three thousand dollars, or so much thereof as may be necessary, and to the State Seed Commissioner the sum of \$1,000, or so much thereof as may be necessary for analysis, tests, inspections, clerical assistance, traveling expenses, stationery, postage, express, and such other expenses as may be by them deemed necessary in carrying out the provisions of this Act.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. EMERGENCY. This Act is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval.

And when so amended recommend the same do pass.

FRANK PRATER,  
Chairman.

The committee on Enrollment and Engrossment made the following report:

Mr. Speaker: Your committee on Enrollment and Engrossment have examined the following bills:

House Bill No. 40, "A Bill for an Act to amend and reenact Section 1218, Compiled Laws of North Dakota, 1913, requiring school district treasurers to file a copy of their annual report with the Bank of North Dakota."

And find the same correctly engrossed.

J. N. KUNKEL,  
Chairman.

Mr. Kunkel moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Enrollment and Engrossment made the following report:

Mr. Speaker: Your committee on Enrollment and Engrossment have examined the following bills:

House Bill No. 5, "A Bill for an Act making an appropriation for general repairs and improvements of the Executive Mansion."

House Bill No. 6, "A Bill for an Act to repeal Chapter 207 of the Session Laws of North Dakota, 1919, relating to the extension of the State Street Car Line and providing an appropriation therefor."

House Bill No. 49, "A Joint Resolution requesting the Supreme Court of the United States to advance the case of John W. Scott et al., vs. Lynn J. Frazier et al., on the Calendar."

And find the same correctly enrolled.

J. N. KUNKEL,

Chairman.

Mr. Kunkel moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Appropriations made the following report:

Mr. Speaker: Your committee on Appropriations to whom was referred Senate Bill No. 42, "A Bill for an Act to appropriate funds to be placed at the disposal of the State Emergency Commission and to be used as provided by Chapters 26 and 152 of the Session Laws of North Dakota for 1915 in the amount of \$25,000."

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

In the last line of the title strike out "\$25,000.00" and insert in lieu thereof "\$75,000.00" and in line three of Section 1 strike out "\$25,000.00" and insert in lieu thereof "\$75,000.00".

And when so amended recommend the same do pass.

JOHN R. MADDOCK,

Chairman.

The committee on Appropriations made the following report:

Mr. Speaker: Your committee on Appropriations to whom was referred House Bill No. 44, "A Bill for an Act to amend and re-enact Sub-divisions Number 7, Number 8, Number 11, Number 18 and Number 33, of Chapter 16 of the Session Laws of 1919, relating to the general budget appropriation."

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

That House Bill No. 44 be amended by striking everything after the words "A Bill" and inserting in lieu thereof the following:

For an Act to amend and re-enact Sub-divisions Numbers 3, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 23, 25, 33, 38, 39, 40, 41, 42, 45 and 46; and repealing Sub-divisions Numbers 19, 24 and 26 of Chapter 16 of the Session Laws of North Dakota for the year 1919, relating to the general budget appropriation; repealing all Acts and parts of Acts in conflict therewith; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

Section 1. The sum of \$. . . . . in sums hereinafter more specifically named only, or so much thereof as may be necessary is and are hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated,

for the purposes specified in the following Sections or Sub-divisions of this Act.

Section 2. Unless otherwise specifically stated in the appropriations herein or hereafter made shall be available for the expenses to be incurred in and for the several purposes herein set forth during the fiscal period of two years, beginning July 1st, 1919, and ending July 1st, 1921.

Section 3. That Sub-division Number 3 of Chapter 16 of the Session Laws of North Dakota for the year 1919 is amended and re-enacted to read as follows:

Sub-division No. 3.

SUPREME COURT

Salary and expenses (five judges at \$5,500 per annum) .....	\$27,500	\$55,000
Salary, Clerk of Court.....	2,500	5,000
Salary deficit to July 1, 1919.....	250	250
Clerkhire—		
Two stenographers for Judges of Supreme Court .....	3,000	6,000
Postage (office of Clerk and Justices) .....	150	300
Office Supplies .....	100	200
Furniture and Fixtures.....	50	100
Printing .....	150	300
Miscellaneous (freight, express, telegraph and telephone) .....	75	150
		\$67,300

Section 2. That Sub-division Number 6 of Chapter 16 of the Session Laws of North Dakota for the year 1919 is amended and re-enacted to read as follows:

Sub-division No. 6.

DEPARTMENT OF SECRETARY OF STATE

Salary, Secretary of State.....	\$ 3,000	\$ 6,000
Salary of Deputy.....	2,500	5,000
Clerkhire—		
Chief Clerk .....	1,800	3,600
One Recording Clerk.....	1,500	3,000
One Recording Clerk.....	1,200	2,400
Stenographers .....	3,000	5,400
Postage .....	1,500	3,000
Office Supplies .....	300	600
Printing and Lithographing.....	1,500	3,000
Miscellaneous—		
Record Books .....	400	800
Freight and Drayage.....	125	250
Telephone .....	100	200
Telegrams .....	25	50
Express .....	200	400
		\$33,700

Section 3. That Sub-division Number 7 of Chapter 16 of the Session Laws of North Dakota for the year 1919 is amended and re-enacted to read as follows:

Sub-division No. 7.

DEPARTMENT OF STATE AUDITOR

Salary of State Auditor.....	\$ 3,000	\$ 6,000
Deputy Auditor .....	2,800	5,600
Clerkhire—		
Chief Audit Clerk and Bookkeeper	1,800	3,600
Bookkeeper .....	1,500	3,000
Bookkeeper and Warrant Writer...	1,500	3,000
Postage .....	100	200
Office Supplies .....	100	200
Printing (office use) .....	200	400
For supplies furnished departments and counties .....	250	500
Miscellaneous (Telephone, telegrams, freight and express).....	100	200
Items not included above—		
Expense for printing and compiling reports of the State Board of Equalization .....	200	400
Expense for obtaining lists of new taxable lands .....	150	300
		<u>\$23,400</u>

Section 4. That Sub-division Number 8 of Chapter 16 of the Session Laws of North Dakota for the year 1919 is amended and re-enacted to read as follows:

Sub-division No. 8.

DEPARTMENT OF STATE TREASURER

Salary of Treasurer.....	\$ 3,000	\$ 6,000
Salary of Deputy Treasurer.....	2,800	5,600
Clerkhire—		
Bookkeeper .....	1,800	3,600
Bookkeeper .....	1,500	3,000
Stenographer and Bond Clerk.....	1,200	2,400
Postage .....	250	500
Office Supplies .....	100	200
Printing .....	400	800
Miscellaneous (Telephone, telegrams, express) .....	75	150
Contingency Fund, to be used only in complying with the new laws, other than the regular budget.....		18,000
		<u>\$40,250</u>

Section 5. That Sub-division Number 10 of Chapter 16 of the Session Laws of North Dakota for the year 1919 is amended and re-enacted to read as follows:

Sub-division No. 10.

DEPARTMENT OF STATE FIRE MARSHAL

Salary Fire Marshal.....	\$ 2,500	\$ 5,000
Salary Chief Assistant.....	1,800	3,600
Salary Deputy .....	1,200	2,400
Postage .....	150	300
Office Supplies .....	50	100

Printing .....	100	200
Miscellaneous (Freight, telephone, express and telegrams).....		235
Traveling Expenses .....	1,800	3,600
Fees paid to Fire Chiefs.....	400	800
Investigations of suspicious fires..	250	500
Deficit—		
Fees paid to Fire Chiefs for the year ending June 30th, 1918.....		85.50
Estimated deficit for the year ending June 30, 1919.....		400
		<u>\$17,220.50</u>

Section 6. That Sub-division Number 11 of Chapter 16 of the Session Laws of North Dakota for the year 1919 is amended and re-enacted to read as follows:

Sub-division No. 11.

ATTORNEY GENERAL

Salary Attorney General.....	\$ 3,600	\$ 7,200
Salary Assistant Attorneys General..	6,000	12,000
Clerkhire and Stenographers.....	3,000	6,000
Postage .....	150	300
Office Supplies .....	150	300
Printing .....	200	400
Emergency appropriation to defray the expenses of the railroad tax cases, to become effective immediately upon the passage and approval of this Act.....	2,000	2,000
Miscellaneous (Telephone, rentals, tolls, telegrams and express).....	200	400
Balance on one typewriter.....	35.53	35.53
Traveling expenses .....	800	1,600
		<u>\$30,235.53</u>

Section 7. That Sub-division 12 of Chapter 16 of the Session Laws of North Dakota for the year 1919 is amended and re-enacted to read as follows:

Sub-division No. 12.

DEPARTMENT OF EDUCATION

Salary Superintendent of Public Instruction .....	\$ 3,000	\$ 6,000
Clerkhire—		
Deputy .....	2,500	5,000
Assistant .....	2,000	4,000
Chief Clerk .....	1,500	3,000
Stenographers .....	1,800	3,000
Postage .....	600	1,200
Office Supplies .....	225	450
Printing (Reports, bulletins, blanks, etc.) .....	4,000	8,000
Telephone, telegraph and express....	150	300
Traveling expense .....	500	1,000
		<u>\$31,950</u>

Section 8. That Sub-division Number 13 of Chapter 16 of the Session Laws of North Dakota for the year 1919 is amended and re-enacted to read as follows:

Sub-division No. 13.

DEPARTMENT OF AGRICULTURE AND LABOR

Salary of Commissioner.....	\$ 3,000	\$ 6,000
Clerkhire—		
Deputy Commissioner .....	2,500	5,000
Office Deputy .....	2,000	4,000
Chief Clerk .....	1,800	3,600
Chief Stenographer .....	1,500	3,000
Assistant Stenographer .....	1,200	2,400
Postage .....	400	800
Office Supplies .....	200	400
Printing .....	1,250	2,500
Maps .....	300	600
Miscellaneous (Telephone, telegrams, freight and express).....	200	400
Traveling expense .....	1,250	2,000
		<u>\$30,700</u>

Section 9. That Sub-division Number 14 of Chapter 16 of the Session Laws of North Dakota for the year 1919 is amended and re-enacted to read as follows:

Sub-division No. 14.

DAIRY COMMISSIONER

Salary Dairy Commissioner.....	\$ 2,500	\$ 5,000
Clerkhire—		
One Assistant Dairy Commissioner	1,800	3,600
One Assistant Dairy Commissioner	1,800	3,600
One Secretary .....	1,200	2,400
One Stenographer .....	1,200	2,400
Postage .....		450
Office Supplies .....		150
Printing .....	400	800
Miscellaneous (Telephone, telegraph, freight and express).....	125	250
Traveling expenses .....	2,500	5,000
Items not included above—		
Dairy Production Contest.....	75	150
Deficit for postage required up to July 1, 1919.....		100
		<u>\$23,900</u>

Section 10. That Sub-division Number 15 of Chapter 16 of the Session Laws of North Dakota for the year 1919 is amended and re-enacted to read as follows:

Sub-division 15.

RAILROAD COMMISSIONERS

Salary, three Commissioners, \$2,000 each .....	\$ 6,000	\$12,000
Clerkhire—		
Secretary .....	2,500	5,000
Clerk .....	1,800	3,600

Rate Expert and Statistician.....	2,400	4,800
Reporter and Stenographer.....	1,500	3,000
Postage .....	250	500
Office Supplies .....		300
Printing and Advertising.....	400	800
Miscellaneous (freight, express, tele- phone, telegraph and drayage)....	200	400
Traveling expense .....	2,000	4,000

\$34,400

Section 11. That Sub-division Number 16 of Chapter 16 of the Session Laws of North Dakota for the year 1919 is amended and re-enacted to read as follows:

Sub-division No. 16.

LAND DEPARTMENT

Salary Commissioner .....	\$ 3,000	\$ 6,000
Clerkhire—		
Deputy Commissioner .....	2,500	5,000
Bond and Mortgage Clerk.....	1,800	3,600
Lease Clerk .....	1,500	3,000
Patent Clerk .....	1,500	3,000
Two Stenographers .....	2,400	4,800
Postage and deficit.....	750	1,500
Office Supplies .....	200	400
Printing .....	500	1,000
Miscellaneous (Telephone, telegrams, freight and express).....	137.50	275
Traveling expenses .....	600	1,200
Filing selection lists.....	50	100
Expense, leasing and deficit.....	1,500	3,000

\$32,875

Section 12. That Sub-division Number 17 of Chapter 16 of the Session Laws of North Dakota for the year 1919 is amended and re-enacted to read as follows:

Sub-division No. 17.

DEPARTMENT OF BANKING

Salary, Examiner .....	\$ 3,000	\$ 6,000
Clerkhire—		
Chief Deputy .....	2,800	5,600
Eight Bank Examiners.....	16,000	32,000
Two County Examiners.....	4,000	8,000
One City Examiner.....	2,000	4,000
One Institution Examiner.....	2,000	4,000
One Chief Clerk.....	1,800	3,600
Two Stenographers .....	2,400	4,800
One Office Examiner.....	2,000	4,000
Postage .....	1,000	2,000
Office Supplies .....	250	500
Printing .....	1,000	2,000
Miscellaneous—		
Telephone and tolls.....	150	300
Telegrams .....	75	150
Freight, express and drayage.....	75	150
Traveling expenses (Fifteen Exam- iners, including State Examiner)..	10,000	20,000

\$97,100



Section 13. That Sub-division Number 18 of Chapter 16 of the Session Laws of North Dakota for the year 1919 is amended and re-enacted to read as follows:

Sub-division No. 18.

TAX COMMISSION

Salary, 1 Commissioner.....	\$ 4,000	\$ 8,000
Clerkhire—		
Chief Clerk .....	2,000	4,000
Stenographer .....	1,500	3,000
Office Supplies .....	250	500
Postage .....	300	600
Printing .....	500	1,000
Miscellaneous (Telephone, telegrams, freight and express).....	150	300
Traveling expenses .....	1,000	2,000
Emergency Fund, to be used only in complying with the new laws, other than the regular budget.....	1,250	2,500
		<u>\$44,400</u>

Section 14. That Sub-division Number 20 of Chapter 16 of the Session Laws of North Dakota for the year 1919 is amended and re-enacted to read as follows:

Sub-division No. 20.

LIBRARY COMMISSION

Clerkhire—		
Deputy Librarian .....	\$ 1,500	\$ 3,000
Chief Traveling Library System...	1,380	2,760
Stenographer .....	1,200	2,400
Postage .....		400
Office Supplies .....		300
Printing .....		250
Miscellaneous (Telephone, telegrams, freight and express).....		400
Traveling Expense .....		700
Items not included above—		
Traveling Library Cases.....		50
Aids to Libraries.....		150
Books .....		2,000
Preparation of Books.....		300
		<u>\$12,710</u>

Section 15. That Sub-division Number 21 of Chapter 16 of the Session Laws of North Dakota for the year 1919 is amended and re-enacted to read as follows:

Sub-division No. 21.

STATE ENGINEER

Salary, State Engineer.....	\$ 2,500	\$ 5,000
Clerkhire—		
Assistant State Engineer.....	2,400	4,800
Stenographer .....	1,200	2,400
Additional Field and Office Help..	960	1,920
Postage .....		300
Office Supplies .....		900
Printing .....		500

Miscellaneous—	
Telephone and tolls.....	100
Telegrams .....	20
Freight, express, drayage.....	80
Traveling expense .....	1,200
Items not included above—	
Hydrographic Work .....	800

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\$18,020

Section 16. That Sub-division Number 23 of Chapter 16 of the Session Laws of North Dakota for the year 1919 is amended and re-enacted to read as follows:

Sub-division No. 23.

HISTORICAL SOCIETY

Salary of Curator.....	\$ 2,500	\$ 5,000
Salary of Librarian.....	1,500	3,000
Clerkhire—		
Miscellaneous Assistance in reading proof, copying documents at Washington, etc. ....		85
Service of Editor of Collections....		225
Postage .....		200
Office Supplies .....		238
Printing and binding, stationery cards, bulletins, etc. Volume VI Collections, binding newspapers and pamphlets .....	400	800
Miscellaneous (Telephone, telegrams, freight and express).....		200
Traveling expense .....	250	500
(Directors of Historical Society, Directors of Park Boards, Secretary, Curator and Librarian)		
Items not included above—		
Museum .....	100	200
Books .....	100	200

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\$10,678

Section 17. That Sub-division Number 25 of Chapter 16 of the Session Laws of North Dakota for the year 1919 is amended and re-enacted to read as follows:

Sub-division No. 25.

LIVE STOCK SANITARY BOARD

Salary of Executive Officer and State		
Veterinarian .....	\$ 3,000	\$ 6,000
Clerkhire—		
One Stenographer and Clerk.....	1,500	3,000
Postage .....	150	300
Office Supplies .....	50	100
Printing .....	200	400
Miscellaneous—		
Telephone .....	100	200
Telegrams .....	50	100
Freight .....		10
Traveling Expense—		
Services and expenses of Agents of Live Stock Sanitary Board.....	6,000	12,000

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\$22,110

Section 18. That Sub-division Number 33 of Chapter 16 of the Session Laws of North Dakota for the year 1919 is amended and re-enacted to read as follows:

Sub-division No. 33.

NORTH DAKOTA AGRICULTURAL COLLEGE

Maintenance for teaching staff.....		\$ 37,000
Maintenance due to increased cost of coal freight and all supplies.....		50,000
Improvements and Repairs—		
Repairs on Building.....	\$ 2,000	4,000
Walks and Drives .....	1,000	2,000
Care of grounds and campus .....	1,000	2,000
Repairs of steam and water mains.....	2,000	4,000
Equipment—		
Equipment for Science Hall.....	2,500	5,000
New Agricultural Building, one unit to be made available in 1920.....		150,000
Library Books and Journal.....	1,000	2,000
Miscellaneous—		
Insurance (including new buildings).....	5,000	10,000
In lieu of Mill Tax—		
For General Maintenance of the College, to be used as the Board of Administration may authorize.....		123,600

REGULATORY DEPARTMENT

Beverage Fund—		
For the enforcement of the laws covering Feeding Stuffs, Fertilizers, Beverages and Sanitary Inspection (Sec. 1624-2883 C. L. 1913) .....	12,000	24,000
Pure Food Fund—		
For the enforcement of the Pure Food and Drug Laws (Sec. 1622, 2879, 2883 C. L. 1913).....	10,000	20,000
Pure Seed Laboratory, maintenance, salaries based on present payroll.....	8,500	
Special emergency stenographer for one-half time, student labor and special aid in seed analysis and seed testing in spring months .....	1,000	
Improvements and Repairs—		
Removal of partition walls, modification of seed analyst's laboratory, plumbing to properly adjust the germination chambers .....	75	150
Equipment—		
Laboratory supplies, metal seed containers, germination and testing apparatus, seed papers, seed mailing envelopes, etc..	350	700
Miscellaneous—		
Inspection expenses, seed house and field crop inspection, including necessary travel, hotel, etc. ....	400	800
Publication—Bulletins, circulars and seed lists .....	100	200

## EXPERIMENT STATION

To provide funds for the continuation of the work of the Agricultural College Experiment Station, (Section 1619, 2911, Session Laws 1913, C. L.).....		50,000
For repairs and improvements on farm....	1,000	2,000
Repainting farm buildings.....	500	1,000
To provide funds for the Agricultural College to conduct a department in marketing, rural finances and organization and for the publication of information derived from research along the above mentioned lines.....	4,500	9,000

## EXTENSION DIVISION

For the payment of salaries and expense accounts of specialists and for such other extension purposes as the Board of Administration may deem necessary.....		50,000
Offset on Smith Lever and other Federal appropriations, year 1920.....		32,277
Offset on Smith-Lever and other Federal appropriations, year 1921.....		42,277

## DEMONSTRATION FARMS

For the maintenance of demonstration farms and for the establishment of new demonstration farms as provided for by Sec. 1623 C. L. 1913.....	12,000	24,000
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## VETERINARY SCIENCE

Salary .....	925	1,850
Clerk Hire.....	750	1,500
Unskilled labor.....	300	600
Postage .....	150	300
Maintenance and repairs .....	200	400
Items not included above:		
Miscellaneous--		
(A) Animals .....	250	500
(B) Apparatus .....	100	200
(C) Chemicals .....	175	350
(D) Feed .....	200	400

## MILLING EXPERIMENTS

For maintenance of a plant at the Agricultural College in which shall be conducted experiments to determine the comparative milling values of different grades of wheat, (Sec. 1625, C. L. 1913).....	500	1,000
Investigation of Cereals.....	2,500	5,000

## AGRICULTURAL AND GEOLOGICAL SURVEY

Salary .....	500	1,000
Postage .....	5	10
Office supplies.....	20	40
Miscellaneous .....	25	50

Traveling expense.....	450	900
Support of Sub Experiment Stations .....		50,000
		\$719,604

Section 19. That Sub-division No. 38 of Chapter 16 of the Session Laws of North Dakota for the year 1919 is amended and re-enacted to read as follows:  
 Sub-division No. 38.

VALLEY CITY NORMAL SCHOOL

Maintenance .....	\$91,200	\$182,400
Improvements and Repairs—		
Repairs to building .....	500	1,000
New cement walks and old ones repaired .....		1,500
Brick smokestack.....		3,500
Recording Watt Meter.....		150
Boiler feed regulator .....		400
Water meter on boiler feed line.		75
Feed water heater.....		600
Platform scales.....		30
Radiator traps.....		150
Equipment—		
Library .....	1,500	3,000
Furniture, apparatus and machinery .....	1,500	3,000
Miscellaneous—		
Insurance .....		4,068.08
Interest .....		1,772.91
Deficit .....		8,000
		\$210,215.99

Section 20. That Sub-division Number 39 of Chapter 16 of the Session Laws of North Dakota for the year 1919 is amended and re-enacted to read as follows:  
 Sub-division No. 39.

MINOT STATE NORMAL SCHOOL

Maintenance—		
Advertising .....	\$ 100	\$ 200
Drayage .....	600	1,200
Expense—		
Fuel .....	9,850	19,700
Freight, express .....	300	600
Library .....	250	500
Light and power, electric.....	1,050	2,100
Office supplies .....	250	500
Postage .....	300	600
Printing and publication .....	500	1,000
Salaries and wages .....	55,000	110,000
Supplies .....	3,000	6,000
Water .....	500	1,000
Improvements and Repairs—		
New well and water.....		5,000
Equipment—		
Books .....	500	1,000
Furniture .....	1,000	2,000
Instruments for departments....	600	1,200

Laboratory and gymnasium.....	1,000	2,000
Miscellaneous—		
Insurance .....	750	1,500
Interest .....	1,060	2,120
Due on land purchase.....	4,000	8,000
Deficit in Dormitory Maintenance		1,600
		\$167,820

Section 21. That Sub-division Number 40 of Chapter 16 of the Session Laws of North Dakota for the year 1919 is amended and re-enacted to read as follows:

Sub-division No. 40.

#### MAYVILLE NORMAL SCHOOL

Maintenance—		
Faculty salaries .....	\$12,000	\$24,180
Janitors, Engineer and Teamsters' salaries .....	7,500	15,000
Labor—Extra drayage students' help .....	750	1,500
Fuel .....	7,500	15,000
Supplies for Departments of Instruction .....	1,000	2,000
Supplies for janitors, engineers and teamsters .....	1,000	2,000
Printing and Stationery (including postage) .....	500	1,000
Hospital maintenance .....	50	100
Freight and express (col. and prep.) local except fuel .....	250	500
Telephone .....	100	200
City Board of Education.....	2,000	4,000
Equipment—		
Books, periodicals and binding for general library .....	300	600
Two pianos .....	350	700
Water System .....		3,000
Miscellaneous—		
Insurance .....	1,500	3,000
		\$72,780

Section 22. That Sub-division Number 41 of Chapter 16 of the Session Laws of North Dakota for the year 1919 is amended and re-enacted to read as follows:

Sub-division No. 41.

#### STATE NORMAL AND INDUSTRIAL SCHOOL AT ELLENDALE

Maintenance .....	\$26,600	\$53,200
Improvements and Repairs—		
Resetting boilers and repairs....		500
Relaying water mains.....		500
New ceiling on Armory .....		500
Equipment—		
Library, new books .....	250	500
Gymnasium apparatus .....		250

Miscellaneous—		
Carnegie Interest .....	1,400	2,800
Insurance .....		1,800
Purchase of land .....		800
		<hr/>
		\$60,850

Section 23. That Sub-division Number 42 of Chapter 16 of the Session Laws of North Dakota for the year 1919 is amended and re-enacted to read as follows:  
 Sub-division No. 42.

STATE SCHOOL OF SCIENCE AT WAHPETON

Maintenance .....	\$12,500	\$25,000
Fuel and Light .....	6,000	12,000
Improvement and Repairs—		
To main building.....	7,500	15,000
To heating plant and steam pipes	1,250	2,500
Miscellaneous—		
Insurance .....		1,500
		<hr/>
		\$56,000

Section 24. That Sub-division 45 of Chapter 16 of the Session Laws of North Dakota for the year 1919 is amended and re-enacted to read as follows:  
 Sub-division No. 45.

STATE TRANSPORTATION OFFICER

Salary .....	\$ 2,000	\$ 4,000
Miscellaneous—		
Telephone, telegraph and post- age .....		200
Traveling expense .....	10,000	20,000
		<hr/>
		\$24,200

Section 25. That Sub-division Number 46 of Chapter 16 of the Session Laws of North Dakota for the year 1919 is amended and re-enacted to read as follows:  
 Sub-division 46.

LEGISLATIVE ASSEMBLY

Mileage and per diem.....	\$57,000
Per diem of officers and employees	25,000
Printing .....	25,000
Miscellaneous expenses and supplies	32,000
	<hr/>
	\$139,000

Section 26. All acts and parts of acts in conflict herewith are hereby repealed.

Section 27. This act is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval.

The committee on Appropriations made the following report:

Mr. Speaker: Your committee on Appropriations to whom was referred Senate Bill No. 57.

“A Bill for an Act appropriating the sum of five thousand dollars for the relief of Alice Bixby.”

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

JOHN R. MADDOCK,  
 Chairman.

Mr. Maddock moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on State Affairs made the following report:  
Mr. Speaker: Your committee on State Affairs to whom was referred House Bill No. 54.

"A Bill for an Act to provide for a State Sheriff, defining his duties. etc."

"A Bill for an Act to provide for the better enforcement of the laws of this state. constituting the county sheriffs of this state a State Constabulary and defining their duties; creating the office of State Sheriff and defining his duties; making an appropriation therefor and repealing all acts and parts in conflict herewith."

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

WALTER J. MADDOCK,  
Chairman.

Mr. Maddock moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on State Affairs made the following report:  
Mr. Speaker: Your committee on State Affairs to whom was referred House Bill No. 16.

"A Bill for an Act to amend and re-enact Chapter 199 of the Session Laws of 1919 of the State of North Dakota, relating to the consolidation of schools and transportation of pupils."

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

WALTER J. MADDOCK,  
Chairman.

Mr. Maddock moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on State Affairs made the following report:  
Mr. Speaker: Your committee on State Affairs to whom was referred House Bill No. 37.

"A Bill for an Act amending and re-enacting Section 2189 of the Compiled Laws of North Dakota for the year 1913, relating to auditor's notice of sale of delinquent taxes."

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

WALTER J. MADDOCK,  
Chairman.

Mr. Maddock moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Judiciary made the following report:  
Mr. Speaker: Your committee on Judiciary to whom was referred House Bill No. 14.

"A Bill for an Act to amend and re-enact Chapter 58, Laws of North Dakota, 1917, relating to registration of licensed architects and the regulation of the practice of architecture as a profession in the State of North Dakota."

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

FRANK PRATER,  
Chairman.



Mr. Prater moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Appropriations made the following report:

Mr. Speaker: Your committee on Appropriations to whom was referred Senate Bill No. 37, "A Bill for an Act to provide for an appropriation for the purpose of carrying out the provisions of the State Hail Insurance Law."

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

JOHN R. MADDOCK,  
Chairman.

Mr. Maddock moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Appropriations made the following report:

Mr. Speaker: Your committee on Appropriations to whom was referred House Bill No. 38.

"A Bill for an Act to appropriate the sum of \$6,000 to provide for clerk hire, furniture and fixtures, and other necessary items of office expense for the State Publication and Printing Commission and the office of the State Printer."

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

In line three of Section 1 after the word "of" strike out "\$6,000.00" and insert "\$5,000.00."

And when so amended recommend the same do pass.

JOHN R. MADDOCK,  
Chairman.

Mr. Maddock moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Appropriations made the following report:

Mr. Speaker: Your committee on Appropriations to whom was referred Senate Bill No. 43.

"A Bill for an Act, making effective Section 9, Chapter 167, expenses of the District Judges by making an appropriation therefor."

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

JOHN R. MADDOCK,  
Chairman.

Mr. Maddock moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Judiciary made the following report:

Mr. Speaker: Your committee on Judiciary to whom was referred House Bill No. 17.

"A Bill for an Act, to repeal Chapter 219 of the Laws of North Dakota for the year 1919, being the law creating the office of County Tax Supervisor and defining his powers and duties."

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

Strike out everything after the words, "A Bill" and insert in lieu thereof, the following: For an Act providing for the appointment of Tax Supervisor's fees, their salaries and term of office and defining their powers and duties and repealing Chapter 219 of the Laws of North Dakota for the year 1919.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. The State Tax Commissioner may appoint each Judicial District of the State, a Tax Supervisor for each District, who shall serve for four years, or until his successor is appointed and qualified. Any such Tax Supervisor may be removed with or without cause by the commissioner.

Section 2. Each Tax Supervisor shall qualify on or before the second Monday following the day of his appointment, or in case of vacancy, immediately upon receiving notice of appointment, and before entering upon the duties of his office, shall take and subscribe to the oath required of other state officials, and shall give a bond to the State in the sum of not less than \$2,000, with good and sufficient security, as provided by statute for the bonding of public officers, said bond to be approved by the Board of County Commissioners and conditioned upon the faithful and impartial discharge of the duties of the office.

Section 3. Under the supervision of the State Tax Commissioner the Tax Supervisor shall have supervision over all tax assessments and tax assessors within his district, and shall perform such other services as the Commissioner may require. The Tax Supervisor shall devote his entire time to the duties of his office and shall not hold any other position of trust or profit, nor engage in any business or occupation interfering or inconsistent with the duties of such supervisor. He shall from time to time secure such data concerning the listing and taxing of property, within his district as shall be required by the Tax Commissioner, and as may be necessary for the efficient discharge of the duties of his office. He shall tabulate and report such data on the forms prescribed by the Tax Commissioner or other State or county officials as the said Commissioner and shall make all such reports to the Tax Commissioner may require, or as may be required by law.

When the Tax Supervisor is not employed in the actual work of supervising the assessments of the current year, he shall devote his time to the study of the valuation of property liable to assessment and taxation, or to the performance of such other duties as the Tax Commissioner may require of him; and for such purposes shall have Authority to interrogate witnesses under oath administered by him and the authority to administer such oath is hereby expressly conferred upon such Tax Supervisors. He may require to have produced before him such books, papers, documents or records as he may deem necessary for his investigation.

Section 4. The Tax Supervisor is hereby authorized to raise or lower any assessment made by any local assessor in his district, provided that such action be taken prior to the meeting of the township or city board of equalization, and the party whose assessment is raised be given due notice so that he can appear before such Board in order to protest such action. It shall be unlawful for any Tax Supervisor to disclose any information secured from any person, corporation, co-partnership or association in the performance of his official duties, except to the State Tax Commissioner to district or county boards of equalization, to the State Board of Equaliza-

tion, to any officer, board or commission to whom he may be required by law to make reports, or in any judicial proceeding in a lawfully constituted court involving the assessment or taxation of any such person, corporation, co-partnership or association. Any Tax Supervisor found guilty of violating the provisions of this act shall be subject to a fine of not less than \$25 nor more than \$500.

Section 5. The Tax Supervisor shall receive an annual salary of \$2,000 to be paid in monthly installments by the County Treasurers of the respective counties and his actual expenses incurred in the discharge of his duties, not to exceed a maximum of \$200 per annum for each county, provided that the salary and expenses of such inspector shall be apportioned among the several counties composing the District by the State Tax Commissioner and all expenses incurred by any such supervisor shall be approved by the Tax Commissioner and be paid in the same manner.

Section 6. This Act is declared to be an emergency measure and shall take effect and be in force from and after its passage and approval.

Section 7. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

And when so amended recommend the same do pass.

FRANK PRATER,  
Chairman.

The committee on Banks and Banking made the following report:

Mr. Speaker: Your committee on Banks to whom was referred Senate Bill No. 11.

"A Bill for an Act, providing for the transfer of funds to other departments by the Bank of North Dakota."

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

L. D. BAILEY,  
Chairman.

Mr. Bailey moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Delayed Bills made the following report:

Mr. Speaker: Your committee on Delayed Bills to whom was referred House Bill No. —

A. Bill for an Act making appropriation for the salary of the Secretary and members of the State Highway Commission, for the Clerk Hire and other assistance of the Commission, Postage, Office Supplies, Furniture and Fixtures, Printing, Miscellaneous and Traveling Expenses of the Commission; amending and re-enacting Section 1 of Chapter 42 of the Laws of North Dakota for the year 1919; repealing all acts and parts of acts in conflict therewith; and declaring an emergency."

Have had the same under consideration and recommend that the same Be Introduced.

EDW. W. HERBERT,  
Chairman.

Mr. Herbert moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Delayed Bills made the following report:

Mr. Speaker: Your committee on Delayed Bills to whom was referred House Bill No. —

"A Bill for an Act making appropriation for the maintenance, improvements and repairs, new buildings, equipments and miscellaneous expenses of the North Dakota Reform School; amending and re-enacting Section 1 of Chapter 57 of the Laws of North Dakota for the year 1919; repealing all acts and parts of acts in conflict therewith; and declaring an emergency."

Have had the same under consideration and recommend that the same Be Introduced.

Edw. W. HERBERT,  
Chairman.

Mr. Herbert moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Delayed Bills made the following report:

Mr. Speaker: Your committee on Delayed Bills to whom was referred House Bill No. —

"A Bill for an Act making an appropriation for maintenance, improvements, repairs and equipments for the Institution of the Feeble Minded at Grafton, North Dakota; amending and re-enacting Section 1 of Chapter 32 of the Laws of North Dakota for the year 1919; repealing all acts and part of acts in conflict therewith and declaring an emergency."

Have had the same under consideration and recommend that the same Be Introduced.

Edw. W. HERBERT,  
Chairman.

Mr. Herbert moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Delayed Bills made the following report:

Mr. Speaker: Your committee on Delayed Bills to whom was referred House Bill No. —

"A Bill for an Act amending and re-enacting Section 7 of Chapter 108 of the Laws of North Dakota for the year 1919, relating to the care of samples of milk and cream and for obtaining official tests of butter fat; making an appropriation therefor and repealing all acts and parts of acts in conflict therewith, and declaring an emergency"

Have had the same under consideration and recommend that the same Be Introduced.

Edw. W. HERBERT,  
Chairman.

Mr. Herbert moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Delayed Bills made the following report:

Mr. Speaker: Your committee on Delayed Bills to whom was referred House Bill No. —

"A Bill for an Act remitting the amount of state taxes for the year 1919."

Have had the same under consideration and recommend that the same Be Introduced.

Edw. W. HERBERT,  
Chairman.

Mr. Herbert moved that the report be adopted, which motion prevailed and the report was adopted.

## PRESENTATION OF PETITIONS AND COMMUNICATIONS

To the Hon. J. F. T. O'Connor, Bismarck, N. Dak.

We the undersigned women workers of Grand Forks, N. D. do hereby urge you as Representative from this city, to use all your influence toward defeating Bill Repealing the Eight Hour Law for women and the Bill amending the present Eight Hour Law for women in the ten hour amendment bill.

Signed by CORA A. NELSON.  
and 127 others.

Hon. Nils Magnuson,  
Bismarck, N. Dak.

Dear Mr. Magnuson:—

Believing that you have hitherto stood for the things that make for the uplifting of our State would ask that you kindly continue to do all in your power for the safeguarding of our Vigarette Law and against any measure that would weaken the Sabbath of the Land.

Praying the blessing of God upon you in your advancement of all measures that make for the betterment of humanity.

Yours very truly,

FLORA CAMERON BURR.  
State Supt. Sabbath Observance.  
W. C. T. U.

## MOTIONS AND RESOLUTIONS

Introduced by Mr. Whipple.

## A CONCURRENT RESOLUTION

Whereas the rental of the Committee Rooms used by the Sixteenth Legislative Assembly at the Regular Session during January and February 1919 has not as yet been paid, and

Whereas no provision has been made for payment of the Rental of the Committee Rooms used by the Special Session of the Sixteenth Legislative Assembly, therefore

**BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING**

That the Board of Administration is hereby authorized to ascertain the amount of said rentals, and to draw a warrant upon the State Treasurer in payment of same

**BE IT RESOLVED**, that this Resolution be enrolled and copies of it be filed by the chief clerk with the Board of Administration.

The question being on the adoption of Concurrent Resolution, the roll was called and there were ayes 107, absent and not voting 6.

Ayes: Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bollinger, Bjerke, Burkhart, Byrne, Caddell, Carr, Donner, Durkee, Eckert, Engen, Ferguson, Frederickson, Gunhus, Haines, Hall, Hammond, Hanson, Hardt, Harris, Herbert, Hoare, Humphreys, Ivers, Johnson of Dickey, Johnson of Steele, Johnson of Cass, Johnson of Pembina, Johnston, Kamrath, Kelder, Kell, Kellogg, Kelly, Keitzman, Koller, Krueger, Kunkel, Larson of Ransom, Larson of Stutsman, Larson of Pierce, Larkin, Lazier, Lowe, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Mar-

tin of Bottineau, Maxwell, McDonnell, McGauvran, McLarty, McLaughlin, McManus, Mikkelson, Miller, Moen, Murtha, Nathan of Sheridan, Nathan of Logan, Ness, Nesvig, Nims, O'Brien, O'Connor of Pembina, Olsen of Ramsey, Olson of **Ward, Olson of Barnes, Olsgard, Opland, Patterson, Petterson** of Sargent, Pleasance, Prater, Randall, Riba, Reid, Reishus, Renauld, Robinson, Roquette, Rusch, Severson, Sherman, Strain, Strom, Turner, Twichell, Uglum, Wadeson, Walker, Weld of Wells, Weld of Kidder, Whipple, Wog, Yeater, Mr. Speaker.

Absent and not voting: Cleven, Dungan, Hemmi, Klein, O'Connor of Grand Forks, Uglum.

Which motion prevailed.

#### INTRODUCTION, FIRST AND SECOND READING OF HOUSE BILLS

The committee on Delayed Bills introduced House Bill No. 55. "A Bill For an Act making an appropriation for maintenance, improvements, repairs and equipments for the Institution of the Feeble Minded at Grafton, North Dakota; amending and re-enacting Section 1 of Chapter 32 of the Laws of North Dakota for the year 1919; repealing all acts and parts of acts in conflict therewith and declaring an emergency."

Was read the first and second time and referred to the committee on Appropriations.

The committee on Delayed Bills introduced House Bill No. 56. "A Bill For an Act amending and re-enacting Section 7 of Chapter 108 of the Laws of North Dakota for the year 1919, relating to the care of samples of milk and cream and for obtaining official tests of butter fat; making an appropriation therefor and repealing all acts and parts fo acts in conflict therewith, and declaring an emergency."

Was read the first and second time and referred to the committee on Appropriations.

The committee on Delayed Bills introduced House Bill No. 57. "A Bill For an Act making appropriation for the maintenance, improvements and repairs, new buildings, equipments and miscellaneous expenses of the North Dakota Reform School; amending and re-enacting Section 1 of Chapter 57 of the Laws of North Dakota for the year 1919; repealing all acts and parts of acts in conflict therewith; and declaring an emergency."

Was read the first and second time and referred to the committee on Appropriations.

The committee on Delayed Bills introduced House Bill No. 58. "A Bill For an Act making appropriations for the salary of the Secretary and members of the State Highway Commission, for the Clerk Hire and other assistance of the Commission, Postage, Office Supplies, Furniture and Fixtures, Printing, Miscellaneous and Traveling Expenses of the Commission, amending and re-enacting Section 1 of Chapter 42 of the Laws of North Dakota for the year 1919; repealing all acts and parts of acts in conflict therewith; and declaring an emergency."

committee on Appropriations.

Was read the first and second time and referred to the

The committee on Delayed Bills introduced House Bill No. 59. "A Bill For an Act remitting the amount of state taxes for the year 1919."

Was read the first and second time and referred to the committee on Appropriations.

### SIGNING OF BILLS

The Chief Clerk announced that the Speaker was about to sign:

House Bill No. 5. "A Bill for an Act making appropriations for general repairs and improvements of the Executive mansion."

Also Emergency on House Bill No. 5.

Also House Bill No. 6. "A Bill for an Act to repeal Chapter 207 of the Session Laws of North Dakota, 1919, relating to the extension of the State Street Car Line and providing for an appropriation therefor."

Also Emergency on House Bill No. 6.

Also House Bill No. 49. "A Joint Resolution requesting the Supreme Court of the United States to advance the case of John W. Scott et al., vs. Lynn J. Frazier, et al., on the Calendar."

And the Speaker signed the same in the presence of the House.

Mr. Hoare moved that the House do now recess for five minutes which motion prevailed and the House recessed.

### AFTER RECESS

Mr. Patterson moved that the House do now adjourn, which motion prevailed and the House adjourned.

### THIRTEENTH DAY

House assembled pursuant to adjournment the Speaker presiding.

Prayer by the chaplain.

House Roll Call. Present 109. Absent 4. Present: Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bollinger, Bjerke, Burtness, Burkhart, Byrne, Caddell, Carr, Donner, Dungan, Durkee, Eckert, Engen, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hammond, Hanson, Hardt, Harding, Harris, Herbert, Hoare, Humphreys, Ivers, Johnson of Dickey, Johnson of Steele, Johnson of Cass, Johnson of Pembina, Johnston, Kamrath, Kelder, Kell, Kellogg, Kelly, Keitzman, Koller, Krueger, Kunkel, Larson of Ransom, Larson of Stutsman, Larson of Pierce, Larkin, Lazier, Lowe, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McGauvran, McLarty, McLaughlin, McManus, Mikkelson, Miller, Moen, Murha, Nathan of Sheridan, Nathan of Logan, Ness, Nesvig, Nims, O'Brien, O'Connor of Pembina, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olson of Barnes, Olsgard, Opland, Patterson, Petterson of Sargent, Pleasance, Prater, Randall, Riba, Reid, Reishus, Renauld, Robinson, Rquette, Rusch, Severson, Sherman, Strain, Strom, Turner, Twichell, Wadson, Walker, Weld of Wells, Weld of Kidder, Whiple, Wog, Yeater, Mr. Speaker.

Absent: Clevon, Hemmi, Klein, Uglum.

### MOTIONS AND RESOLUTIONS

Mr. Maddock moved that the absent members be excused which motion prevailed.

Mr. Malone moved that the House require the newspaper representatives to remain at their table while in the House, which motion prevailed.

Mr. Hoare moved that the motion of Mr. Malone requiring the newspaper men to remain at their table, be reconsidered, which motion prevailed.

Mr. Hoare moved that the motion of Mr. Malone relating to newspaper men be laid on the table, which motion prevailed.

#### REPORTS OF STANDING COMMITTEES

The committee on Appropriations made the following report:

Mr. Speaker: Your committee on Appropriations to whom was referred House Bill No. 9.

"A Bill for an Act to appropriate Forty-one thousand eight hundred sixty-six dollars and seventy-seven cents for the operation of the Motor Vehicle Registration Department being additional to that already appropriated for salary of Registrar, Clerkhire, Special Agents, Traveling expenses, printing and 1921 License Tags."

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

In Section 1 after the word "Registrar" in line 10 strike out "\$1096.77" and insert in lieu thereof "\$800.00." In line 11 strike out the word "Cashier" and "2250.00." In line 12 strike out "11,520" and insert in lieu thereof "7,500." In line 13 strike out "2500" and insert "1000." In line 14 strike out "2500.00" and insert "1000.00." In line 17 strike out "41866.77" and insert in lieu thereof "31566.77."

And when so amended recommend the same do pass.

JOHN R. MADDOCK.

Chairman.

Mr. Maddock moved that the report be adopted, which motion prevailed and the report was adopted.

#### REPORTS OF SELECT COMMITTEE

The committee on newspapers made the following report:

Mr. Speaker: Your committee on newspapers to whom was referred the charges of Rep. J. F. T. O'Connor of Grand Forks that he had been inaccurately reported.

Have had the same under consideration the following paragraph which appeared in the Grand Forks American on Tuesday December 2nd, 1919, which paragraph also appeared in the Fargo Courier News:

"J. F. T. O'Connor, the 'silver tongued orator of the minority' joined with his colleague in condemnation of the literature, Dr. Stangeland and the whole administration. Twitchell of Fargo brought up the rear with a motion to have a committee investigate the contents of the library shelves."

Your committee finds that the statement is inaccurate as Mr. O'Connor did not make a speech on the bill before the House which was House Bill 25.

OSCAR R. NESVIG.

Chairman.

Mr. Nesvig moved that the report be adopted, which motion prevailed and the report was adopted.



## THIRD READING OF HOUSE BILLS

House Bill No. 40. "A Bill for an Act to amend Section 1218 Compiled Laws of North Dakota, 1913, requiring school district treasurers to file a copy of their annual report with the Bank of North Dakota."

Was read the third time.

The question being on the final passage of the bill, as amended, the roll call was called and there were ayes 105, nays 0, absent and not voting 8.

Ayes: Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bjerke, Burtness, Burkhart, Caddell, Carr, Donner, Dungan, Durkee, Engen, Ferguson, Gunhus, Haines, Hall, Hammond, Hanson, Hardt, Harding, Harris, Herbert, Hoare, Humphreys, Ivers, Johnson of Dickey, Johnson of Steele, Johnson of Cass, Johnson of Pembina, Kamrath, Kelder, Kell, Kellogg, Kelly, Keitzman, Koller, Krueger, Kunkel, Larson of Ransom, Larson of Stutsman, Larson of Pierce, Larkin, Lazier, Lowe, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonell, McGauvran, McLarty, McLaughlin, McManus, Mikkelsen, Miller, Moen, Murtha, Nathan of Sheridan, Nathan of Logan, Ness, Nesvig, Nims, O'Brien, O'Connor of Pembina, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olson of Barnes, Olsgard, Opland, Patterson, Pette-son of Sargent, Pleasance, Prater, Randall, Riba, Reid, Reishus, Renauld, Robinson, Roquette, Rusch, Severson, Sherman, Strain, Strom, Turner, Twichell, Wadeson, Walker, Weld of Wells, Weld of Kidder, Whipple, Wog, Yeater, Mr. Speaker.

Absent and not voting: Byrne, Cleven, Eckert, Fredrickson, Hemmi, Johnston, Klein, Uglum.

So the bill passed and the title was agreed to.

The Speaker called Mr. Johnson of Steele to the chair.

## THIRD READING OF SENATE BILLS

Senate Bill No. 20. A Bill for an act making it a felony for any state official to willfully publish false statements with reference to any state department, institution or industry and providing the manner in which such cases under the provisions of this act shall be tried and providing the 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 68, nays 41, absent and not voting 4.

Ayes: Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bjerke, Burkhart, Byrne, Caddell, Eckert, Ferguson, Frederickson, Gunhus, Haines, Hall, Hardt, Hoare, Ivers, Johnson of Dickey, Johnson of Steele, Johnson of Cass, Kamrath, Kelder, Kellogg, Keitzman, Krueger, Larson of Ransom, Larson of Stutsman, Larkin, Lazier, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McLarty, McManus, Miller, Moen, Nathan of Sheridan, Nathan of Logan, Nesvig, O'Brien, O'Connor of Pembina, Olson of Barnes, Opland, Patterson, Prater, Riba, Renauld, Sherman, Strain, Strom, Wadeson, Walker, Weld of Wells, Whipple, Yeater, Mr. Speaker.

Nays: Bollinger, Burtness, Carr, Donner, Dungan, Durkee, Engen, Hammond, Hanson, Harris, Herbert, Humphreys, Johnson of Cass, Johnson of Pembina, Johnston, Kelly, Koller,

Kunkel, Larson of Pierce, Lowe, McGauvran, McLaughlin, Mikkelson, Murtha, Ness, Nims, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olsgard, Petterson of Sargent, Pleasance, Randall, Reid, Reishus, Robinson, Rusch, Severson, Turner.

Absent and not voting: Cleven, Hemmi, Klein, Uglum.  
So the bill passed and the title was agreed to.

MR. BURTNESS. I wish to explain my vote. I regard this bill as important and I wish it were drawn in such a way that it would really bring about the situation or the objects which I believe many of the members of this House think that the passage of the bill will bring about, namely the prevention of publication of false statements by state officials in regard to state departments, institutions or industries. The record shows that I have moved an amendment on the third reading of this bill which would make every state official who wilfully publishes any false statement in regard to a state department, institution or industry guilty of a felony, without any limitation whatsoever. However, objection was made to that amendment by the chairman of the Judiciary Committee, and apparently assented to by others. The bill as it now stands does not make the question of the falsity of the statements an issue. For that reason I am opposed to it, and to illustrate the situation: If a man makes the statement concerning a department of the state, such as the bank of North Dakota, that it has made during a given period of time one hundred thousand dollars while as a matter of fact it has only made one thousand dollars, then the law will not apply to the individual making that false statement, for it cannot be said concerning that false statement that it tends to create a distrust of the state officials or employees in charge of said bank. While on the other hand, if some other person makes the statement that the Bank of North Dakota in the same period of time shows a profit of only \$500, while as a matter of fact the correct amount of profit is \$1000, then the person making such statement comes within the province of the law, for he would be making a statement which would tend to deceive the public and tend to create distrust of the men in charge of that bank. In other words, my contention is that the test should be only the falsity of the statement, that there should be no loophole in the bill by which a man may lie to the limit, with the sky as the limit and not be guilty of crime, while if he lies the other way he is guilty. For that reason I am compelled to vote no. I regret that the majority does not seem to be willing to come within the provisions of this law, and that they want to have the right to lie as much as they like in the future, and that no matter what they say regarding the institutions and the departments, no matter what extravagant and false claims they may make regarding them, this law will not reach them.

MR. BURKHART. I have a very strong disrespect for any man who is willing to go before the people and try to intimidate the will of the people. I am not exactly in favor of this bill as it is drawn. I would like to have seen it amended, but I have an illustration to give you to show you why I am in favor of such a bill. I am not in the habit of taking these newspaper reports for anything. To prove to you this statement, I call to your mind a few months ago there was put out through the different papers of this state statements that

The Bank of North Dakota had received and cashed or recognized rather, post-dated checks and farmers notes to the amount of something like \$300,000, \$333,000 I believe it was. These statements were made, I believe, according to testimony and affidavits that have been furnished in possession by certain state officials. Now then, if it is necessary, I can produce the affidavits from the Bank of North Dakota that nothing of this kind ever happened, that there never was received for rediscounting one single post-dated check or rather, there never was accepted for rediscount one farmers note or check from the Scandinavian American Bank of Fargo. And for that reason I think that we need something to correct such statements as these. For that reason I am in favor of voting aye for this bill.

MR. CARR. I wish to vote no on this bill because I feel it will work a hardship on the members of this Assembly, due to the instructions received by the majority members similar to the instructions given a member of the Senate, when on A. C. Townley told Senator Mees to go home and lie, lie like a horse thief.

MR. HARDING. I wish to explain my vote. I have every respect for a man who disagrees with me, but I have little respect for a man who will deliberately go out and make false statements to gain his point. I am lead to believe, and I think I have the proper information, that some state officials have made false statements and have got the public so frustrated they don't know what the truth is, and there is no mistake in passing this bill as I see it, and that it should compel some people to tell the truth.

MR. HARRIS. I wish to vote no for this reason. I have had some experience in the past few months about the truthfulness of the press. The exaggerations have of course, all come from one side. And the thought flits through my mind that it puts the press of the state to a disadvantage with the Non-Partisan League principles, because you can't prevent the papers from coming through the mails from outside of this state into this state. Nearly all thoughts emanate from their headquarters in St. Paul, Minnesota, and they can peddle their poison throughout the state to the disadvantage of the state. Now, as I feel very kindly towards the press, I should hate to see any number of them put out of business which would be probable if this law goes into effect and prosecutions take place; and if they continue to do business as they have in the past, most of the editors would soon be behind the bars. That is the principal reason I have for voting no on this proposition. I vote no.

MR. HERBERT. I would be pleased to vote yes on this bill if it applied to liars that boost, as well as liars that knock. But since this bill does not cover all liars whether boosters or knockers I vote no.

MR. JOHNSON of Pembina. As much as I would welcome any law that would have a tendency to curb liars, and there are many of them in this world, I can't agree with this bill on account of several disagreeable features, therefore I vote "no."

MR. LOWE. This bill discriminates between liars, and the amendment offered thereon should have repealed this feature

of the bill, and we weren't given an opportunity to vote on that, and I am therefore compelled to vote "no" on this bill.

MR. MADDOCK, of Mountrail. I understand this is an experiment. I don't know what the intention is, whether to prevent legislators and other officials from lying, or to get them all in jail. However, I am willing to take a chance on the experiment and vote "aye."

MR. MOEN. I vote for this bill. I think it is needed. It is unfair and unjust that the state should be misrepresented. It is impossible for a man to be a good citizen and misrepresent the state. I say "no", and I am willing to take my chances on the bill and tell the truth, and I vote "aye".

MR. MURTHA. I vote no for several reasons. In the first place this bill makes the publication of a false statement a felony provided it was a statement which tended to deceive the public and create distrust of the state officials, and so forth. The other statutes in regard to libel provide that the statement must not only be false, but the party making it must know that the statement was false or published it without first knowing the statement he made to be true and in disregard of whether it was true or not. Now, according to this law, if the Bank of North Dakota sent out an official report and some speaker should make a statement on that report and make a misstatement in it, or innocently quote a misstatement given in the report, he would still be liable. The law does not provide that the statement must be one that the speaker knows to be false. It applies to oral statements as well as written statement and it leaves a loophole for men to get even with their enemies. A man might go into a precinct where he wasn't very popular, and make a speech. His enemies would have him arrested and prosecuted and punished under this law for oral statements that he may have made. We have no law now making it a crime to say things about a man or government. Slander is not a crime except where it imputes unchastity to an unmarried female. But this law makes oral statements felonies, and this law, Mr. Speaker, you know how easy it is for people to disagree upon statements that they have heard made. We members in this House can't agree on what was just said yesterday by some of the members on this floor. And I am unwilling to give a weapon of this kind to any political party. I therefore vote "no".

MR. NATHAN of Sheridan. I wish to explain my vote. I am not very much interested in spreading false reports, and I notice in the journal from the Senate that they passed that measure with only two votes against it, and even Mr. Mees, the man who was told to lie like a horse thief wants that law, and therefore I vote "aye."

MR. NESS. I for my own part feel that I am a free man in a free land, to speak and to speak freely, and I don't want nobody to muzzle my talk, or put a muzzle on me. If I call any man a liar and if he isn't man enough to make me take it back, he can bring an action against me, and therefore I vote no.

MR. NESWIG. I wish to explain my vote. I think this bill is very liberal, as it still allows individuals of the opposition to lie about individuals, and I therefore vote "aye."

MR. O'CONNOR of Grand Forks. I wish to explain my vote. Mr. Speaker, in the study of majorities as they have appeared in legislative government in his nation as well as in the various states, there are found two distinct principles that can be pointed out. First those who become the majority first try to centralize all the powers of government in themselves in such a way as to never be attacked. This was illustrated yesterday when we conferred upon the Governor the entire and exclusive military power of the State, giving him the power to take over all public utilities. We have now centered in the Governor, the military, and the most powerful part of our civil administration. Today we are taking a second step that majorities usually take, that you must not be criticised by the minority, and in this bill we find an attempt made to try and gag the minority of this state, for the reason that all the information about all the institutions created by the majority of this House, and some of them you created with my vote also,—must come from the state officials, and to challenge them is to go to the penitentiary. I agree with the Representative who said that there is unfair discrimination among the liars. And I can't understand how men in this House, when it is clearly pointed out to them, will vote for a measure which says, we are going to punish some liars but those who lie on our side must go free. That has not been refuted. Gentlemen, I shall give you my word now, if this bill is changed so as to include all liars, I will vote for it and I doubt if there will be a man in this House who will vote against it, but I say to you now that it is unfair to say that those men, state officials, and your newspaper reports, can go out through this State and lie about the public industries and mislead the people, if you do, that they have made profits that they have not made, lie as has been said to the sky and it is all right, but that a man on the other hand, if he lies he is to go to the penitentiary. There never was before this House a bill that is more unfair, more dangerous than the measure that is now before this House. I am for the truth at all times, and I am against all liars. There is another subject that I might mention if the bill should receive further consideration. I believe that those who make these statements should be first given an opportunity to publicly retract them, so as to get away from the wilful part of the law. Then if a man still insists upon making the statements and misrepresents and tries to destroy the credit and reputation of my state,—for it is my state as well as your state if thirty-five years in a state makes a man a part of the state or the state a part of him,—I say I am against any such man who goes about this state and makes false statements about its credit and its institutions, and I will vote "no" because in this bill only part of the liars are reached.

MR. PETERSON. We all know when the House adjourned and came home we are asked several questions, how are things going, and what was done. I have voted against bills here that I thought were vicious. Supposing I met a man from the other side, how can we keep from discussing these measures, and he will disagree with me, and if I don't agree with him he goes and has me arrested. Aint that dandy? I ask an answer from this House and I vote no.

MR. PRATER. I consider that any liar will be taken care of; a liar boosting the proposition or otherwise will be taken care of in this bill, and therefore I vote "aye."

MR. SHERMAN. I desire to explain my vote. I vote Aye. on this bill, because the bill allows free discussion of questions and allows honest differences of opinion, and provides a penalty for liars in certain cases as explained, and defined in the bill, wherein it states that no state official shall wilfully publish any false statements in regard to any of the state departments, institutions or industries which said false statements shall tend to deceive the public and create distrust. Now, there we have in the bill the punishment for the liar and also the definition of what constitutes a liar.

MR. TURNER. I consider this bill a very important one, and it slightly interferes with my business. I am not going to say there is a liar in the State of North Dakota, nor that any man is going to lie unless he thinks it necessary. The bill was undoubtedly drawn for a purpose. I notice the penalty is one year in the penitentiary. These people behind this bill undoubtedly intended this that this bill would be the result of all the state officials going to the penitentiary, and if they still had room for more the next Session might pass the law on to the people and bring the people in and throw them into the penitentiary. Now, no man can stand on the floor of this House who could say conscientiously and honestly that he never told a lie in his life. You can't help lying, and especially when you get hold of some of these state statistics, you sometimes make a mistake, and put in a figure 5 in place of a figure 6, accidentally, and that might place you behind the bars. I am just as close to the truth and manhood and womanhood as any other man in this state, or want to be. Now the state official has no more reason for lying that I would have if I was a state official. Not a particle. And this law is without doubt, if it goes on the statute books, it goes there for a wrong purpose, to squash out the minority of this House, and the minority of the state, if they happen to make a mistake through the press or through any other way. And I vote "no."

MR. TWICHELL. In addition to the reasons given by many of the members being against this bill, I have another reason, and that is, that the bill makes the minority liar a criminal and makes the majority liar a booster. I vote no.

MR. WHIPPLE. I believe the people of this state are tired of guesses, and misrepresentative statements, therefore I vote "aye."

MR. SPEAKER. I wish to explain my vote. Whereas this bill refers to the worst liars and makes no discrimination between any class of liars, for the betterment, and the effect that such a measure may have on newspapers and other less liars, I vote "aye" and in my estimation the politician is classed as the biggest liar of all.

#### MESSAGE FROM THE SENATE

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,

December 6, 1919.

Mr. Speaker: I have the honor to return herewith the following bills:

House Bill No. 42. "A Bill for an Act defining the word "precinct" as used in the Laws of the State of North Dakota, relating to elections and providing for the formation of voting districts and the designating of voting places within such voting districts."

House Bill No. 36. "A Bill for an Act to amend and re-enact Section 1 of Chapter 152 of the Session Laws of 1915, relating to the Emergency Commission, and membership thereof."

House Bill No. 51. "A Bill for an Act requiring the Board of Railroad Commissioners to devote each his entire time to his respective office, and to increase the compensation thereof."

House Bill No. 46. "A Bill for an Act to amend and re-enact Section 4 of Chapter 162 of the Compiled Laws of the State of North Dakota for 1919, relating to Workmen's Compensation Fund."

Which the Senate has passed unchanged.

Very respectfully,

W. J. PRATER,  
Secretary.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
December 6, 1919.

Mr. Speaker: I have the honor to transmit herewith the following bills:

Senate Bill No. 51. "A Bill for an Act to amend and re-enact Sections 3, 5, 9, 11, 12, 13, 16, 17, 23, and 24 of Chapter 160, Session Laws of 1919, Regular Session, establishing a system of Hall Insurance and Hall Insurance Department in the office of the Commissioner of Insurance."

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

Very respectfully,

W. J. PRATER,  
Secretary.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
December 6, 1919.

Mr. Speaker: I have the honor to return House Bill No. 21. Which the Senate has amended as follows:

In Section 2, after the word, "amount," insert "of the net earnings," after the word, "aside," insert "by the directors," and after the word, "remainder," insert the following: "if any"; also strike out the word, "then," between the words, "may" and "be." Also by amending to title to read as follows: "For an Act to amend and re-enact Sections 8 and 13 of Chapter 7 of the laws of 1917 and also section 16 of chapter 97 of the laws of 1917 as amended by Section 2 of Chapter 99 of the laws of 1919, relating to the incorporation of Co-operative Associations; the voting powers thereof; and apportionment of earnings."

Very respectfully,

W. J. PRATER,  
Secretary.

### THIRD READING OF SENATE BILLS

Senate Bill No. 22. "A Bill for an Act to amend and re-enact Section 780, Compiled Laws of North Dakota for the year 1913, relating to compensation of court stenographers." Was read the third time.

The question being on the final passage of the bill, as amend-

ed, the roll was called and there were ayes 58, nays 48, absent and not voting 7.

Ayes: Brostuen, Bryans, Burtness, Burkhart, Bryne, Caddell, Carr, Dungan, Durkee, Eckert, Gunhus, Haines, Hall, Hanson, Harding, Harris, Humphreys, Johnson of Cass, Johnson of Pembina, Johnston, Kelly, Koller, Krueger, Kunkei, Larson of Pierce, Lowe, Maddock of Mountrail, Malone, Maxwell, Mikkelson, Murtha, Ness, Nesvig, Nims, O'Connor of Pembina, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olgard, Patterson, Petterson of Sargent, Pleasance, Prater, Riba, Reid, Reishus, Robinson, Roquette, Rusch, Severson, Sherman, Strain, Turner, Twichell, Wadeson, Walker, Weld of Wells, Wog, Mr. Speaker.

Nays: Arnold, Alberts, Bailey, Brady, Bratsberg, Bjerke, Donner, Engen, Ferguson, Fredrickson, Hammond, Hardt, Herbert, Hoare, Johnson of Dickey, Johnson of Steele, Kamrath, Kelder, Kell, Kellogg, Keitzman, Larson of Ransom, Larson of Stutsman, Larkin, Lazier, Maddock of Benson, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, McDonnell, McGauvran, McLarty, McLaughlin, McManus, Miller, Moen, Nathan of Sheridan, Nathan of Logan, O'Brien, Olson of Barnes, Opland, Randall, Renauld, Strom, Whipple, Yeater.

Absent and not voting: Bollinger, Cleven, Hemmi, Ivers, Klein, Uglum, Weld of Kidder.

So the bill passed and the title was agreed to.

MR. MILLER. I wish to explain my vote on Senate Bill No. 22. In view of the fact that some of the Court reporters are now drawing one thousand dollars more than the judges of the districts, as I have been informed, and in view of the fact that this is a hard time to raise salaries, I vote "no."

MR. MURTHA. I vote "aye" to remedy the evil that the last gentleman just mentioned. This will cut any stenographers' salaries down to two thousand dollars per year. It will also increase the salary of some of the stenographers in the districts where there isn't so much work to do, and it will put all the stenographers on an equal basis. I vote "aye."

MR. O'CONNOR of Grand Forks. I vote "aye" for the reason that there is a danger of not having competent stenographers for the work to be done in many of the District Courts, and it has come to me that Judge Coffey's reporter, Judge Allen's reporter, and Judge Englert's reporter, and Judge Graham's reporter have taken other positions because of the inadequacy of the pay. This is a most important question, because if there is any place we must have competent work done it is by these court reporters, for the reason that not only all the property that a man has may depend upon the accuracy of the shorthand notes the reporter takes, but the very life of a man may depend upon that. It is one of the hardest positions. I understand that at the present time the reporters on an average are earning \$1750.00 per year, out of which they must pay all of their travelling and office expenses, and with the redistricting of the state their expenses are higher. It is a fact that ordinary stenographers now are receiving from \$100 to \$125 per month for the ordinary stenographic work in offices, and the court work



is such highly specialized work, it seems to me that the gentleman who has given as a reason that it would increase salaries, and that some of the stenographers are already receiving exorbitant salaries would see in this bill a remedy for any such evil, as this would equalize all of them and give them a fair compensation for their work, and therefore I vote "aye."

#### CONSIDERATION OF MESSAGE FROM THE SENATE

MR. TWICHELL moved that Senate Bill No. 35 be put at the head of the calendar for the next legislative day, which motion prevailed.

#### HOUSE ROLL CALL

The question being on adoption of Senate amendment on House Bill No. 21, the roll was called and there were, ayes, 109; nays, 0; absent and not voting, 4.

Ayes—Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bollinger, Bjerke, Burtness, Burkhart, Byrne, Caddell, Carr, Donner, Dungan, Durkee, Eckert, Engen, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hammond, Hanson, Hardt, Harding, Harris, Herbert, Hoare, Humphreys, Ivers, Johnson of Dickey, Johnson of Steele, Johnson of Cass, Johnson of Pembina, Johnston, Kamrath, Kelder, Kell, Kellogg, Kelly, Keitzman, Koller, Krueger, Kunkel, Larson of Ransom, Larson of Pierce, Larkin, Lazier, Lowe, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McGauvran, McLarty, McLaughlin, McManus, Mikkelson, Miller, Moen, Murtha, Nathan of Sheridan, Nathan of Logan, Ness, Nesvig, Nims, O'Brien, O'Connor of Pembina, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olson of Barnes, Olsgard, Opland, Patterson, Petterson of Sargent, Pleasance, Prater, Randall, Riba, Reid, Reishus, Renauld, Robinson, Roquette, Rusch, Severson, Sherman, Strain, Strom, Turner, Twichell, Wadeson, Walker, Weld of Wells, Weld of Kidder, Whipple, Wog, Yeater, Mr. Speaker.

Absent and not voting—Cleven, Hemmi, Klein, Uglum.

Which motion prevailed.

Mr. Harding moved that the House concur in the Senate amendment to House Bill No. 21, which motion prevailed.

#### FIRST AND SECOND READING OF SENATE BILLS

Senate Bill No. 51, "A Bill for an Act to amend and reenact Sections 3, 5, 9, 11, 12, 13, 16, 17, 23 and 24 of Chapter 160, Session Laws of 1919, Regular Session, establishing a system of Hail Insurance and Hail Insurance Department in the office of the Commissioner of Insurance."

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

Mr. Hoare moved that the House do now resolve itself into a Committee of the Whole, which motion prevailed, and the House resolved itself into a Committee of the Whole. The Speaker called Mr. Walker to the Chair.

When the Committee arose it submitted the following report:

Mr. Speaker: The committee of the whole have had under consideration House Bill No. 52.

"A Bill for an Act to prohibit the use of cigarettes by minors; prohibiting the supplying of cigarettes, cigarette papers, cigarette wrappers, or cigarette tobacco to minors; prohibiting the sale of cigarettes, cigarette tobacco, cigarette papers, or cigarette wrappers, without a license; providing for licensing the sale, barter, or giving away of cigarettes, cigarette tobacco, cigarette papers, or cigarette wrappers, and making the violation thereof of a criminal offense; and providing penalties therefor.

And recommend that same be indefinitely postponed.

MR. WALKER,  
Chairman.

Mr. Hoare moved that the report be adopted, which motion prevailed and the report was adopted.

#### SIGNING OF BILLS

The Chief Clerk announced that the Speaker was about to sign Senate Bill No. 29.

"A Bill for an Act to amend and re-enact Section 2 of Chapter 172 of the Laws of the State of North Dakota for the year 1919, and providing the time in which the provisions of said section shall be complied with."

And the Speaker signed the same in the presence of the House.

Mr. O'Brien moved that the House take a ten minutes recess, which motion prevailed and a recess was taken.

#### AFTER RECESS

The House assembled pursuant to recess taken, the Speaker presiding.

Mr. Whipple moved that the House recess until 12 o'clock M. Dec. 8 which motion prevailed and the House recessed.

Courtesies of the floor were extended to Bert Ulberg, Mott, N. D.; Rev. J. G. Dickey, E. E. Joyce, J. J. Guldeman, John Piezina, Beach, N. D.; E. G. Larson, Aneta, N. D.

THIRTEENTH DAY AFTER RECESS AND FIFTEENTH  
DAY

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
December 8th, 1919.

The House assembled pursuant to recess taken, the Speaker presiding.

Mr. Patterson moved to turn to the Seventh order of business.

MOTIONS AND RESOLUTIONS

MESSAGE FROM THE SENATE

Senate Chamber,  
Bismarck, N. D.,  
December 7, 1919.

Mr. Speaker: I have the honor to transmit herewith the following bills:

"A Bill for an Act, making appropriation for the salary of the Secretary and members of the State Highway Commission, for the Clerk Hire and other assistance of the Commission, Postage, Office Supplies, Furniture and Fixtures, Printing Miscellaneous and Traveling Expenses of the Commission; amending and re-enacting Section 1 of Chapter 42 of the Laws of North Dakota for the year 1919; repealing all acts and parts of acts in conflict therewith; and declaring an emergency. the Compiled laws of North Dakota for the year 1919, re-erty for the school districts of the county."

Senate Bill No. 56.

"A Bill for an Act to amend and re-enact Chapter 216 of the Compiled Laws of North Dakota for the year 1919, relating to the tax of one mill on the dollar on taxable property for the school districts of the county."

Senate Bill No. 16.

"A Bill for an Act to amend and re-enact Sections 625, 626 and 627 of the Compiled Laws of North Dakota for the year 1913 as amended by Chapter 252 of the Session Laws of 1917."

Senate Bill No. 49.

"A Bill for an Act to provide for the licensing of ferries; the collection of fees therefor and the disposition thereof; to provide penalties for the violation thereof; and to repeal Section 2062 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 129 of the laws passed at the 16th Session of the Legislative Assembly, being the Ses-

Senate Bill No. 58.

sion Laws of 1919, Sections 2063, 2067, 2068 and 9777 of the Compiled Laws of the State of North Dakota for the year 1913, and all other Acts or parts of Acts in conflict with the provisions thereof."

Senate Bill No. 44.

"A Bill for an Act providing for the issuing of bonds of the State of North Dakota in a sum not exceeding two million dollars to be known as "Bonds of North Dakota Home Building Series;" prescribing the terms and stating the purpose thereof; providing for a tax and making other provisions for payment of interest and principal of said bonds and to carry into effect the provisions of this act; and declaring this act to be emergency measure."

Senate Bill No. 41.

"A Bill for an Act to amend and re-enact Section 2223 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Chapter 233 of the Laws of North Dakota for the year 1919, relating to the redemption of land sold for taxes, and providing for the furnishing of notice of the expiration of the time for redemption upon all mortgagees and assignees of unsatisfied recorded mortgages."

Senate Bill No. 55.

"A Bill for an Act to amend and re-enact Section 2095 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 229, Laws of North Dakota, 1917, as amended by Chapter 229, Laws of North Dakota, 1919, relating to revenue and taxation and fixing the situs of personal property for tax purposes."

Senate Bill No. 9.

"A Bill for an Act to amend and re-enact Article 16 of Chapter 11, Compiled Laws of North Dakota, 1913, relating to absent voters."

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

Very respectfully,

W. J. PRATER,  
Secretary.

Senate Chamber,  
Bismarck, N. D.,  
December 4, 1919.

Mr. Speaker: I have the honor to transmit the following Concurrent Resolution:

#### A CONCURRENT RESOLUTION

WHEREAS, The Canadian officials, federal and provincial, have expressed a desire to cooperate with the States in protecting the Red River Valley from floods and to hold a joint conference between properly authorized officials,

BE IT RESOLVED by the Senate of the State of North Dakota, the House concurring, that we do hereby authorize the Governor to appoint as delegates a legislator and a citizen at large to cooperate with the State Flood Control Commission and its Chief Engineer and go to Winnipeg for a joint conference with Canadian officials about Dec. 18 to arrive at a definite effective basis of mutual cooperation.

BE IT FURTHER RESOLVED that there is hereby appropriated out any funds in the state treasury not otherwise appropriated, the sum of \$100.00 or such part thereof as may be needed to defray the bare traveling expenses of the delegates appointed by the governor.

Which the Senate adopted and your favorable consideration is respectfully requested.

Very respectfully,

W. J. PRATER,  
Secretary.

#### REPORTS OF STANDING COMMITTEES

The committee on Insurance made the following report:

Mr. Speaker: Your committee on Insurance to whom was referred Senate Bill No. 51.

"A Bill for an Act to amend and re-enact Sections 3, 5, 9, 11, 12, 13, 16, 17, 23 and 24 of Chapter 100, Session Laws of 1919, Regular Session, establishing a system of Hail Insurance and Hail Insurance Department in the office of the Commissioner of Insurance."

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

N. MAGNUSON,  
Chairman.

Mr. Magnuson moved that the report be adopted, which motion prevailed and the report was adopted.

#### MINORITY REPORT

The committee on Judiciary made the following report:

Mr. Speaker: Your committee on Judiciary to whom was referred House Bill No. 11.

"A Bill for an Act regulating the display of Flags, Ensigns, Banners, and Standards within the State of North Dakota; making the display of certain Flags, Ensigns, Banners, and Standards a misdemeanor, and providing a penalty therefor."

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

J. N. KUNKEL,  
Member of Committee.

Mr. Kunkel moved that the report be approved.

#### MAJORITY REPORT

The committee on Judiciary made the following report:

Mr. Speaker: Your committee on Judiciary to whom was referred House Bill No. 11.

"A Bill for an Act regulating the display of Flags, Ensigns, Banners, and Standards within the State of North Dakota; making the display of certain Flags, Ensigns, Banners, and Standards a misdemeanor, and providing a penalty therefor."

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

FRANK PRATER,  
Chairman.

Mr. Prater moved that the report be adopted.

Mr. Prater moved to re-refer House Bill No. 11 to committee on Elections and Election Privileges, which motion prevailed.

The committee on Appropriation made the following report:

Mr. Speaker: Your committee on Appropriation to whom was referred House Bill No. 56.

"A Bill for an Act amending and re-enacting Section 7 of Chapter 108 of the Laws of North Dakota for the year 1919, relating to the care of samples of milk and cream and for obtaining official tests of butter fat; making an appropriation therefor, and repealing all acts and parts of acts in conflict therewith, and declaring an emergency."

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

JOHN MADDOCK,  
Chairman.

Mr. Maddock moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Appropriation made the following report:

Mr. Speaker: Your committee on Appropriation to whom was referred House Bill No. 58.

"A Bill for an Act making appropriation for the salary of the Secretary and members of the State Highway Commission, for the clerk hire and other assistance of the commission, postage, office supplies, furniture and fixtures, printing miscellaneous and traveling expense of the Commission; amending and re-enacting Section 1 of Chapter 42 of the Laws of North Dakota for the year 1919; repealing all acts and parts of acts in conflict therewith; and declaring an emergency."

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

JOHN MADDOCK,  
Chairman.

Mr. Maddock moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Enrollment and Engrossment made the following report:

Mr. Speaker: Your committee on Enrollment and Engrossment have examined the following bills:

House Bill No. 21.

"A Bill for an Act to amend Sections eight (8) and thirteen (13) of Chapter ninety-seven (97) of the Laws of 1917 as amended by section two (2) of Chapter 99 of the Laws of 1919."

House Bill No. 36.

"A Bill for an Act to amend and re-enact section 1 of Chapter 152 of the Session Laws of 1915, relating to the Emergency Commission and membership thereof."

House Bill No. 42.

"A Bill for an Act defining the word "Precinct" as used in the Laws of the State of North Dakota, relating to Elections and providing for the formation of voting districts and the

designating of voting places within such voting districts."

House Bill No. 46.

"A Bill for an Act to amend and re-enact Section 4 of Chapter 162 of the Session Laws of the State of North Dakota for 1919 relating to Workmen's Compensation Fund."

House Bill No. 51.

"A Bill for an Act requiring the Board of Railroad Commissioners to devote each his entire time to his respective office, and to increase the compensation thereof."

And find the same correctly enrolled.

J. W. KUNKEL,  
Chairman.

Mr. Kunkel moved that the report be adopted, which motion prevailed and the report was adopted.

¶ The committee on Enrollment and Engrossment made the following report:

Mr. Speaker: Your committee on Enrollment and Engrossment have examined the following bills:

House Bill No. 2.

"A Bill for an Act to amend and re-enact Section 1 and Section 3 of Chapter 206 of the Session Laws of 1919, relating to the levying of a tax of one-half of one mill upon each dollar assessed valuation of all taxable property within the state for each year for the purpose of creating a fund to be known as the "Returned Soldiers' Fund;" providing for the payment thereof to returned soldiers; defining the powers and duties of the Adjutant General and of the Industrial Commission with reference thereto."

House Bill No. 7.

"A Bill for an Act relating to the licensing and regulation of pool and billiard rooms, ball and pin alleys, dance halls, theaters, moving picture shows, taxi cab stands and places where soft drinks are sold, and repealing Chapter 6 of the Session Laws of North Dakota for the year 1919 and all acts and parts of acts inconsistent therewith and declaring an emergency and transferring all moneys from the Attorney General Inspector License Fund to the General Fund."

House Bills No. 16.

"A Bill for an Act to amend and re-enact Chapter 199 of the Session Laws of 1919 of the State of North Dakota relating to the consolidation of schools and transportation of pupils."

House Bill No. 19.

"A Bill for an Act to provide for the joint ownership and use of public buildings and grounds by villages and townships."

House Bill No. 54.

"A Bill for an Act for the better enforcement of the laws of this state, constituting the County Sheriffs of this State. a State Constabulary and defining their duties; creating the office of State Sheriff and defining his duties; making an appropriation therefor and repealing all acts and parts of acts in conflict herewith."

And find the same correctly engrossed.

J. W. KUNKEL,  
Chairman.

Mr. Kunkel moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Appropriations made the following report:

Mr. Speaker: Your committee on Appropriations to whom was referred House Bill No. 55.

"A Bill for an Act making an appropriation for maintenance, improvements, repairs and equipments for the Institution of the Feeble Minded at Grafton, North Dakota; amending and re-enacting Section 1 of Chapter 32 of the Laws of North Dakota for the year 1919; repealing all acts and parts of acts in conflict therewith and declaring an emergency."

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

JOHN R. MADDOCK,  
Chairman.

Mr. Maddock moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Patterson moved that Senate Bill No. 20 be recalled from the Senate which motion prevailed.

#### SIGNING OF BILLS

The Chief Clerk announced that the Speaker was about to sign House Bill No. 46.

"A Bill for an Act to amend and re-enact Section 4 of Chapter 162 of the Session Laws of the State of North Dakota for 1919 relating to Workmen's Compensation Fund."

House Bill No. 42.

"A Bill for an Act defining the word "Precinct" as used in the laws of the State of North Dakota relating to elections and providing for the formation of voting districts and the designating of voting places within such voting districts."

House Bill No. 21.

"A Bill for an Act to amend Section (8) and thirteen (13) of Chapter ninety-seven (97), of the Laws of 1917 as amended by Section two (2) of Chapter 99 of the Laws of 1919."

House Bill No. 36.

"A Bill for an Act to amend and re-enact Section 1 of Chapter 152 of the Session Laws of 1915, relating to the Emergency Commission, and membership thereof."

House Bill No. 51.

"A Bill for an Act requiring the Board of Railroad Commissioners to devote each his entire time to his respective office, and to increase the compensation thereof."

And the Speaker signed the same in the presence of the House.



Mr. Twichell moved that the clerk advise the House how it comes that Bills on which the emergency was lost have been sent to the Senate with the emergencies on and that Senate Bills on which the emergency was lost in this House have been returned with some not stricken. which motion prevailed.

Mr. Twichell moved that a committee of three be appointed to investigate and find out which bills have been voted on by this House and the emergency lost, but not stricken, which motion prevailed, and the Speaker appointed as such committee Mr. Twichell, Mr. Whipple and Mr. Maddock of Mount-rail.

The committee on Appropriations made the following report:

Mr. Speaker: Your committee on Appropriations to whom was referred House Bill No. 59.

"A Bill for an Act remitting the amount of state taxes for the year 1919.

"WHEREAS, Several of the state industries are self-supporting and are in a position to refund to the State Treasury all moneys appropriated for their operation, and

"WHEREAS, There has been a partial crop failure in this state, Therefore,

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

That House Bill No. 59 be amended by striking everything after the words "A Bill" and inserting in lieu thereof the following:

"For an Act remitting and reducing the amount of state taxes levied for the General Fund for the year 1919.

WHEREAS, Several of the state industries are self-supporting and are in a position to refund to the State Treasury all moneys appropriated for their operation, and

WHEREAS, Stringent economy and retrenchment are necessary because there has been a partial crop failure in this state,

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. That the levy and the amount of state taxes for the General Fund as determined by the Board of Equalization for the year 1919 be and the same is hereby reduced twenty-five per cent thereof, and the several county treasurers in this state are hereby authorized and directed to remit to each tax payer at the time of paying such taxes twenty-five per cent of the amount so levied and due from any such tax payer; or in the event that said taxes have been paid, any such treasurer shall upon demand refund to any such tax payer twenty-five per cent of the taxes so levied; provided further that the provisions of this act shall not apply to taxes levied or assessed for state hail insurance or taxes levied for the creation of the Returned Soldier Fund.

Section 2. It shall be the duty of each county treasurer to furnish each such tax payer with a statement showing in words and figures the amounts due from such tax payer for state purposes and the amount refunded or remitted.

Section 3. Any county treasurer violating the provisions of this act shall be guilty of a misdemeanor.

Section 4. This act is hereby declared to be an emergency act and shall take effect and be in force from and after its passage and approval.

Section 5. All acts and parts of acts in conflict herewith are hereby repealed.

And when so amended recommend the same do pass.

JOHN R. MADDOCK,  
Chairman.

Mr. Maddock moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Appropriations made the following report:

Mr. Speaker: Your committee on Appropriations to whom was referred House Bill No. 57.

"A Bill for an Act making appropriation for the maintenance, improvements and repairs, new buildings, equipments and miscellaneous expenses of the North Dakota Reform School; amending and re-enacting Section 1 of Chapter 57 of the Laws of North Dakota for the year 1919; repealing all acts and parts of acts in conflict therewith; and declaring an emergency."

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

JOHN MADDOCK,  
Chairman.

Mr. Maddock moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on State Affairs made the following report:

Mr. Speaker: Your committee on State Affairs to whom was referred House No. 50.

"A Bill for an Act authorizing the Board of Railroad Commissioners to investigate trade and commerce, profiteering, hoarding and speculation in food, clothing and shelter, in co-operation with the Federal Trade Commission."

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

WALTER J. MADDOCK,  
Chairman.

Mr. Maddock moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on State Affairs made the following report:

Mr. Speaker: Your committee on State Affairs to whom was referred House Bill No. 14.

"A Bill for an Act to provide office rooms for the State Headquarters of the North Dakota Unit of World War Veterans (Northwest Division) and the North Dakota Branch of the American Legion."

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

WALTER J. MADDOCK,  
Chairman.

Mr. Maddock moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on State Affairs made the following report:

Mr. Speaker: Your committee on State Affairs to whom was referred Senate Bill No. 34.

"A Bill for an Act to amend and re-enact Section 12 of Chapter 150 of the Laws of North Dakota for the year 1919, being an act declaring the purpose of the State of North Dakota to engage in the enterprise of providing homes for residents of this state and to that end to establish a business system operated by the state under the name of the Home Building Association of North Dakota; defining the scope and manner of its operation and the powers and duties of the persons charged with its management; making an appropriation therefor; and providing that the Association may retain the title to property when more than twenty per cent has been paid thereon and give the buyer a contract for a deed therefor."

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

WALTER J. MADDOCK,  
Chairman.

Mr. Maddock moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on State Affairs made the following report:

Mr. Speaker: Your committee on State Affairs to whom was referred Senate Bill No. 50.

"A Bill for an Act repealing statutes imposing certain restrictions upon foreign corporations."

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

In Section 1 after the words "Section 4925" strike out the balance of said section and insert in lieu thereof the following:

Section 4925. Authority of foreign or domestic company revoked, how. If the commissioner of insurance is of the opinion upon examination or other evidence that a foreign insurance company is in an unsound condition, or if it has failed to comply with the law, or if it, its officers or agents refuse to submit to examination, or to perform any legal obligation in relation thereto or if a life insurance company that its actual funds, exclusive of its capital, are less than its liabilities, he shall revoke or suspend all certificates of authority granted to it or to its agents, and shall cause notifications thereof to be published three times, once in each week for three successive weeks, in some newspaper published at the seat of government and no new business shall thereafter be done by it or its agents in this state while such default or disability continues, nor until its authority to do business is restored by the commissioner; provided, further, that if any insurance corporation organized under the laws of any other state or country and having been authorized to transact business in this state, shall remove or make application to remove into any court of the United States any action or proceeding begun in any court of this state upon a claim or cause of action arising out of any business or transaction done in this state, or upon any contract made, executed or to be performed herein, the commissioner of insurance shall revoke all certificates of authority granted to such insurance corpor-

ation, or to its agents, and shall cause notifications thereof to be published three times, once in each week for three successive weeks, in some newspaper published at the seat of government and no new business shall thereafter be done by it or its agents in this state until after the expiration of three years from the date of such last publication. Provided, however, the commissioner of insurance may after a hearing and for good and sufficient cause, cancel or revoke such suspension and re-instate any such company. If upon examination he is of the opinion that any domestic insurance company is insolvent, or has exceeded its powers or has failed to comply with any provisions of law, or that its condition is such as to render its further proceedings hazardous to the public or its policy holders, he shall apply to the district court of the county in which the principal office of the company is located to issue an injunction restraining it in whole or in part from further proceeding with its business. The court or judge may, in its discretion, issue an injunction forthwith or upon notice and hearing thereon, and after a full hearing of the matter may dissolve or modify such injunction or make it perpetual, and may make all orders and decrees needful in the premises and may appoint agents or receivers to take possession of the property and effects of the company and to settle its affairs according to the course of proceedings in equity.

And when so amended recommend the same do pass.

WALTER MADDOCK,  
Chairman.

The committee on Delayed Bills made the following report:

Mr. Speaker: Your committee on Delayed Bills to whom was referred,

"A Bill for an Act declaring and defining the time within which the laws passed at any special session of the Legislative Assembly shall take effect."

Have had the same under consideration and recommend that the same be not introduced.

EDW. W. HERBERT,  
Chairman.

Mr. Herbert moved that the report be adopted, which motion prevailed and the report was adopted.

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

Mr. Speaker: Your committee on revision and correction of the journal have carefully examined the Journal of the Eleventh day after recess and recommend that the same be corrected as follows:

On page 2, lines 23 and 24, strike out the words "which motion prevailed and the report was adopted."

On page 2 after line 52 insert the following words "Committee report was adopted."

And when so corrected recommend that the same be approved.

B. C. LARKIN,  
Acting Chairman.

Mr. Larkin moved that the report be adopted, which motion prevailed and the report was adopted.

## MESSAGE FROM THE SENATE

SENATE CHAMBER.

Bismarck, N. D.,

December 8, 1919.

Mr. Speaker: I have the honor to return herewith Senate Bill No. 20 as per request of the House.

Very respectfully,

W. J. PRATER,

Secretary.

SENATE CHAMBER.

Bismarck, N. D.,

December 8, 1919.

Mr. Speaker: I have the honor to return herewith the following bills:

House Bill No. 10.

"A Bill for an Act to amend and re-enact Section 5170 of the Compiled Laws, State of North Dakota, for the year 1913, as amended by Chapter 58 of the Session Laws of 1915, relating to the Legal Reserve Fund of Banking Corporations and Associations."

House Bill No. 13.

"A Bill for an Act providing for the appointment of Special Assistant Attorneys General by the governor; making an appropriation therefor; and repealing all acts and parts of acts in conflict therewith."

House Bill No. 20.

"A Bill for an Act to exempt "money" and "credits" from taxation except, as herein provided, and repealing Chapter 255 of the Laws of North Dakota for the year 1915, and Chapter 230 of the Laws of North Dakota for the year 1917 as amended by Chapter 226 of the Laws of North Dakota for the year 1919 and all other acts and parts of acts in conflict with the provision of this act."

House Bill No. 39.

"A Bill for an Act to appropriate money for the expenses of the executive department of the state to cover expenses in meeting certain emergencies."

Which the Senate has passed unchanged.

Very respectfully,

W. J. PRATER,

Secretary.

## FIRST AND SECOND READING OF SENATE BILLS

Senate Bill No. 9.

"A Bill for an Act to amend and re-enact Article 16 of Chapter 11, Compiled Laws of North Dakota, 1913, relating to absent voters."

Was read the first and second time and referred to the committee on Elections and Election Laws.

Senate Bill No. 16.

"A Bill for an Act to amend and re-enact Sections 625, 626, and 627 of the Compiled Laws of North Dakota for the year 1913 as amended by Chapter 252 of the Session Laws of

1917."

Was read the first and second time and referred to the committee on counties.

Senate Bill No. 41.

"A Bill for an Act to amend and re-enact Section 2223 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Chapter 233 of the Laws of North Dakota for the year 1919, relating to the redemption of land sold for taxes, and providing for the furnishing of notice of the expiration of the time for redemption upon all mortgages and assignees of all unsatisfied recorded mortgages."

Was read the first and second time and referred to the committee on Taxes and Tax Laws.

Senate Bill No. 44.

"A Bill for an Act providing for the issuing of bonds of the State of North Dakota in a sum not exceeding two million dollars to be known as "Bonds of North Dakota Home Building Series;" prescribing the terms and stating the purposes thereof; providing for a tax and making other provisions for the payment of interest and principal of said bonds and to carry into effect the provisions of this act; and declaring this act to be an emergency measure."

Was read the first and second time and referred to the committee on State Affairs.

Senate Bill No. 49.

"A Bill for an Act to provide for the licensing of ferries; the collection of fees therefor and the disposition thereof; to provide penalties for the violation thereof; and to repeal Section 2062 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 129 of the laws passed at the 16th Session of the Legislative Assembly, being the Session Laws of 1919, Sections 2063, 2067, 2068 and 9777 of the Compiled Laws of the State of North Dakota for the year 1913, and all other acts or parts of acts in conflict with the provisions thereof."

Was read the first and second time and referred to the committee on State Affairs.

Senate Bill No. 55.

"A Bill for an Act making appropriation for the salary of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 229, Laws of North Dakota, 1917, as amended by Chapter 229, Laws of North Dakota, 1919, relating to revenue and taxation and fixing the situs of personal property for tax purposes."

Was read the first and second time and referred to the committee on judiciary.

Senate Bill No. 56.

"A Bill for an Act to amend and re-enact Chapter 216 of the Compiled Laws of North Dakota for the year 1919, relating to the tax of one mill on the dollar on taxable property for the school districts of the county."

Was read the first and second time and referred to the committee on Judiciary.

Senate Bill No. 58.

"A Bill for an Act making appropriation for the salary of

the Secretary and members of the State Highway Commission, for the Clerk Hire and other assistance of the Commission, postage, office supplies, furniture and fixtures, printing, miscellaneous and traveling expenses of the Commission; amending and re-enacting Section 1 of Chapter 42 of the Laws of North Dakota for the year 1919; repealing all acts and parts of acts in conflict therewith; and declaring an emergency."

Was read the first and second time and referred to the committee on State Affairs.

**Senate Bill No. 5.**

"A Bill for an Act to amend and re-enact Chapter 182 of the 1919 Session Laws to provide for the taxing and licensing of motor vehicles, the creation of a Motor Vehicle Registration Department of the State Highway Commission and the appointment of a Registrar as head of the same, defining his duties and compensation; establishing the method of distributing the fees received therefrom; fixing penalties for the violation of this act and providing an appropriation for administering the same and for the use of the State Highway Commission; and repealing Chapter 156 of the Laws of North Dakota, 1917, and all acts and parts of acts in conflict therewith."

Was read the first and second time and referred to the committee on State Affairs.

**MESSAGE FROM THE SENATE**

SENATE CHAMBER,

Bismarck, N. D.,

December 8, 1919.

Mr. Speaker: I have the honor to transmit herewith the following bills:

**Senate Bill No. 5.**

"A Bill for an Act to amend and re-enact Chapter 182 of the 1919 Session Laws to provide for the taxing and licensing of motor vehicles, the creation of a Motor Vehicle Registration Department of the State Highway Commission and the appointment of a Registrar as head of the same, defining his duties and compensation; establishing the method of distributing the fees received therefrom; fixing penalties for the violation of this act and providing an appropriation for administering the same and for the use of the State Highway Commission; and repealing Chapter 156 of the Laws of North Dakota, 1917, and all acts and parts of acts in conflict therewith."

**Senate Bill No. 30.**

"A Bill for an Act for the purpose of encouraging and promoting the dairy industry of the state; authorizing counties to issue bonds and with the proceeds to purchase dairy cows for needy farmers; authorizing the formation of Dairy Associations; and making appropriation therefor."

**Senate Bill No. 33.**

"A Bill for an Act to appropriate \$225,000 for the purpose of aiding in the construction of a bridge across the Missouri River from Burleigh County to Morton County within the state of North Dakota, under the provisions of Chapter 73 of the Laws passed at the Sixteenth Session of the Legislative

Assembly of the State of North Dakota, approved March 5, 1919."

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

Very respectfully,

W. J. PRATER,  
Secretary.

#### FIRST AND SECOND READINGS OF SENATE BILLS

##### Senate Bill No. 33.

"A Bill for an Act to appropriate \$225,000.00 for the purpose of aiding in the construction of a bridge across the Missouri River from Burleigh County to Morton County in the State of North Dakota, and the further sum of \$35,000.00 for the construction of a bridge across the Red River at Pembina, Pembina County, and Kittsen County, Minnesota, under the provisions of Chapter 73 of the Laws passed at the Sixteenth Session of the Legislative Assembly of North Dakota, approved March 5, 1919; and such appropriations be made from the State Highway Fund."

Was read the first and second time and referred to the committee on Appropriations.

##### Senate Bill No. 30.

"A Bill for an Act for the purpose of encouraging and promoting the dairy industry of the state; authorizing counties to issue bonds and with the proceeds to purchase dairy cows for needy farmers; authorizing the formation of Dairy Associations; and making appropriation therefor."

Was read the first and second time and referred to the committee on Judiciary.

Mr. Bryans moved that the House do now adjourn, which motion prevailed and the House adjourned.

#### FIFTEENTH DAY

The House assembled pursuant to adjournment, the Speaker presiding.

Prayer by the Chaplain.

Roll Call.

Present 108, absent 5.

Present: Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bollinger, Bjerke, Burtness, Burkhart, Byrne, Caddell, Carr, Donner, Dungan, Durkee, Eckert, Engen, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hammond, Hanson Hardt, Harding, Harris, Herbert, Hoare, Humphreys, Ivers, Johnson of Dickey, Johnson of Steele, Johnson of Cass, Johnson of Pembina, Johnston, Kamrath, Kelder, Kell, Kellogg, Kelly, Keitzman, Koller, Krueger, Kunkel, Larson of Ransom, Larson of Stutsman, Larson of Pierce, Larkin, Lazier, Lowe, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McGauvran, McLarty, McLaughlin, Mikkelsen, Miller, Moen, Murtha, Nathan of Cheridan, Nathan of Logan, Ness, Nesvig, Nims, O'Brien, O'Connor of Pembina, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olson of Barnes, Olsgard, Opland, Patterson, Petterson of Sargent, Pleasance, Prater, Randall, Riba, Reid, Reishus, Renauld, Robinson, Roquette, Rusch, Severson, Sherman, Strain, Strom, Turner, Twichell, Wadeson, Walker, Weld of



Wells, Weld of Kidder, Whipple, Wog, Yeater, Mr. Speaker.  
Absent: Cleven, Hemmi, Klein, McManus, Uglum.

### THIRD READING OF HOUSE BILLS HOUSE ROLL CALL

House Bill No. 2, "A Bill for an Act to amend and reenact Section 1 and Section 3 of Chapter 206 of the Session Laws of 1919, relating to the levying of a tax of one-half of one mill upon each dollar of assessed valuation of all taxable property within the state for each year for the purpose of creating a fund to be known as the "Returned Soldiers' Fund"; providing for the payment thereof to returned soldiers; defining the powers and duties of the Adjutant General and of the Industrial Commission with reference thereto."

Was read the third time.

The question being on the final passage of the bill, the roll was called and there were, ayes, 103; nays, 0; absent and not voting, 10.

Ayes—Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bollinger, Bjerke, Birtness, Burkhart, Byrne, Caddell, Carr, Donner, Dungan, Durkee, Eckert, Engen, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hammond, Hanson, Hardt, Harding, Herbert, Hoare, Humphreys, Ivers, Johnson of Dickey, Johnson of Cass, Johnson of Pembina, Johnston, Kelder, Kell, Kellogg, Kelly, Keitzman, Koller, Krueger, Kunkel, Larson of Ransom, Larson of Stutsman, Larson of Pierce, Larkin, Lazier, Lowe, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McGauvran, McLarty, McLaughlin, McManus, Mikkelson, Miller, Moen, Murtha, Nathan of Sheridan, Nathan of Logan, Ness, Nesvig, Nims, O'Brien, O'Connor of Pembina, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Barnes, Olsgard, Opland, Patterson, Petterson of Sargent, Pleasance, Prater, Randall, Riba, Reid, Reishus, Renauld, Robinson, Roquette, Rusch, Severson, Sherman, Strom, Turner, Twichell, Wadson, Walker, Weld of Wells, Whipple, Wog, Yeater, Mr. Speaker.

Absent and not voting—Cleven, Harris, Hemmi, Johnson of Steele, Kamrath, Klein, Olson of Ward, Strain, Uglum, Weld of Kidder.

So the bill passed and the title was agreed to.

Emergency declared passed.

MR. TWICHELL: I wish to explain my vote. The increase in this appropriation is satisfactory to me. The fact that the Industrial Commission is in effect given the rights to determine the priority of claims, that is what claim for bonus shall be paid and what not paid, is not satisfactory, but I am going to vote for the bill.

### HOUSE ROLL CALL

House Bill No. 7, "A Bill for an Act to repeal Chapter 6 of the Session Laws of 1919, relating to the licensing and inspection of pool and billiard rooms, ball and pin alleys, dance halls, theaters, moving picture shows, taxicab stands and places where soft drinks are sold; providing fees therefor, inspectors, office help and supplies; defining the powers and duties; and repealing all Acts and parts of Acts in conflict therewith."

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, 54; nays, 51; absent and not voting, 8.

Ayes—Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bjerke, Caddell, Eckert, Ferguson, Gunhus, Haines, Hall, Hardt, Harding, Hoare, Ivers, Johnson of Dickey, Kamrath, Kelder, Kell, Kellogg, Keitzman, Larson of Stutsman, Larkin, Lazier, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McManus, Moen, Nathan of Sheridan, Nesvig, O'Brien, Opland, Patterson, Prater, Randall, Riba, Renauld, Sherman, Strain, Strom, Walker, Weld of Wells, Whipple, Wog, Yeater, Mr. Speaker.

Nays—Arnold, Bollinger, Burtness, Burkhart, Byrne, Carr, Donner, Dungan, Durkee, Engen, Fredrickson, Hammond, Hanson, Herbert, Humphreys, Johnson of Steele, Johnson of Cass, Johnson of Pembina, Johnston, Kelly, Koller, Krueger, Kunkel, Larson of Ransom, Larson of Pierce, Lowe, Marshall, McGauvran, McLarty, McLaughlin, Mikkelson, Miller, Murtha, Nathan of Logan, Ness, Nims, O'Connor of Pembina, Olsen of Ramsey, Olson of Barnes, Olsgard, Petterson of Sargent, Pleasance, Reid, Reishus, Robinson, Roquette, Rusch, Severson, Turner, Twichell, Wadson.

Absent and not voting—Cleven, Harris, Hemmi, Klein, O'Connor of Grand Forks, Olson of Ward, Uglum, Weld of Kidder.

So the bill was declared lost.

MR. ARNOLD. In view of the fact that the law is self-supporting, and that the old method, leaving it to the regulation of the board of trustees and sheriffs and city and other persons has been found to be very inefficient, and also in view of the fact that the U. S. Government is putting a man into our state to enforce the Federal regulations in regard to prohibition, these two departments can work very efficiently together, the State and the Federal. I think that it is the greatest mistake that this Legislature could make to repeal this present law. I vote "no".

MR. BURKHART. While I have seen a great number of communications from my constituents asking me to take no backward step in any laws sustaining the enforcement of or in regard to moral laws, I am not exactly in support of the bill as it was originally drawn. I think that there should have been some amendments to the bill whereby the taxicabs should not have been assessed, which I believe they are in this case. And I have always tried to stand on the side of the moral laws and regulations as much as possible for the betterment of the people of the state, especially the young growing generation. I can't conceive it my duty today to vote for this bill. Therefore I vote "no".

MR. HARDT. I vote "aye" on this bill for the reason that I do believe that the local authorities can enforce the law better in regard to matters of that kind as the licensing system of the state, therefore I vote "aye".

#### HOUSE ROLL CALL

House Bill No. 16, "A Bill for an Act to amend and re-enact Chapter 199 of the Session Laws of 1919 of the State

of North Dakota, relating to the consolidation of schools and transportation of pupils."

Was read the third time.

The question being on the final passage of the bill, the roll was called and there were, ayes, 93; nays, 9; absent and not voting, 11.

Ayes—Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bollinger, Bjerke, Burtness, Burkhart, Byrne, Caddell, Donner, Dungan, Durkee, Eckert, Engen, Ferguson, Gunhus, Haines, Hall, Hammond, Hanson, Hardt, Harding, Herbert, Hoare, Humphreys, Ivers, Johnson of Dickey, Johnson of Steele, Johnson of Cass, Johnson of Pembina, Johnston, Kamrath, Kelder, Kell, Kellogg, Keitzman, Koller, Krueger, Kunkel, Larson of Ransom, Larkin, Lazier, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Maxwell, McDonnell, McGauvran, McLaughlin, McManus, Mikkelson, Miller, Moen, Murtha, Nathan of Sheridan, Nathan of Logan, Ness, Nesvig, Nims, O'Brien, O'Connor of Pembina, Olson of Barnes, Olgard, Opland, Patterson, Petterson of Sargent, Pleasance, Prater, Randall, Riba, Reid, Renauld, Roquette, Rusch, Severson, Sherman, Strain, Strom, Turner, Wadson, Walker, Weld of Wells, Whipple, Wog, Yeater, Mr. Speaker.

Nays—Fredrickson, Kelly, Larson of Stutsman, Larson of Pierce, Lowe, Olsen of Ramsey, Olson of Ward, Reishus, Robinson.

Absent and not voting—Carr, Clevon, Harris, Hemmi, Klein, Martin of Bottineau, McLarty, O'Connor of Grand Forks, Twichell, Uglum, Weld of Kidder.

So the bill passed and the title was agreed to.

Emergency declared passed.

#### HOUSE ROLL CALL

House Bill No. 19, "A Bill for an Act to provide for joint ownership and use of public buildings and grounds by villages and townships."

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, 106; nays, 0; absent and not voting, 7.

Ayes—Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bollinger, Bjerke, Burtness, Burkhart, Byrne, Caddell, Carr, Donner, Dungan, Durkee, Eckert, Engen, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hammond, Hanson, Hardt, Harding, Herbert, Hoare, Humphreys, Ivers, Johnson of Dickey, Johnson of Steele, Johnson of Cass, Johnson of Pembina, Johnston, Kamrath, Kelder, Kell, Kellogg, Kelly, Keitzman, Koller, Krueger, Kunkel, Larson of Ransom, Larson of Stutsman, Larson of Pierce, Larkin, Lazier, Lowe, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McGauvran, McLarty, McLaughlin, McManus, Mikkelson, Miller, Moen, Murtha, Nathan of Sheridan, Nathan of Logan, Ness, Nesvig, Nims, O'Brien, O'Connor of Pembina, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olson of Barnes, Olgard, Opland, Patterson, Petterson of Sargent, Pleasance, Prater, Randall, Riba, Reid, Reishus, Renauld, Robinson, Roquette, Rusch, Severson, Sherman, Strain, Strom, Turner, Wadson, Walker, Weld of Wells, Whipple, Wog, Yeater, Mr. Speaker.

Absent and not voting—Cleven, Harris, Hemmi, Klein, Twichell, Uglum, Weld of Kidder.

So the bill passed and the title was agreed to.

#### HOUSE ROLL CALL

House Bill No. 54, "A Bill for an Act to provide for the better enforcement of the laws of the State, constituting the County Sheriffs of this State, a State Constabulary and defining their duties; creating the office of the state Sheriff and defining his duties; making an appropriation therefor and repealing all Acts and parts of Acts in conflict herewith."

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, 62; nays, 45; absent and not voting, 6.

Ayes—Arnold, Alberts, Bailey, Brady, Bratsberg, Bryans, Bjerke, Burkhart, Byrne, Caddell, Eckert, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hardt, Harding, Hoare, Ivers, Johnson of Steele, Kamrath, Kelder, Kell, Kellogg, Keitzman, Larson of Ransom, Larson of Stutsman, Larkin, Lazier, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McLarty, Miller, Moen, Nathan of Sheridan, Nesvig, O'Brien, O'Connor of Pembina, Olson of Barnes, Opland, Patterson, Prater, Randall, Riba, Renauld, Sherman, Strain, Strom, Walker, Weld of Wells, Whipple, Wog, Yeater, Mr. Speaker.

Nays—Brostuen, Bollinger, Burtness, Carr, Donner, Dungan, Durkee, Engen, Hammond, Hanson, Herbert, Humphreys, Johnson of Dickey, Johnson of Cass, Johnson of Pembina, Johnston, Kelly, Koller, Krueger, Kunkel, Larson of Pierce, Lowe, McGauvran, McLaughlin, McManus, Mikkelson, Murtha, Nathan of Logan, Ness, Nims, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olsgard, Petterson of Sargent, Pleasance, Reid, Reishus, Robinson, Roquette, Rusch, Severson, Turner, Twichell, Wadeson.

Absent and not voting—Cleven, Harris, Hemmi, Klein, Uglum, Weld of Kidder.

So the bill passed and the title was agreed to.

Mr. Burtness. I desire to explain my vote. I don't regard this bill in the first instance as one worthy of consideration at a special session of the Legislature. No emergency exists, we have gotten along in the State of North Dakota pretty well without a state sheriff for the last thirty years, and I think we can continue to do so. I am opposed to it on principle, and on its merits. I am also opposed to it for the reason that the bill in my opinion is unconstitutional. A few years ago the Legislature passed a law providing for the selection of a temperance commission, and Judge Corliss was selected the temperance commissioner. The authority of the Legislature to appoint such temperance commissioner was passed upon by the Supreme Court, and the decision is found in 16 N. D. in the case of *IN Re. Corliss*. The office of temperance commissioner was held to be contrary to our constitution. Very similar duties were given such commissioner as are given the state sheriff in this bill. I regard that decision controlling, and I will not vote for the bill which I consider unconstitutional and one that can't

be corrected by amendments or something of that sort so as to make it valid. I therefore vote "no".

Mr. Lowe. I am also opposed to creating any more unnecessary jobs in this State, as long as the taxes are as high as they are at present, and I therefore vote "no."

Mr. Patterson. I consider there is a great deal of merit in this bill and further so since I heard the names of the different parties in the letter which was read (by Mr. Burtness) which I consider very authentic. That was the finding of one man practically in one town where they had absolutely violated certain laws which are on the statute books today. I believe it is time that there were some provisions made whereby there would be officials that would bring the law violators to justice and not leave it to some of the little peanut politicians that are holding office in those places, and I vote "aye."

Mr. Kelly. Since hearing the gentleman from Renville (Mr. Patterson) explain his vote and the reasons, I change my vote to "no".

### THIRD READING OF SENATE BILLS

Senate Bill No. 35, "A Bill for an Act to amend Section 4441 of the Revised Codes of North Dakota for the year 1913, and all Acts or parts of Acts amendatory thereto."

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, 70; nays, 35; absent and not voting, 8.

Ayes—Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bjerke, Burtness, Burkhart, Byrne, Caddell, Carr, Donner, Eckert, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hardt, Harding, Ivers, Johnson of Dickey, Johnson of Steele, Kamrath, Kelder, Kell, Kellogg, Keitzman, Larson of Ransom, Larson of Stutsman, Larkin, Lazier, Maddock of Mount-rail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McLarty, McManus, Miller, Moen, Nathan of Sheridan, Nathan of Logan, Nesvig, O'Brien, O'Connor of Grand Forks, Olson of Ward, Olson of Barnes, Opland, Patterson, Pleasance, Prater, Randall, Riba, Renauld, Sherman, Strain, Strom, Wadeson, Walker, Weld of Wells, Whipple, Wog, Yeater.

Nays—Bollinger, Dungan, Durkee, Engen, Hammond, Hanson, Herbert, Hoare, Humphreys, Johnson of Cass, Johnson of Pembina, Johnston, Kelly, Koller, Krueger, Kunkel, Larson of Pierce, Lowe, McGauvran, McLaughlin, Mikkelson, Murtha, ess, Nims, Olsen of Ramsey, Olsgard, Petterson of Sargent, Reid, Reishus, Robinson, Roquette, Rusch, Severson, Turner, Twichell.

Absent and not voting—Cleven, Harris, Hemmi, Klein, O'Connor of Pembina, Uglum, Weld of Kidder, Mr. Speaker.

So the bill passed and the title was agreed to.

Emergency clause passed.

Senate Bill No. 11, "A Bill for an Act authorizing the Bank of North Dakota to make loans to various state departments, industries and institutions, and providing the manner under which loans shall be made and providing for the

repayment of such loans and directing the state auditor to issue warrants against such funds so loaned."

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, 66; nays, 40; absent and not voting, 7.

Ayes—Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bjerke, Burkhart, Byrne, Caddell, Eckert, Ferguson, Fredrickson, Gunbus, Haines, Hall, Hardt, Harding, Hoare, Ivers, Johnson of Dickey, Johnson of Steele, Kamrath, Kelder, Kell, Kellogg, Keitzman, Larson of Ransom, Larson of Stutsman, Larkin, Lazier, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McLarty, McManus, Miller, Moen, Nathan of Sheridan, Nesvig, O'Brien, O'Connor of Pembina, Olson of Barnes, Opland, Patterson, Prater, Randall, Riba, Renauld, Sherman, Strain, Strom, Wadeson, Walker, Weld of Wells, Whipple, Wog, Yeater, Mr. Speaker.

Nays—Bollinger, Burtness, Carr, Donner, Dungan, Durkee, Engen, Hammond, Hanson, Herbert, Humphreys, Johnson of Cass, Johnson of Pembina, Kelly, Koller, Kunkel, Larson of Pierce, Lowe, McGauvran, McLaughlin, Mikkelson, Murtha, Nathan of Logan, Ness, Nims, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olsgard, Petterson of Sargent, Pleasance, Reid, Reishus, Robinson, Roquette, Rusch, Severson, Turner, Twichell.

Absent and not voting—Cleven, Harris, Hemmi, Klein, Krueger, Uglum, Weld of Kidder.

So the bill and the title was agreed to.

#### MESSAGE FROM THE SENATE

SENATE CHAMBER.

Bismarck, North Dakota,

December 8th, 1919.

Mr. Speaker: I have the honor to transmit the following Concurrent Resolution:

#### CONCURRENT RESOLUTION

For an Amendment to the Constitution, relating to the residence required of an elector."

BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING:

That the following amendment to the Constitution of the State of North Dakota be submitted to the qualified electors of the State at the next presidential primary election of the State to be held on the 3rd Tuesday of March, 1920, for approval or rejection, in accordance with the provisions of Section 202, as amended, of the Constitution of the State of North Dakota:

AMENDMENT.) Every qualified elector who shall have resided in the state one year, and in the county ninety days, and in the precinct 30 days next preceding any election, shall be entitled to vote at such election; provided, that where a qualified elector moves from one precinct to another within the same county, he shall be entitled to vote in the precinct

from which he moved until he establishes his residence in the precinct to which he moved."

Which the Senate adopted and your favorable consideration is respectfully requested.

Very respectfully,

W. J. PRATER,  
Secretary.

SENATE CHAMBER,

Bismarck, N. D.,

December 8, 1919.

Mr. Speaker: I have the honor to inform you that the Senate has concurred in the House concurrent resolution relating to rental of committee rooms used by the Sixteenth Legislative Assembly.

Senate Bill No. —

Introduced by Mr. Whipple.

#### A CONCURRENT RESOLUTION

WHEREAS the rental of the Committee Rooms used by the Sixteenth Legislative Assembly at the Regular Session during January and February, 1919, has not as yet been paid, and

WHEREAS no provision has been made for payment of the rental of the Committee Rooms used by the Special Session of the Sixteenth Legislative Assembly, therefor

BE IT RESOLVED by the House of Representatives, the Senate Concurring

That the Board of Administration is hereby authorized to make settlement for said rentals, and to draw a warrant upon the State Treasurer in payment of same.

BE IT RESOLVED that this resolution be enrolled and copies of it be filed by the chief clerk with the Board of Administration.

Very respectfully,

W. J. PRATER,  
Secretary.

The Speaker called Mr. Johnson of Steele to the chair.

Senate Bill No. 14.

"A Bill for an Act to amend and re-enact Chapter 58, Laws of North Dakota, 1917, relating to registration of licensed architects and the regulation of the practice of architects as a profession in the State of North Dakota."

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 97, nays 6, absent and not voting 10.

Ayes: Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bollinger, Bjerke, Burtness, Burkhart, Byrne, Caddell, Carr, Donner, Dungan, Durkee, Eckert, Engen, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hanson, Hardt, Harding, Herbert, Hoare, Humphreys, Ivers, Johnson of Dickey, Johnson of Steele, Johnson of Cass, Johnson of Pembina, Johnston, Kamrath, Kelder, Kell, Kellogg, Kelly, Keitzman, Koller, Krueger, Kunkel, Larson of Ransom, Larson of Pierce, Larkin, Lazier, Lowe, Maddock of Mountrail, Mad-

dock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McGauvran, McLarty, McLaughlin, McManus, Mikkelson, Moen, Murtha, Ness, Nesvig, Nims, O'Brien, O'Connor of Pembina, O'Connor of Grand Forks, Olson of Ward, Olson of Barnes, Opland, Patterson, Petterson of Sargent, Pleasance, Prater, Randall, Riba, Reid, Reishus, Renauld, Robinson, Roquette, Rusch, Severson, Sherman, Strain, Strom, Turner, Wadeson, Walker, Weld of Wells, Whipple, Wog, Yeater, Mr. Speaker.

Nays: Hall, Hardt, Miller, Nathan of Sheridan, Nathan of Logan, Twichell.

Absent and not voting: Cleven, Hammond, Harris, Hemmi, Klein, Larson of Stutsman, Olsen of Ramsey, Olsgard, Uglum, Weld of Kidder.

So the bill passed and the title was agreed to.

Emergency declared passed.

#### HOUSE ROLL CALL

Senate Bill No. 37, "A Bill for an Act to provide for an appropriation for the purpose of carrying out the provisions of the State Hail Insurance Law."

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, 91; nays, 17; absent and not voting, 5.

Ayes—Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bjerke, Burtness, Burkhart, Byrne, Caddell, Carr, Donner, Dungan, Durkee, Eckert, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hanson, Hardt, Harding, Herbert, Hoare, Humphreys, Ivers, Johnson of Dickey, Johnson of Steele, Kamrath, Kelder, Kell, Kellogg, Keitzman, Koller, Kunkel, Larson of Ransom, Larson of Stutsman, Larkin, Lazier, Lowe, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McGauvran, McLarty, McLaughlin, McManus, Miller, Moen, Murtha, Nathan of Sheridan, Nathan of Logan, Nesvig, O'Brien, O'Connor of Pembina, O'Connor of Grand Forks, Olson of Ramsey, Olson of Ward, Olson of Barnes, Opland, Patterson, Pleasance, Prater, Randall, Riba, Reid, Renauld, Robinson, Roquette, Severson, Sherman, Strain, Strom, Turner, Wadeson, Walker, Weld of Wells, Whipple, Wog, Yeater, Mr. Speaker.

Nays—Bollinger, Engen, Hammond, Johnson of Cass, Johnson of Pembina, Johnston, Kelly, Krueger, Larson of Pierce, Mikkelson, Ness, Nims, Olsgard, Petterson of Sargent, Reishus, Rusch, Twichell.

Absent and not voting—Cleven, Harris, Hemmi, Klein, Uglum, Weld of Kidder.

So the bill passed and the title was agreed to.

Emergency declared passed.

MR. TWICHELL. I wish to explain my vote. I vote "no" for the reason that it accomplishes nothing. You withdraw appropriation from the general fund in the amount of \$50,000. We haven't any money in the general fund, and appropriating won't put it there, and there won't be any there until the taxes come in, and when they come in they will contain the hail insurance money, and so it would be a useless thing to pass this bill.



Senate Bill No. 43, "A Bill for an Act making effective Section 9, Chapter 167, Session Laws of North Dakota, for the year 1919, as regards expenses of district judges, making an appropriation 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, 101; nays, 4; absent and not voting, 8.

Ayes—Arnold, Alberts, Bailey, Brady, Brostuen, Bryans, Bollinger, Bjerke, Burtness, Burkhart, Byrne, Caddell, Carr, Donner, Dungan, Eckert, Engen, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hammond, Hanson, Hardt, Harding, Hoare, Humphreys, Ivers, Johnson of Dickey, Johnson of Steele, Johnson of Cass, Johnson of Pembina, Johnston, Kamrath, Kelder, Kell, Kellogg, Kelly, Keitzman, Koller, Krueger, Kunkel, Larson of Ransom, Larson of Stutsman, Larson of Pierce, Larkin, Lazier, Lowe, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McGauvran, McLarty, McLaughlin, McManus, Mikkelson, Miller, Moen, Murtha, Nathan of Sheridan, Nathan of Logan, Nesvig, Nims, O'Brien, O'Connor of Pembina, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olson of Barnes, Opland, Patterson, Petterson of Sargent, Pleasance, Prater, Riba, Reid, Renauld, Robinson, Roquette, Rusch, Severson, Sherman, Strain, Strom, Turner, Twichell, Wadeson, Walker, Weld of Wells, Whipple, Wog, Yeater, Mr. Speaker.

Nays—Durkee, Ness, Olsgard, Randall.

Absent and not voting—Bratsberg, Cleven, Harris, Hemmi, Herbert, Klein, Uglum, Weld of Kidder.

So the bill passed and the title was agreed to.

Emergency carried.

Mr. Twichell moved that this bill be re-referred to the committee until it is printed, which motion was declared lost.

Senate Bill No. 57, "A Bill for an Act appropriating the sum of Five Thousand Dollars for the relief of Alice Bixby."

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, 102; nays, 1; absent and not voting, 10.

Ayes—Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bollinger, Bjerke, Burtness, Burkhart, Byrne, Caddell, Carr, Donner, Dungan, Durkee, Eckert, Engen, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hammond, Hanson, Hardt, Harding, Herbert, Hoare, Humphreys, Ivers, Johnson of Dickey, Johnson of Steele, Johnson of Cass, Johnson of Pembina, Johnston, Kamrath, Kelder, Kell, Kellogg, Kelly, Keitzman, Koller, Krueger, Kunkel, Larson of Ransom, Larson of Stutsman, Larson of Pierce, Larkin, Lazier, Lowe, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McLarty, McLaughlin, McManus, Mikkelson, Miller, Moen, Murtha, Nathan of Sheridan, Nathan of Logan, Ness, Nesvig, Nims, O'Brien, O'Connor of Pembina, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olson of Barnes, Olsgard, Opland, Patterson, Pleasance, Prater, Randall, Riba,

Reid, Reishus, Renauld, Robinson, Roquette, Rusch, Severson, Sherman, Strain, Strom, Wadeson, Walker, Weld of Wells, Whipple, Wog, Yeater, Mr. Speaker.

Absent and not voting—Cleven, Harris, Hemmi, Klein, McGauvran, Petterson of Sargent, Turner, Twichell, Uglum, Weld of Kidder.

So the bill passed and the title was agreed to.

Emergency carried.

Mr. Murtha. This woman was injured in a state institution, and she can't sue the State, and the state should pay for her injury. But we have no way or knowing that these things are true. No committee has been appointed to make investigation and no report acted on here. Many such cases attorneys or lobbyists look after the matters, and it is common knowledge that only part of the money obtained reaches the person entitled to it. I think we are setting a bad precedent in taking action without first securing a report of a committee, but I vote "aye" nevertheless.

#### SIGNING OF BILLS

The Chief Clerk announced that the Speaker was about to sign.

Senate Bill No. 4, "A Bill for an Act to repeal Chapter 67 of the Session Laws of North Dakota, 1919, authorizing the appointment of Special Assistant Attorneys General, and designating the fund out of which the compensation of such Assistant Attorneys General may be paid."

Senate Bill No. 13, "A Bill for an Act to amend and reenact Section 160 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Chapter 66 of the Laws of North Dakota for the year 1919, relating to the appointment of Assistant Attorneys General."

Senate Bill No. 19, "A Bill for an Act providing for the exemption from taxation of the income from moneys deposited by non-residents in banks within the State."

Senate Bill No. 22, "A Bill for an Act to amend and reenact Section 780, Compiled Laws of North Dakota for the year 1913, relating to compensation of court stenographers."

Senate Bill No. 26, "A Bill for an Act to amend and reenact Section 2141 of the Compiled Laws of North Dakota for the year 1913, providing for the substitution of the commissioner of insurance as a member of the state board of equalization and a secretary thereof instead of the state auditor."

Senate Bill No. 31, "A Bill for an Act authorizing the Governor as Commander-in-Chief of the Military and Naval Forces of this State to take over and operate any coal mines or other public utility in any emergency where necessary for the protection of life and property."

Senate Bill No. 40, "A Bill for an Act to amend and reenact Section 375 of the Compiled Laws, State of North Dakota, for the year 1913, as amended by Chapter 227 of

the Session Laws of 1915, relating to the State Auditing Board, its duties, and the membership thereof."

And the Speaker signed the same in the presence of the House.

#### MOTIONS AND RESOLUTIONS

Mr. O'Connor moved, if the Committee on Book Investigations desired to place their report in today's Journal, that that permission be given them by this House, which motion prevailed.

Mr. Bryans moved the House do now take a 10-minute recess, which motion prevailed and the House recessed.

#### AFTER RECESS

The House assembled pursuant to recess taken, the Speaker presiding.

#### REPORTS OF STANDING COMMITTEES

The committee on Delayed Bills made the following report:

Mr. Speaker: A majority of your committee on Delayed Bills, to whom was referred "A Bill for an Act declaring and defining the time within which laws passed at any special Session of the Legislative Assembly shall take effect."

Have had the same under consideration and recommend that the same be introduced.

H. O. BRATSBERG,  
WM. BJERKE,  
J. J. STRAIN,

EDW. W. HERBERT,  
Chairman.

Mr. Strain moved that the report be adopted.

The committee on Delayed Bills made the following report:

Mr. Speaker: A minority of your committee on Delayed Bills to whom was referred "A Bill for an Act declaring and defining the time within which laws passed at any special Session of the Legislative Assembly shall take effect."

Have had the same under consideration and recommend that the same be not introduced.

EDW. W. HERBERT,  
ELLING SEVERSON.

EDW. W. HERBERT,  
Chairman.

Mr. Herbert moved that the report be adopted.

A roll call was demanded.

The question being on the adoption of majority report on Delayed Bills, the roll was called and there were, ayes, 67; nays, 40; absent and not voting, 6.

Ayes—Arnold, Alberts, Brady, Brostuen, Bratsberg, Bryans, Bjerke, Burkhart, Byrne, Caddell, Eckert, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hardt, Harding, Hoare, Ivers, Johnson of Dickey, Johnson of Steele, Kamrath, Kelder, Kell, Kellogg, Keitzman, Larson of Ransom, Larson of Stutsman, Larkin, Lazier, Maddock of Mountrall, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of

Bottineau, Maxwell, McDonnell, McLarty, McManus, Miller, Moen, Nathan of Sheridan, Nathan of Logan, Nesvig, O'Brien, O'Connor of Pembina, Olson of Barnes, Opland, Patterson, Prater, Randall, Riba, Renauld, Sherman, Strain, Strom, Wadeson, Walker, Weld of Wells, Whipple, Wog, Yeater, Mr. Speaker.

Nays—Bollinger, Burtness, Carr, Donner, Dungan, Durkee, Engen, Hammond, Hanson, Herbert, Humphreys, Johnson of Cass, Johnson of Pembina, Johnston, Kelly, Koller, Krueger, Kunkel, Larson of Pierce, Lowe, McGauvran, McLaughlin, Mikkelson, Murtha, Ness, Nims, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olsgard, Petterson of Sargent, Pleasance, Reid, Reishus, Robinson, Roquette, Rusch, Severson, Turner, Twichell.

Absent and not voting—Cleven, Harris, Hemmi, Klein, Uglum, Weld of Kidder.

Which report was adopted.

MR. BURTNESS. I desire to explain my vote. When I qualified as a member of this Legislative Assembly, I took an oath to support the constitution of the State of North Dakota. Article 27 amended at the former session, reads as follows: "No Act of the Legislative Assembly shall take effect until July 1st after the close of the session unless the measure is passed by a vote of two-thirds of the members present and voting. Each House shall declare an emergency measure, which declaration shall be set forth in the Act, etc. That is an amendment which was proposed and carried at the request of the Non-Partisan League in the State of North Dakota. I am not going to violate my oath of office, and I am not going to do what I know what would say to the world that we can amend the Constitution by passing such a law. Therefore I vote "no."

MR. HARDING. I want to explain my vote. I remember I also took an oath of office when I became a member of this body, and I don't propose to forsake the oath now, but I do propose to say that my vote on this bill will say whether this body has the right or not of saying whether a bill may be introduced. I vote "aye."

MR. MADDOCK OF MOUNTRAIL. I wish to vote "aye", and I would say this, that the rules here are made to govern this body, and made by this body, and it looks now as if the minority of this body wants to place their own construction on its rules, to block the will of the majority of this house, and I believe any tactics now to block the will of the majority will not work at this time. Furthermore if they are so willing to bring this up before the Supreme Court, and so absolutely certain it is unconstitutional, I believe the Supreme Court is the proper place to decide the constitutionality of this instead of the lawyers in this assembly. I vote "aye".

MR. PATTERSON. I want it strictly understood that I am aware of the motion that is before the House, that we are calling the roll on. And I understand the motion before the House is not one under which the Constitution of the State of North Dakota will be amended on roll call, but to ascertain by roll call whether this House accepts the majority committee's report on that bill, and I vote "aye".

MR. TWICHELL. I desire to explain my vote. I agree with the reasons given by Mr. Burtness, and I vote "no" for the additional reason that this bill is not before this House under its rules. Rule No. 46 requires that any bill coming in from a committee of Delayed Bills cannot come in without unanimous report, and as to the question of whether the minority are trying to make rules, will say that rule was made by the majority. It can be changed by them. They could have suspended the rules and got this bill in. They were afraid they couldn't do it, as it takes a two-thirds to suspend the rule. I vote "no".

#### AFTER RECESS

Mr. Patterson moved that the report of the majority of the committee on delayed bills (Emergency) be adopted, which motion prevailed.

The committee on Judiciary made the following report:

Mr. Speaker: Your committee on Judiciary to whom was referred Senate Bill No. 30, "A Bill for an Act for the purpose of encouraging the dairy industry in the State, authorizing counties to issue bonds or warrants and with the proceeds to purchase dairy cattle; authorizing the formation of Dairy Associations; and providing for funds necessary for carrying this Act into effect."

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

FRANK PRATER,  
Chairman

Mr. Prater moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Judiciary made the following report:

Mr. Speaker: Your committee on Judiciary to whom was referred Senate Bill No. 56, "A Bill for an Act to amend and re-enact Chapter 216 of the Session Laws of North Dakota for the year 1919, same being Section 1224, Compiled Laws of North Dakota of 1913, relating to the tax of one mill on the dollar on taxable property for the school of the county."

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

FRANK PRATER,  
Chairman.

Mr. Prater moved that the report be adopted, which motion prevailed and the report was adopted.

#### MESSAGE FROM THE SENATE

SENATE CHAMBER,  
Bismarck, North Dakota,  
December 8, 1919.

Mr. Speaker: I have the honor to inform you that the Senate has adopted the amendment to House Bill No. 48 offered by the Conference Committee.

Very respectfully,  
W. J. PRATER,  
Secretary.

INTRODUCTION,  
FIRST AND SECOND READING OF HOUSE BILLS

Delayed Bills Committee introduced House Bill No. 60, "A Bill for an Act declaring and defining the time within which laws passed at any special Session of the Legislative Assembly shall take effect."

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

Mr. Hoare moved that the House resolve itself into a Committee of the Whole for the consideration of General Orders, which motion prevailed and the House resolved itself into a Committee of the Whole.

The Speaker called Mr. Johnson of Steele to the Chair.

When the committee arose it submitted the following report:

Mr. Speaker: Your Committee of the Whole had under consideration,

House Bill No. 4, "A Bill for an Act to amend and re-enact Section 3481 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Section 1 of Chapter 177 of the Laws of North Dakota for the year 1919, relating to the issuance of bonds and warrants to procure seed grain and feed; and repealing all Acts and parts of Acts in conflict herewith."

And recommend that same do pass as amended by the Standing committee and also by the Committee of the Whole as follows: Amend that part of Bill where it says "notes or warrants are to be attested by the County Auditor," add: "or by notary public."

House Bill No. 9, "A Bill for an Act to appropriate forty-one thousand eight hundred sixty-six dollars and seventy-seven cents for the operation of the Motor Vehicle Registration Department, being additional to that already appropriated for salary of Registrar, clerkhire, special agents, traveling expenses, printing, and 1921 license tags."

And recommend that same do pass as amended as follows:

In Line 1 of the title of the printed bill following the words "To appropriate" strike out the words "Forty-one Thousand Eight Hundred Sixty-six Dollars and Seventy-seven cents" and insert in lieu thereof, "Thirty-two thousand, three hundred dollars."

In Section 1 in line 6 strike out the words, "Forty-one Thousand, Eight Hundred Sixty-six Dollars and Seventy-seven Cents," and insert in lieu thereof the words, "Thirty-two thousand Three hundred dollars."

In section 1 after the word "Registrar" in line 11, strike out "1096.77" and insert in lieu thereof "\$800".

In line 12 strike out the word "Cashier" and the figures "\$2250.00".

In line 13 strike out the figures "11520" and insert in lieu thereof "7500".

In line 14 strike out the figures "2500" and insert in lieu thereof "1000".

In line 15 strike out the figures "2500.00" and insert in lieu thereof "1000.00".

In line 19 strike out the figures "41866.77" and insert in lieu thereof the figures, "32300.00".

House Bill No. 17, "A Bill for an Act to repeal Chapter

219 of the Laws of North Dakota for the year 1919, being the law creating the office of County Tax Supervisor and defining his powers and duties."

And recommend that same do pass as amended by Stand-  
ind Committee.

House Bill No. 38, "A Bill for an Act to appropriate the sum of \$6,000.00 to provide for clerk hire, furniture and fixtures, and other necessary items of office expenses for the State Publication and Printing Commission and the office of the State Printer."

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

In line three of Section 1 after the word "of" strike out "\$6,000.00" and insert "\$5,000.00".

Also in the title of the Bill strike out the figure "\$6,000.00" and insert in lieu thereof the figure "\$5,000.00".

House Bill No. 59, "A Bill for an Act remitting the amount of State taxes for the year 1919."

And recommend that action on same be deferred.

House Bill No. 44, "A Bill for an Act to amend and re-enact Sub-divisions Number 7, Number 8, Number 11, Number 18 and Number 33, of Chapter 16 of the Session Laws of 1919, relating to the general budget appropriation."

And recommend that action on same be deferred.

Senate Bill No. 23, "A Bill for an Act to amend and re-enact Sections 1445 and 1446 of the Session Laws of 1917 for North Dakota, relating to apportionment of state aid funds to rural schools, their inspection and administration, and to repeal all Acts and parts of Acts in conflict therewith."

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

In line 27 of the printed bill strike out the word "five" and insert in lieu thereof the word "four". In the same line strike out the word "eight" and insert in lieu thereof "seven". In line 29 strike out the word "eight" and insert in lieu thereof "seven". Also in line 66 strike out the word "five" and insert in lieu thereof the word "four". Strike out the word "eight" in the same line and insert in lieu thereof the word "seven". In line 68 strike out the word "eight" and insert in lieu thereof the word "seven".

And recommend this report be adopted.

JOHNSON, of Steele,  
Chairman.

Mr. Johnson moved that the report be adopted, which motion prevailed and the report was adopted.

#### REPORTS OF SELECT COMMITTEE

The committee on Conference made the following report:  
Mr. Speaker: Your Committee on Conference to whom was referred

House Bill No. 48, "A Joint Resolution creating a joint investigation committee; defining its rights and powers and authorizing it to investigate all efforts to destroy or injure the property or rights of individuals, corporations, or any of the

industries, enterprises or utilities owned by the State, or the credit of the State, or to unlawfully influence or corrupt elections or results thereof and to report the results of such examination to the Governor, to the Legislative Assembly and State's Attorneys; and making an appropriation therefor."

Have had the same under consideration and recommend.

That the Senate recede from its Amendment and further recommend that Section 8 be amended as follows: Strike out Section 8 and insert in lieu thereof the following:

Section 8. "There is hereby set aside out of any money appropriated for the expenses of the Legislative Assembly, the sum of \$25,000, for the purpose of carrying out the provisions of this resolution, which shall be paid to the chairman of such committee and by him deposited in the Bank of North Dakota and the expenses of the committee paid therefrom on orders signed by the chairman and approved by the committee. The chairman shall furnish bond in the State Bonding Department in the sum of \$27,500 dollars. And further recommend that the title be amended as follows:

"After the word 'Therefore' at the end of the title, strike out the period and insert a semi-colon, then add the words 'And providing for bonds'".

And when so amended recommend the same do pass.

House

F. A. HOARE,  
J. J. O'CONNOR,  
E. E. BRYANS.

Senate

H. H. McNAIR.  
R. L. FRASER,  
O. H. OLSON.

Mr. Hoare moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Burtness moved that the House recess until 12 o'clock noon tomorrow, which motion prevailed and the House recessed.

Courtesies of the floor were extended to John A. Alphonson.



**FIFTEENTH DAY AFTER RECESS AND  
SIXTEENTH DAY****HOUSE OF REPRESENTATIVES,  
Bismarck, North Dakota,  
December 9th, 1919.**

The House assembled pursuant to recess taken, the Speaker presiding.

**REPORTS OF STANDING COMMITTEES**

The committee on Elections made the following report:

Mr. Speaker: Your committee on Elections to whom was referred:

House Bill No. 9, "A Bill for an Act to appropriate thirty-two thousand three hundred dollars for the operation of the Motor Vehicle Registration Department, being additional to that already appropriated for salary of Registrar, clerk-hire, special agents, traveling expenses, printing, and 1921 license tags."

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

**N. E. WHIPPLE,**  
Chairman.

Mr. Whipple moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Counties made the following report:

Mr. Speaker: Your committee on Counties to whom was referred:

Senate Bill No. 16. "A Bill for an Act to amend and reenact Sections 625, 626 and 627 of the Compiled Laws of North Dakota for the year 1913 as amended by Chapter 252 of the Session Laws of 1917."

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

**JOSEPH RENAULD,**  
Chairman.

Mr. Renauld moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Enrollment and Engrossment made the following report:

Mr. Speaker: Your committee on Enrollment and Engrossment have examined the following bills:

House Bill No. 10, "A Bill for an Act to amend and reenact Section 5170 of the Compiled Laws, State of North Dakota, for the year 1913, as amended by Chapter 58 of the

Session Laws of 1915, relating to the legal reserve funds of banking corporations and associations."

House Bill No. 13, "A Bill for an Act providing for the appointment of Special Assistant Attorneys General by the Governor; making an appropriation therefor; and repealing all Acts and parts of Acts in conflict therewith."

House Bill No. 20, "A Bill for an Act to exempt "money" and "credits" from taxation except as herein provided, and repealing Chapter 255 of the Laws of North Dakota for the year 1915, and Chapter 230 of the Laws of North Dakota for the year 1917 as amended by Chapter 226 of the Laws of North Dakota for the year 1919, and all other Acts and parts of Acts in conflict with the provisions of this Act."

House Bill No. 39, "A Bill for an Act to appropriate money for the expenses of the Executive Department of the State to cover expenses in meeting certain emergencies."

And find the same correctly enrolled.

J. W. KUNKEL,  
Chairman.

Mr. Kunkel moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Enrollment and Engrossment made the following report:

Mr. Speaker: Your committee on Enrollment and Engrossment have examined the following bills:

House Bill No. 4, "A Bill for an Act to amend and re-enact Section 3471 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Section 1 of Chapter 13 of the Laws of the Special Session of the State of North Dakota for the year 1918; amending and re-enacting Section 3473 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Section 3 of Chapter 13 of the Laws of the Special Session of the State of North Dakota for the year 1918; and amending and re-enacting Section 3481 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Section 9, Chapter 13 of the Laws of the Special Session of the State of North Dakota for the year 1918 and as amended and re-enacted by Section 1 of Chapter 177 of the Laws of North Dakota for the year 1919, relating to the issuance of bonds and warrants to procure seed grain and feed for needy inhabitants; making an appropriation therefor; and repealing all Acts and parts of Acts in conflict therewith."

House Bill No. 9, "A Bill for an Act to appropriate thirty-two thousand three hundred dollars for the operation of the Motor Vehicle Registration Department, being additional to that already appropriated for salary of Registrar, clerk-hire, special agents, traveling expenses, printing, and 1921 license tags."

House Bill No. 17, "A Bill for an Act to repeal Chapter 219 of the Laws of North Dakota for the year 1919, being the law creating the office of County Tax Supervisor and defining his powers and duties."

TUESDAY, DECEMBER 9, 1919

3

House Bill No. 38, "A Bill for an Act appropriating the sum of \$5,000.00 to provide for clerk hire, furniture and fixtures, and other necessary items of office expenses for the State Publication and Printing Commission, and the office of the State Printer."

House Bill No. 55, "A Bill for an Act making an appropriation for maintenance, improvements, repairs and equipments for the Institution of the Feeble Minded at Grafton, North Dakota; amending and re-enacting Section 1 of Chapter 32 of the Laws of North Dakota for the year 1919; repealing all Acts and parts of Acts in conflict therewith and declaring an emergency."

House Bill No. 56, "A Bill for an Act amending and re-enacting Section 7 of Chapter 108 of the Laws of North Dakota for the year 1919, relating to the care of samples of milk and cream and for obtaining official tests of butter fat; making an appropriation therefor and repealing all Acts and parts of Acts in conflict therewith, and declaring an emergency."

House Bill No. 57, "A Bill for an Act making appropriation for the maintenance, improvements and repairs, new buildings, equipments and miscellaneous expenses of the North Dakota Reform School; amending and re-enacting Section 1 of Chapter 57 of the Laws of North Dakota for the year 1919; repealing all Acts and parts of Acts in conflict therewith; and declaring an emergency."

House Bill No. 58, "A Bill for an Act making appropriation for the salary of the Secretary and members of the State Highway Commission, for the Clerk Hire and other assistance of the Commission, postage, office supplies, furniture and fixtures, printing, miscellaneous and traveling expenses of the Commission; amending and re-enacting Section 1 of Chapter 42 of the Laws of North Dakota for the year 1919; repealing all Acts and parts of Acts in conflict therewith; and declaring an emergency."

And find the same correctly engrossed.

J. W. KUNKEL,  
Chairman.

Mr. Kunkel moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Conference made the following report:

Mr. Speaker: Your committee on Conference to whom was referred House Bill No. 48.

House Bill No. 48, "A Joint Resolution creating a Joint Investigating Committee; defining its rights and powers, and authorizing it to investigate all efforts to destroy or injure the property or rights of individuals, corporations, or any of the industries, enterprises or utilities owned by the State, or the credit of the State, or to unlawfully influence or corrupt elections or results thereof and to report the results of such examination to the Governor, to the Legislative Assembly and State's Attorneys; and making an appropriation therefor."

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

That the Senate recede from its amendment made by the Senate and further recommend that Section 8 be amended as follows: Strike out Section 8 and insert in lieu thereof the following:

Section 8. "There is hereby set aside out of any money appropriated for the expenses of the Legislative Assembly, the sum of \$25,000, for the purpose of carrying out the provisions of this resolution, which shall be paid to the chairman of such committee and by him deposited in the Bank of North Dakota and the expenses of the committee paid therefrom on orders signed by the chairman and approved by the committee. The chairman shall furnish bond in the State Bonding Department in the sum of \$27,000 dollars.

And further recommend that the title be amended as follows: "After the word 'Therefore' at the end of the title strike out the period and insert a semi-colon, then add the words 'And providing for bonds.'"

And when so amended recommend the same do pass.

F. A. HOARE,  
J. J. O'CONNOR,  
E. E. BRYANS, Chairman,  
House Committee.  
H. H. McNAIR,  
R. L. FRASER,  
O. H. OLSON,  
Senate Committee.

Mr. Hoare moved that the report be adopted.  
A roll call was demanded.

House Bill No. 48.

The question being on adoption of report of Conference Committees. the roll was called and there were ayes 63, nays 40, absent and not voting 10.

Ayes: Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bjerke, Byrne, Caddell, Eckert, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hardt, Harding, Hoare, Ivers, Johnson of Dickey, Kamrath, Kelder, Kell, Kellogg, Keitzman, Larson of Ransom, Larson of Stutsman, Larkin, Lazier, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McLarty, McManus, Miller, Moen, Nathan of Sheridan, Nesvig, O'Brien, O'Connor of Pembina, Olson of Barnes, Opland, Patterson, Prater, Randall, Riba, Renauld, Sherman, Strain, Strom, Wadeson, Weld of Wells, Whipple, Wog, Yeater, Mr. Speaker.

Nays: Bollinger, Burtness, Carr, Donner, Dungan, Durkee, Engen, Hammond, Hanson, Harris, Humphreys, Johnson of Cass, Johnson of Pembina, Johnston, Kelly, Koller, Krueger, Kunkel, Larson of Pierce, Lowe, McGauvran, McLaughlin, Mikkelson, Murtha, Nathan of Logan, Ness, Nims, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olsgard, Petterson of Sargent, Pleasance, Reid, Robinson, Roquette, Rusch, Severson, Turner, Twichell.

Absent and not voting—Burkhart, Cleven, Hemmi, Herbert, Johnson of Steele, Klein, Reishus, Uglum, Walker, Weld of Kidder.

Which motion was adopted.

Mr. O'Connor: I wish to explain my vote on these amendments of House Bill No. 48. I vote no on this amendment for the reason that it is establishing a new precedent. As I understand the amendment, \$25,000 of the people's money of this state is to be handed or given over to the chairman of this investigating committee. The chairman takes that \$25,000 and deposits it in the State Bank of North Dakota, subject to his personal check, the same as an individual account. The bill further provides that all the work of the committee can be done by one member of the committee, so under the bill there would be no objections to constituting the chairman the one member of the committee to do all the work, pay out all the money and to give no account for the payment of it. One of the safeguards in representative government is to keep a close check, and require an itemized statement for the expenditure of any public moneys, on the theory that the public money belongs to the people, and that they should know to whom it is paid. This is an innovation. I do not believe there is any precedent in the state for turning over as large a sum, or any sum, of money to any one individual authority to spend it without an accounting, or without filing an itemized statement with anyone. Therefore I vote no.

#### MOTIONS AND RESOLUTIONS

Mr. Hoare moved that the House resolve itself into a committee of the whole for the consideration of General Orders, which motion prevailed.

The Speaker called Mr. Caddell to the chair.

When the committee arose it submitted the following report:

Mr. Speaker: Your committee of the Whole to whom was referred:

House Bill No. 44, "A Bill for an Act to amend and reenact Sub-divisions Number 7, Number 8, Number 11, Number 18 and Number 33, of Chapter 16 of the Session Laws of 1919, relating to the general budget appropriation."

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

To amend Subdivision 23 by changing the figures "\$10,678.00" to "\$10,648.00."

To amend Subdivision 38 by changing the figures "\$210,215.99" to "\$209,645.99."

To insert in the blank space in Section 1, \$2,027,283.02.

On page 11 of the Journal, in subdivision 13 in the first column of figures, strike out \$1,250 and insert in lieu thereof \$1,000.

In Subdivision 39 to put in \$500 under head of grounds and under the general heading of Improvements and Repairs.

Under the head of Taxes, to insert \$2,982.00 for the year or \$5,964.00 for the biennial period.

Under Subdivision 40, under the head of Faculty Salaries of Mayville Normal, change \$12,000.00 to \$12,090.00.

Also that the totals be carried out and changed to correspond with these amendments.

And when so amended recommend the same do pass as

amended by the Standing Committee and the Committee of the Whole.

Also Senate Bill No. 42, "A Bill for an Act to appropriate funds to be placed at the disposal of the State Emergency Commission and to be used as provided by Chapters 26 and 152 of the Session Laws of North Dakota for 1915 in the amount of \$25,000."

Have had the same under consideration and recommend that the same do pass as amended by Standing Committee.

Also House Bill No. 59.

"A Bill for an Act remitting the amount of state taxes for the year 1919."

Have had the same under consideration and recommend that the same do pass as amended by Standing Committee.

Also Senate Bill No. 50.

"A Bill for an Act repealing statutes imposing certain restrictions upon foreign corporations."

Have had the same under consideration and recommend that the same do pass as amended by Standing Committee.

MR. CADDELL  
Chairman.

Mr. Johnson of Steele moved that the report be adopted, which motion prevailed and the report was adopted.

#### REPORTS OF STANDING COMMITTEES

Mr. Marshall moved that the vote by which House Bill No. 7 was lost be reconsidered, which motion prevailed.

Mr. Maddock moved that the House recess at 5 o'clock to 12 o'clock tomorrow and after such recess that Judge Møtsberg of the Parliament of Norway be invited to address the members, which motion prevailed.

Mr. Miller moved to re-refer House Bill No. 7 to the State Affairs committee, which motion prevailed.

The committee on State Affairs made the following report:

Mr. Speaker: Your committee on State Affairs to whom was referred House Bill No. 7.

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

Strike out everything after "A Bill" and insert in lieu thereof the following:

#### A BILL

For an Act to amend and re-enact Sections 2, 3, 4, 5 and 6 of Chapter 6 of the Session Laws of the State of North Dakota for the year 1919, relating to the licensing and inspection of pool halls, billiard rooms, ball and pin alleys, dance halls, theaters, moving picture shows, taxicab stands and places where soft drinks are sold.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:**

Section 1. That Section 2 of Chapter 6 of the Session Laws of North Dakota for the year 1919, be amended and re-enacted to read as follows:

Section 2. LICENSE, HOW SECURED.) On or before July first of each year every such owner, proprietor or managing agent desiring to operate, conduct and maintain such place as mentioned in Section 1 of this Act, shall make an application for an annual license therefor to the State Sheriff, Licensing Department. Such application shall state the name of the owner, manager and proprietor of the place desired to be licensed, the nature and kind of business to be carried on; a general description of the building, its size, character, location and capacity; and shall particularly contain the description of the provisions made to safeguard life and limb of persons who may be therein and the sanitary equipment thereof. It shall state that such will be operated, if licensed by the state, in accordance with the law of this state, that if a violation of the laws of this state occurs in the operation of such place, the State Sheriff shall be authorized to cancel the license issued. There shall also be contained a statement in the license that no immoral or improper practices, gambling, nor the sale or permission to drink upon said premises any intoxicating liquors will be allowed. This application shall be made upon a blank authorized and issued by the State Sheriff and such application shall be accompanied by the license fee hereinafter specifically prescribed.

Section 2. That Section 3 of Chapter 6 of the Session Laws of the State of North Dakota for the year 1919, be amended and re-enacted to read as follows:

Section 3. DUTIES OF THE STATE SHERIFF.) The State Sheriff shall prepare the form of such application, shall furnish the same upon request to any applicant and shall require every applicant to whom a license is granted to pay the fee prescribed. It shall examine into or cause to be examined into the qualifications of every applicant seeking to be licensed and the fitness and suitability of the place desired to be licensed and shall upon application filed and the payment of the license fee prescribed, issue the license herein mentioned for a period of one year to be conducted as a public place of business for operating a pool hall, billiard room, ball alley or pin alley, theater, moving picture show, any place where soft drinks are sold, taxicab stands, or public hall, and shall cause such place to be inspected and the laws enforced thereon by inspectors appointed by it and shall furnish necessary office equipment and supplies and pay for the same out of the State Sheriff Inspector Fund.

Section 3. That Section 4 of Chapter 6 of the Session Laws of the State of North Dakota for the year 1919, be amended and re-enacted to read as follows:

Section 4. APPOINTMENT OF INSPECTORS.) The State Sheriff shall be authorized to appoint a state inspector, two deputy state inspectors and one stenographer, the latter also to be bookkeeper to aid him in carrying out the purposes of this Act, who shall hold office during the pleasure of the State Sheriff and such inspectors shall have charge of the Licensing Department herein described in the office of the State Sheriff and under the direction and control of the

State Sheriff and such license inspectors shall each receive a salary in the sum of \$2,500.00 a year and necessary expenses and shall give bond to the state in the sum of \$5,000.00, such bond to be issued in the state bonding fund, conditioned for the faithful performance of their duties and the fees therefor to be paid by the Licensing Department into such bonding fund and the stenographer shall receive \$1,200.00 a year. The said state inspectors shall possess all of the powers of a police officer anywhere in this state, shall have authority to visit and inspect any of the places herein mentioned and as police officer make arrests for violation of any laws of this state and shall be authorized to investigate and conduct investigations of any immoral or corrupt practices or violation of laws in this state and of places being conducted contrary to law or constitution of this state.

Section 4. That Section 5 of Chapter 6 of the Session Laws of the State of North Dakota for the year 1919, be amended and re-enacted to read as follows:

Section 5. REFUSAL OR REVOCATION OF LICENSE.) Said inspectors shall be authorized with the consent of the State Sheriff, after a hearing before said inspector, to refuse to issue a license to any person for any place where it appears that the applicant is an improper person to be so licensed or that the place is improperly provided with sanitary equipment or is an unsuitable building to protect the life and limbs of the public who may visit the same or that there exist unsuitable appliances to protect the public in case of fire and the state inspectors shall be authorized upon the violation of any of the laws of this state to revoke any license granted pursuant to the provisions of this Act, with the consent of the State Sheriff, after a hearing had before the inspector.

Section 5. That Section 6 of Chapter 6 of the Session Laws of the State of North Dakota for the year 1919, be amended and re-enacted to read as follows:

Section 6. LICENSE FEE, HOW DISPOSED OF.) All license fees herein prescribed shall be paid to the state inspector under the direction and supervision of the Board of Administration and by it paid promptly to the State Treasurer who shall keep all such moneys in a special fund to be known as the State Sheriff Inspector License Fund. Out of this fund shall be paid all salaries and expenses of the State Sheriff incurred in carrying out, maintaining and enforcing the provisions of this Act, all of which shall be paid monthly upon warrant and voucher drawn and audited by the auditing board as now provided by law; provided, however, that such salary and expenses shall be payable only out of such fund and shall not be in excess thereof and provided further that any money of such fund unexpended on July 1, 1921, and every two years thereafter, shall be turned into the general fund of the state.

EMERGENCY. An emergency is hereby declared to exist and does exist and this Act shall be in force and effect from and after its passage and approval.



**REPEAL.** All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

And when so amended recommend the same do pass.

G. PATTERSON,  
Acting Chairman.

Mr. Patterson moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on State Affairs made the following report:  
Mr. Speaker: Your committee on State Affairs to whom was referred,

House Bill No. 60.

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

WALTER J. MADDOCK,  
Chairman.

Mr. Maddock moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on State Affairs made the following report:

Mr. Speaker: Your committee on State Affairs to whom was referred,

Senate Bill No. 49, "A Bill for an Act to provide for the licensing of ferries; the collection of fees therefor and the disposition thereof; to provide penalties for the violation thereof; and to repeal Section 2062 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 129 of the laws passed at the 16th Session of the Legislative Assembly, being the Session Laws of 1919, Sections 2063, 2067, 2068, and 9777 of the Compiled Laws of the State of North Dakota for the year 1913, and all other Acts or parts of Acts in conflict with the provisions thereof."

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

WALTER J. MADDOCK,  
Chairman.

Mr. Maddock moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Taxes and Tax Laws made the following report:

Mr. Speaker: Your committee on Taxes and Tax Laws to whom was referred,

Senate Bill No. 55, "A Bill for an Act to amend and reenact Section 2095 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 229, Laws of North Dakota, 1917, as amended by Chapter 229, Laws of North Dakota, 1919, relating to revenue and taxation and fixing the situs of personal property for tax purposes."

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

E. E. BRYANS,  
Chairman.

Mr E. E. Bryans moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Taxes and Tax Laws made the following report:

Mr. Speaker: Your committee on Taxes and Tax Laws to whom was referred,

Senate Bill No. 41, "A Bill for an Act to amend and re-enact Section 2223 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Chapter 233 of the Laws of North Dakota for the year 1919, relating to the redemption of land sold for taxes, and providing for the furnishing of notice of the expiration of the time for the redemption upon all mortgagees and assignees of unsatisfied recorded mortgages."

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

E. E. BRYANS,  
Chairman.

Mr E. E. Bryans moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on State Affairs made the following report:  
Mr. Speaker: Your committee on State Affairs to whom was referred,

Senate Bill No. 5, "A Bill for an Act to amend and re-enact Chapter 182 of the 1919 Session Laws to provide for the taxing and licensing of motor vehicles, the creation of a Motor Vehicle Registration Department of the State Highway Commission and the appointment of a Registrar as head of the same, defining his duties and compensation; establishing the method of distributing the fees received therefrom; fixing penalties for the violation of this Act and providing an appropriation for administering the same and Chapter 156 of the Laws of North Dakota, 1917, and all Acts and parts of Acts in conflict therewith."

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

WALTER J. MADDOCK,  
Chairman.

Mr. Maddock moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on State Affairs made the following report:  
Mr. Speaker: Your committee on State Affairs to whom was referred,

Senate Bill No. 58, "A Bill for an Act making appropriation for the salary of the Secretary and members of the State Highway Commission, for the clerk hire and other assistance of the Commission, postage, office supplies, furniture and fixtures, printing, miscellaneous and traveling expenses of the Commission; amending and re-enacting Section 1 of Chapter 42 of the Laws of North Dakota for the year 1919; repealing all Acts and parts of Acts in conflict therewith; and declaring an emergency."

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

WALTER J. MADDOCK,  
Chairman.

Mr. Maddock moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on State Affairs made the following report:  
Mr. Speaker: Your committee on State Affairs to whom was referred,

Senate Bill No. 44, "A Bill for an Act providing for the issuing of bonds of the State of North Dakota in a sum not exceeding two million dollars to be known as "Bonds of North Dakota Home Building Series"; prescribing the terms and stating the purposes thereof; providing for a tax and making other provisions for the payment thereof; making appropriations and other provisions for the payment of interest and principal of said bonds and to carry into effect the provisions of this Act; and declaring this Act to be an emergency measure."

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

Strike out in Sec. 7, lines 10 and 11 the words "and the provisions of Section 7 of the Bank Act shall not apply thereto."

And when so amended recommend the same do pass.

WALTER J. MADDOCK,  
Chairman.

Mr. Maddock moved that the report be adopted, which motion prevailed and the report was adopted.

PRESENTATIONS OF PETITIONS AND  
COMMUNICATIONS

December 8, 1919.

TO THE MEMBERS OF THE HOUSE OF REPRESENTATIVES OF THE SIXTEENTH LEGISLATIVE ASSEMBLY IN SPECIAL SESSION:

Gentlemen:

In compliance with a Resolution passed by your Honorable Body on the 18th day of January, 1919, I proceeded to Forman in Sargent County on the 7th day of April, 1919, and there subpoenaed or called the following witnesses:

E. W. BOWEN,  
FRANK RIBA,  
CHARLES REHAK,  
PETER WEBER,  
CHARLES FERNBAGH,  
S. A. SWEETLAND,  
O. B. JOHNSON,  
O. K. LUNSTED,  
ARCH C. DADE,  
E. L. HATCH,  
OSCAR MILLER,  
ARTHUR DAVIS,  
HENRY ULVE,  
WM. CROOKSON,  
CASPER SMITH,  
E. VERNON.

Prior to the investigation in Sargent as Attorney General, I inserted a notice that the hearing would be held in the county court house on the specified date, in every newspaper in the county.

Some three hundred people attended the hearing and several of them volunteered their testimony. The testimony clearly showed that there was no fraud in the election held

Nov. 5th, 1918; that the election board did everything possible to protect the interests of the people of the county, and also Mr. Riba and Mr. Weber; that the election in Forman was fair and honest; that Mr. Riba got 48 votes and Mr. Weber got 69 votes in the City, and that there was nothing done which would warrant the arrest of any one.

On Oct. 12, 1918, an order had been issued by the State Board of Health to the County Boards of Health that in order to prevent the spread of influenza, theaters, pool halls, schools and all public places should be closed and public funerals prohibited; the testimony shows that the order of the State Board of Health was enforced, and that prior to the date of the election placards were posted requesting the crowds not to congregate around the polling place; that after the polls were closed, the election board, believing that they were complying with the order of the Board of Health locked the door.

The testimony further shows that any one who really seriously attempted to get in was admitted into the room. The testimony of Frank Riba himself shows that he himself believes that he got all the votes he was entitled to and that there was no miscount. The locking of the door was irregular, but the evidence shows that there was clearly no intention of violating the law and that the State's Attorney of the County as President of the County Board of Health had issued the instruction, believing that under orders of the Board of Health the crowd should not congregate.

In view of the above, and especially in view of the testimony of Mr. Riba himself I believe there was no fraud and that no prosecution should be started.

Respectfully submitted,  
WILLIAM LANGER,  
Attorney General.

Mr. Herbert moved that the report of the Attorney General handed the clerk be accepted and printed in the Journal, which motion prevailed.

Amenia, N. D., Dec. 6, 1919.

We, the Board of the Ameniam Congregational Church do petition you as our Representative to use every lawful means at your command to stay the hand of Socialistic propoganda which threatens the security and good name of our state.

The history of the past points to the fact that extreme democracy has always meant State Socialism, Profligacy, Baren. Gluttony, Flood, Spendthrift.

And again it has never reconstructed what it has torn down. We would call your attention to the failures in this direction, especially those started under the ideal conditions which Socialism has declared necessary for success.

The Brook Farm experiment was on a small scale but was a failure. The one known as "New Australia" in Paraguay was on a large scale, with every one of the required conditions to make it a success. It was an utter failure, financially, socially, intellectually and morally. The other experiment of Mr. Lane's also on a large scale, known as the New Cosmos was equally disastrous, illegitimacy and suicide were its marked characteristics.

The latest experiment on a large scale is Russia which has been marked thus far as an orgy of crime, murder and desolation.

Signed by ROBERT B. REED,  
For the Board of the Amenia Congregational Church this  
8th day of December, 1919.

Mr. Twichell moved that the House do now adjourn, which motion prevailed and the House adjourned.

### SIXTEENTH DAY

The House assembled pursuant to adjournment, the Speaker presiding.

Prayer by the chaplain.

### ROLL CALL

Present 106, absent 7.

Present: Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bollinger, Bjerke, Burtness, Burkhart, Byrne, Caddell, Carr, Donner, Dungan, Durkee, Eckert, Engen, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hammond, Hanson, Hardt, Harding, Harris, Herbert, Hoare, Humphreys, Ivers, Johnson of Dickey, Johnson of Steele, Johnson of Cass, Johnson of Pembina, Johnston, Kamrath, Kelder, Kell, Kellogg, Kelly, Keitzman, Koller, Krueger, Kunkel, Larson of Ransom, Larson of Stutsman, Larson of Pierce, Larkin, Lazier, Lowe, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McGauvran, McLarty, McLaughlin, McManus, Mikkelson, Miller, Moen, Murtha, Nathan of Sheridan, Nathan of Logan, Ness, Nesvig, Nims, O'Brien, O'Connor of Pembina, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olson of Barnes, Olsgard, Opland, Patterson, Petterson of Sargent, Pleasance, Prater, Randall, Riba, Reid, Renauld, Robinson, Roquette, Rusch, Severson, Sherman, Strom, Turner Twichell, Wadson, Walker, Weld of Wells, Whipple, Wog, Yeater, Mr. Speaker.

Absent: Cleven, Hemmi, Klein, Reishus, Strain, Ugium, Weld of Kidder.

### THIRD READING OF HOUSE BILLS

House Bill No. 4, "A Bill for an Act to amend and re-enact Section 3471 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Section 1 of Chapter 13 of the Laws of the Special Session of the State of North Dakota for the year 1918; amending and re-enacting Section 3473 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Section 3 of Chapter 13 of the Laws of the Special Session of the State of North Dakota for the year 1918; and amending and re-enacting Section 3481 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Section 9, Chapter 13 of the Laws of the Special Session of the State of North Dakota for the year 1918 and as amended and re-enacted by Section 1 of Chapter 177 of the Laws of North Dakota for the year 1919, relating to the issuance of bonds and warrants to procure seed grain and feed for needy inhabitants; making an appropriation therefor; and repealing all Acts and parts of Acts in conflict therewith."

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 107, nays 0, absent and not voting 6.

Ayes: Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bollinger, Bjerke, Burtness, Burkhart, Byrne, Caddell, Carr, Donner, Dungan, Durkee, Eckert, Engen, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hammond, Hanson, Hardt, Harding, Harris, Herbert, Hoare, Humphreys, Ivers, Johnson of Dickey, Johnson of Steele, Johnson of Cass, Johnson of Pembina, Johnston, Kamrath, Kelder, Kell, Kellogg, Kelly, Keitzman, Koller, Krueger, Kunkel, Larson of Ransom, Larson of Stutsman, Larson of Pierce, Larkin, Lazier, Lowe, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McGauvran, McLarty, McLaughlin, McManus, Mikkelson, Miller, Moen, Murtha, Nathan of Sheridan, Nathan of Logan, Ness, Nesvig, Nims, O'Brien, O'Connor of Pembina, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olson of Barnes, Olsgard, Opland, Patterson, Petterson of Sargent, Pleasance, Prater, Randall, Riba, Reid, Renauld, Robinson, Roquette, Rusch, Severson, Sherman, Strain, Strom, Turner, Twichell, Wadeson, Walker, Weld of Wells, Whipple, Wog, Yeater, Mr. Speaker.

Absent and not voting: Cleven, Hemmi, Klein, Reishus, Uglum, Weld of Kidder.

So the bill passed and the title was agreed to.

Emergency carried.

House Bill No. 9. "A Bill for an Act to appropriate Thirty-two thousand three hundred dollars for the operation of the Motor Vehicle Registration Department, being additional to that already appropriated for salary of Registrar, clerk-hire, special agents, traveling expenses, printing, and 1921 license tags."

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 73, nays 33, absent and not voting, 7.

Ayes: Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bollinger, Bjerke, Burkhart, Byrne, Caddell, Donner, ans, Bollinger, Bjerke, Burkhart, Byrne, Caddell, Donner, Eckert, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hardt, Harding, Hoare, Ivers, Johnson of Dickey, Johnson of Steele, Kamrath, Kelder, Kell, Kellogg, Keitzman, Koller, Krueger, Larson of Ransom, Larson of Stutsman, Larson of Pierce, Larkin, Lazier, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McLarty, McManus, Miller, Moen, Nathan of Sheridan, Nathan of Logan, Nesvig, O'Brien, O'Connor of Pembina, Olson of Barnes, Opland, Patterson, Pleasance, Prater, Randall, Riba, Renauld, Sherman, Strain, Strom, Wadeson, Walker, Weld of Wells, Whipple, Wog, Yeater, Mr. Speaker.

Nays: Burtness, Carr, Dungan, Durkee, Engen, Hammond, Hanson, Harris, Herbert, Humphreys, Johnson of Cass, Johnson of Pembina, Johnston, Kelly, Kunkel, Lowe, McGauvran, McLaughlin, Mikkelson, Murtha, Ness, Nims,

Olsen of Ramsey, Olson of Ward, Olsgard, Petterson of Sargent, Reid, Robinson, Roquette, Rusch, Severson, Turner, Twichell.

Absent and not voting: Cleven, Hemmi, Klein, O'Connor of Grand Forks, Reishus, Uglum, Weld of Kidder.

So the bill passed and the title was agreed to.

Emergency also carried.

Mr. Maddock of Benson moved that the House turn to the Seventh order of business.

Mr. Maddock of Benson moved that House Bill No. 44 be placed on the calendar for third reading and final passage, which motion prevailed.

House Bill No. 17, "A Bill for an Act providing for the appointment of Tax Supervisors, fees, their salaries and term of office, and defining their powers and duties and repealing Chapter 219 of the Laws of North Dakota for the year 1919."

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 66, nays 40, absent and not voting 7.

Ayes: Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bjerke, Burkhart, Byrne, Caddell, Carr, Eckert, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hardt, Harding, Hoare, Ivers, Johnson of Dickey, Johnson of Steele, Kamrath, Kelder, Kell, Kellogg, Keitzman, Larson of Ransom, Larkin, Lazier, Maddock of Mountrail, Maddock of som, Larkin, Lazier, Maddock of Mountrail, Maddock of tin of Bottineau, Maxwell, McDonnell, McLarty, McManus, Miller, Moen, Nathan of Sheridan, Nesvig, O'Brien, O'Connor of Pembina, Olson of Barnes, Opland, Patterson, Prater, Randall, Riba, Renauld, Sherman, Strain, Strom, Wadeson, Walker, Weld of Wells, Whipple, Wog, Yeater. Mr. Speaker.

Nays: Bollinger, Burtness, Donner, Dungan, Durkee, Engen, Hammond, Hanson, Harris, Herbert, Humphreys, Johnson of Cass, Johnson of Pembina, Johnston, Kelly, Koller, Krueger, Kunkel, Larson of Stutsman, Larson of Pierce, Lowe, McGauvran, McLaughlin, Mikkelson, Murtha, Nathan of Logan, Ness, Nims, Olsen of Ramsey, Olson of Ward, Olsgard, Petterson of Sargent, Pleasance, Reid, Robinson, Roquette, Rusch, Severson, Turner, Twichell.

Absent and not voting: Cleven, Hemmi, Klein, O'Connor of Grand Forks, Reishus, Uglum, Weld of Kidder.

So the bill passed and the title was agreed to.

Mr. Burtness: I wish to explain my vote. I believe that the law which we passed last winter providing that a tax supervisor be appointed in each county subject to the approval of the Board of County Commissioners is a better law as it gives the local authorities more authority over their own affairs. Therefore I vote no.

Mr. Maddock of Mountrail moved that the rules of the House be suspended and that House Bill No. 44 be considered properly enrolled and engrossed so it may be placed on third reading, which motion prevailed.

House Bill No. 38, "A Bill for an Act appropriating the sum of \$6,000.00 to provide for clerk hire, furniture and fixtures, and other necessary items of office expenses for the

State Publication and Printing Commission, and the office of the State Printer."

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 76, nays 31, absent and not voting 6.

Ayes: Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bjerke, Burtness, Burkhart, Byrne, Caddell, Carr, Donner, Eckert, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hardt, Harding, Hoare, Humphreys, Ivers, Johnson of Dickey, Johnson of Steele, Johnson of Pembina, Kamrath, Kelder, Kell, Kellogg, Keitzman, Koller, Krueger, Larson of Ransom, Larson of Stutsman, Larkin, Lazier, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McLarty, McManus, Miller, Moen, Nathan of Sheridan, Nesvig, O'Brien, O'Connor of Pembina, O'Connor of Grand Forks, Olson of Ward, Olson of Barnes, Opland, Patterson, Pleasance, Prater, Randall, Riba, Renauld, Sherman, Strain, Strom, Wadson, Walker, Weld of Wells, Whipple, Wog, Yeater, Mr. Speaker.

Nays: Bollinger, Dungan, Durkee, Engen, Hammond, Hanson, Harris, Herbert, Johnson of Cass, Johnston, Kelly, Kunkel, Larson of Pierce, Lowe, McGauvran, McLaughlin, Mikkelson, Murtha, Nathan of Logan, Ness, Nims, Olsen of Ramsey, Olsgard, Petterson of Sargent, Reid, Robinson, Roquette, Rusch, Severson, Turner, Twichell.

Absent and not voting: Cleven, Hemmi, Klein, Reishus, Uglum, Weld of Kidder.

So the bill passed and the title was agreed to.

Emergency was declared passed.

House Bill No. 44, "A Bill for an Act to amend and reenact Sub-divisions Number 7, Number 8, Number 11, Number 18 and Number 33, of Chapter 16 of the Session Laws of 1919, relating to the general budget appropriation."

The question being on the final passage of the bill, as amended, the roll was called and there were ayes 67, nays 39, absent and not voting 7.

Ayes: Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bjerke, Burkhart, Byrne, Caddell, Eckert, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hardt, Harding, Hoare, Ivers, Johnson of Dickey, Johnson of Steele, Kamrath, Kelder, Kell, Kellogg, Keitzman, Larson of Ransom, Larson of Stutsman, Larkin, Lazier, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McLarty, McManus, Miller, Moen, Nathan of Sheridan, Nathan of Logan, Nesvig, O'Brien, O'Connor of Pembina, Olson of Barnes, Opland, Patterson, Prater, Randall, Riba, Renauld, Sherman, Strain, Strom, Turner, Twichell, Wadson, Walker, Weld of Wells, Whipple, Wog, Yeater, Mr. Speaker.

Nays: Bollinger, Burtness, Carr, Donner, Dungan, Durkee, Engen, Hanson, Harris, Herbert, Humphreys, Johnson of Cass, Johnson of Pembina, Johnston, Kelly, Koller, Krueger, Kunkel, Larson of Pierce, Lowe, McGauvran, McLaughlin, Mikkelson, Murtha, Ness, Nims, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olsgard, Petterson of Sargent, Pleasance, Reid, Robinson, Roquette, Rusch, Severson.



Absent and not voting: Cleven, Hammond, Hemmi, Klein, Reishus, Uglum, Weld of Kidder.

So the bill passed and the title was agreed to.

Mr. Hanson: I think we are getting far, far away from the rules which says to do to others as you would have others do to you, therefore I vote no.

House Bill No. 55, "A Bill for an Act making an appropriation for maintenance, improvements, repairs and equipments for the Institution of the Feeble Minded at Grafton, North Dakota; amending and re-enacting Section 1 of Chapter 32 of the Laws of North Dakota for the year 1919; repealing all Acts and parts of Acts in conflict therewith and declaring an emergency."

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 84, nays 21, absent and not voting 8.

Ayes: Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bjerke, Burkhart, Byrne, Caddell, Donner, Dungan, Durkee, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hardt, Harding, Harris, Hoare, Ivers, Johnson of Dickey, Johnson of Steele, Kamrath, Kelder, Kell, Kellogg, Kelly, Keitzman, Koller, Kunkel, Larson of Ransom, Larson of Stutsman, Larkin, Lazier, Lowe, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McGauvran, McLarty, McManus, Miller, Moen, Nathan of Sheridan, Nathan of Logan, Ness, Nesvig, Nims, O'Brien, O'Connor of Pembina, Olsen of Ramsey, Olson of Ward, Olson of Barnes, Opland, Patterson, Pleasance, Prater, Randall, Riba, Reid, Renauld, Robinson, Sherman, Strain, Strom, Wadson, Walker, Weld of Wells, Whipple, Wog, Yeater, Mr. Speaker.

Nays: Bollinger, Burtness, Carr, Engen, Hammond, Hanson, Herbert, Humphreys, Johnson of Cass, Johnson of Pembina, Johnston, Krueger, Larson of Pierce, McLaughlin, Mikkelson, Murtha, Olsgard, Petterson of Sargent, Randall, Roquette, Rusch, Severson, Turner, Twichell.

Absent and not voting: Cleven, Eckert, Hemmi, Klein, O'Connor of Grand Forks, Reishus, Uglum, Weld of Kidder.

So the bill passed and the title was agreed to.

Emergency declared passed.

Mr. John Maddock: I wish to explain my vote. This bill cuts out the building for the Feeble Minded Institute at Grafton which carried an appropriation of \$82,000 and also cuts out a house for the superintendent. The Board of Administration received bids and considered them all too high and practically decided that this was not the proper time to build, therefore I vote aye.

Mr. Carr: In view of the explanation of the chairman of the appropriations committee I vote aye.

House Bill No. 56, "A Bill for an Act amending and re-enacting Section 7 of Chapter 108 of the Laws of North Dakota for the year 1919, relating to the care of samples of milk and cream and for obtaining official tests of butter fat; making an appropriation therefor and repealing all Acts

and parts of Acts in conflict therewith, and declaring an emergency."

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 87, nays 18, absent and not voting 8.

Ayes: Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bjerke, Burtness, Burkhart, Byrne, Caddell, Carr, Donner, Dungan, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hammond, Hanson, Hardt, Harding, Harris, Herbert, Hoare, Humphreys, Ivers, Johnson of Dickey, Johnson of Steele, Johnson of Cass, Johnson of Pembina, Johnston, Kamrath, Kelder, Kell, Kellogg, Keitzman, Krueger, Kunkel, Larson of Ransom, Larson of Stutsman, Larson of Pierce, Larkin, Lazier, Lowe, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McLarty, McManus, Miller, Moen, Nathan of Sheridan, Nathan of Logan, Ness, Nesvig, O'Brien, O'Connor of Pembina, Olsen of Ramsey, Olson of Ward, Olson of Barnes, Opland, Patterson, Pleasance, Prater, Riba, Reid, Renauld, Sherman, Strain, Strom, Wadeson, Walker, Weld of Wells, Weld of Kidder, Whipple, Wog, Yeater, Mr. Speaker.

Nays: Bollinger, Durkee, Engen, Kelly, Koller, McGauvran, McLaughlin, Mikkelson, Murtha, Nims, Olsgard, Peterson, Robinson, Roquette, Rusch, Severson, Turner, Twichell.

Absent and not voting: Cleven, Eckert, Hemmi, Klein, O'Connor of Grand Forks, Randall, Reishus, Uglum.

So the bill passed and the title was agreed to.

Emergency declared passed.

House Bill No. 57, "A Bill for an Act making appropriation for the maintenance, improvements and repairs, new buildings, equipments and miscellaneous expenses of the North Dakota Reform School; amending and re-enacting Section 1 of Chapter 57 of the Laws of North Dakota for the year 1919; repealing all Acts and parts of Acts in conflict therewith; and declaring an emergency."

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 60, nays 34, absent and not voting 9.

Ayes: Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bjerke, Burkhart, Byrne, Caddell, Donner, Durkee, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hardt, Harding, Hoare, Ivers, Johnson of Dickey, Johnson of Steele, Kamrath, Kelder, Kell, Kellogg, Keitzman, Krueger, Larson of Ransom, Larson of Stutsman, Larkin, Lazier, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McLarty, McManus, Miller, Moen, Nathan of Sheridan, Nathan of Logan, Nesvig, O'Brien, O'Connor of Pembina, Olson of Barnes, Opland, Patterson, Prater, Randall, Riba, Renauld, Sherman, Strain, Strom, Turner, Wadeson, Walker, Weld of Wells, Whipple, Wog, Yeater, Mr. Speaker.

Nays: Bollinger, Burtness, Dungan, Engen, Hammond, Hanson, Harris, Herbert, Humphreys, Johnson of Cass, John-

son of Pembina, Johnston, Kelly, Koller, Kunkel, Larson of Pierce, Lowe, McGauvran, McLaughlin, Mikkelson, Murtha, Ness, Nims, Olsen of Ramsey, Olson of Ward, Olsgard, Petterson, Pleasance, Reid, Robinson, Roquette, Rusch, Severson, Twichell.

Absent and not voting: Carr, Cleven, Eckert, Hemmi, Klein, Reishus, Uglum, Weld of Kidder.

So the bill passed and the title was agreed to.

#### HOUSE ROLL CALL

House Bill No. 58. "A Bill for an Act making appropriation for the salary of the Secretary and members of the State Highway Commission, for the Clerk Hire and other assistance of the Commission, postage, office supplies, furniture and fixtures, printing, miscellaneous and traveling expenses of the Commission; amending and re-enacting Section 1 of Chapter 42 of the Laws of North Dakota for the year 1919; repealing all Acts and parts of Acts in conflict therewith; and declaring an emergency."

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 105, nays 1, absent and not voting 7.

Ayes: Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bollinger, Bjerke, Burtness, Burkhart, Byrne, Caddell, Carr, Donner, Dungan, Durkee, Engen, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hammond, Hanson, Hardt, Harding, Harris, Herbert, Hoare, Humphreys, Ivers, Johnson of Dickey, Johnson of Steele, Johnson of Cass, Johnson of Pembina, Johnston, Kamrath, Kelder, Kell, Kellogg, Kelly, Keitzman, Koller, Krueger, Kunkel, Larson of Ransom, Larson of Stutsman, Larson of Pierce, Larkin, Lazier, Lowe, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McGauvran, McLarty, McLaughlin, McManus, Mikkelson, Miller, Moen, Murtha, Nathan of Sheridan, Nathan of Logan, Ness, Nesvig, Nims, O'Brien, O'Connor of Pembina, Olsen of Ramsey, Olson of Ward, Olson of Barnes, Olsgard, Opland, Patterson, Petterson, Pleasance, Prater, Randall, Riba, Reid, Renauld, Robinson, Rusch, Severson, Sherman, Strain, Strom, Turner, Twichell, Uglum, Wadson, Walker, Weld of Wells, Whipple, Wog, Yeater.

Mr. Speaker.

Nays: Roquette.

Absent and not voting: Cleven, Eckert, Hemmi, Klein, O'Connor of Grand Forks, Reishus, Weld of Kidder.

So the bill passed and the title was agreed to.

Emergency declared passed.

House Bill No. 59, "A Bill for an Act remitting the amount of state taxes for the year 1919."

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 106, nays 0, absent and not voting 7.

Ayes: Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bollinger, Bjerke, Burtness, Burkhart, Byrne,

Caddell, Carr, Donner, Dungan, Durkee, Eckert, Engen, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hammond, Hanson, Hardt, Harding, Harris, Herbert, Hoare, Humphreys, Ivers, Johnson of Dickey, Johnson of Steele, Johnson of Cass, Johnson of Pembina, Johnston, Kamrath, Kelder, Kell, Kellogg, Kelly, Keitzman, Koller, Krueger, Kunkel, Larson of Ransom, Larson of Stutsman, Larson of Pierce, Larkin, Lazier, Lowe, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McGauvran, McLarty, McLaughlin, McManus, Mikkelson, Miller, Moen, Murtha, Nathan of Sheridan, Nathan of Logan, Ness, Nesvig, Nims, O'Brien, O'Connor of Pembina, Olsen of Ramsey, Olson of Ward, Olson of Barnes, Olsgard, Opland, Patterson, Petterson, Pleasance, Prater, Randall, Riba, Reid, Renauld, Robinson, Roquette, Rusch, Severson, Sherman, Strain, Strom, Turner, Twichell, Wadeson, Walker, Weld of Wells, Whipple, Wog, Yeater, Mr. Speaker.

Absent and not voting: Cleven, Hemmi, Klein, O'Connor of Grand Forks, Reishus, Uglum, Weld of Kidder.

So the bill passed and the title was agreed to.

Emergency declared passed.

Mr. Murtha: The State Board has made a levy for more taxes than we need and I am glad to assist in correcting that mistake. I vote aye.

House Bill No. 60. "A Bill for an Act, etc."

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 66, nays 41, absent and not voting 6.

Ayes: Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bjerke, Burkhart, Byrne, Caddell, Eckert, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hardt, Harding, Hoare, Ivers, Johnson of Dickey, Johnson of Steele, Kamrath, Kelder, Kell, Kellogg, Keitzman, Larson of Ransom, Larson of Stutsman, Larkin, Lazier, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McLarty, McManus, Miller, Moen, Nathan of Sheridan, Nesvig, O'Brien, O'Connor of Pembina, Olson of Barnes, Opland, Patterson, Prater, Randall, Riba, Renauld, Sherman, Strain, Strom, Wadeson, Walker, Weld of Wells, Whipple, Wog, Yeater. Mr. Speaker.

Nays: Bollinger, Burtness, Carr, Donner, Dungan, Durkee, Engen, Hammond, Hanson, Harris, Herbert, Humphreys, Johnson of Cass, Johnson of Pembina, Johnston, Kelly, Koller, Krueger, Kunkel, Larson of Pierce, Lowe, McGauvran, McLaughlin, Mikkelson, Murtha, Nathan of Logan, Ness, Nims, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olsgard, Petterson, Pleasance, Reid, Robinson, Roquette, Rusch, Severson, Turner, Twichell.

Absent and not voting: Cleven, Hemmi, Klein, Reishus, Uglum, Weld of Kidder.

So the bill passed and the title was agreed to.

Mr. Burtness: I ask unanimous consent to the following amendment: Strike out all of the Act and substitute therefor the following:

Section 67. Article 2 of the Constitution of North Dakota as amended by Article 27 be and the same hereby is repealed.

Which motion on vote was declared lost.

Mr. Reishus was excused.

MR. O'CONNOR. We have for consideration and are voting on House Bill No. 60. I shall vote "no" for two reasons. First, because the bill is not properly before the House. It is a bill that was introduced by the Committee on Delayed Bills and was failed to be offered into this House by the unanimous report of that Committee, and under the rules of this House it was necessary to have the bill come in by the unanimous report of that Committee. It failed of that, and the only other method then available for getting it before the House was to suspend the rules of the House. Neither of these requirements was complied with. That is my first objection.

The second objection which I have to this bill is that it is an attempt on the part of the House by passing a bill, to amend the Constitution of North Dakota, which cannot be done as the Constitution provides the methods by which it may be amended. Sec. 67 of Article 2 as amended provides: "No act of the legislative assembly shall take effect until July first, after the close of the session, unless in case of emergency the legislative assembly shall, by a vote of two-thirds of the members present and voting in each House, declare it an emergency measure which declaration shall be set forth in the Act, provided, however, that no Act granting a franchise or special privilege or an Act creating any vested rights or interest other than in the state shall be declared an emergency measure. An emergency measure shall take effect and be in effect after its approval by the Governor". That was one of the provisions of the Constitution of North Dakota that I took an oath to support, and I do not propose at this time to violate that oath. I vote "no".

#### MESSAGE FROM THE SENATE

SENATE CHAMBER,  
Bismarck, North Dakota,  
December 9, 1919.

Mr. Speaker: I have the honor to return herewith the following bills:

House Bill No. 19, "A Bill for an Act to provide for the joint ownership and use of public buildings and grounds by villages and townships."

House Bill No. 54,

"A Bill for an Act to provide for a State Sheriff, defining his duties.

"A Bill for an Act to provide for the better enforcement of the laws of this State, constituting the County Sheriffs of this State, a State Constabulary and defining their duties; creating the office of State Sheriff and defining his duties; making an appropriation therefor and repealing all Acts and parts of Acts in conflict therewith."

House Bill No. 40, "A Bill for an Act to amend Section 1218, Compiled Laws of North Dakota, 1913, requiring school dis-

strict treasurers to file a copy of their annual report with the Bank of North Dakota."

House Bill No. 41, "A Bill for an Act to provide for the cutting and removing of weeds and grasses along the public highways, streets and alleys, prescribing the duties of Township Supervisors, Road Overseers and County Commissioners with reference thereto, and providing for the payment of the expense thereof."

Which the Senate has passed unchanged.

Very respectfully,

W. J. PRATER,  
Secretary.

SENATE CHAMBER,  
Bismarck, North Dakota,  
December 9, 1919.

Mr. Speaker: I have the honor to transmit herewith the following bills:

Senate Bill No. 3, "A Bill for an Act to amend and reenact Section 2185, Compiled Laws of North Dakota for the year 1913, relating to real estate taxes due and delinquent, and penalty and interest thereon."

Senate Bill No. 48, "A Bill for an Act to amend and reenact Chapter 91 of the Session Laws of 1919, being an Act to amend Section 183 of Article 12 of the Constitution of North Dakota providing for debt limit of any county, township, city, town, school district and any other political subdivision."

Senate Bill No. 53, "A Bill for an Act to amend and reenact Section 1341 of the Compiled Laws of North Dakota for 1913, providing for the bonding of school districts for the building of school houses when warrants have been issued."

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

Very respectfully,

W. J. PRATER,  
Secretary.

SENATE CHAMBER,  
Bismarck, North Dakota,  
December 9, 1919.

Mr. Speaker: I have the honor to return herewith the following bills:

House Bill No. 35, "A Bill for an Act to repeal Chapter 142 of the Session Laws of 1915, relating to the payment of tuition for attendance at any model high or graded or elementary school which is operated, maintained or in any manner connected with the state university, any normal school or any educational institution or higher learning."

Which the Senate has indefinitely postponed.

Very respectfully,

W. J. PRATER,  
Secretary.

SENATE CHAMBER,  
Bismarck, North Dakota,  
December 9, 1919.

Mr. Speaker: I have the honor to return,

House Bill No. 2, "A Bill for an Act to amend and re-enact Section 1 and Section 3 of Chapter 206 of the Session Laws of 1919, relating to the levying of a tax of one-half of one mill upon each dollar of assessed valuation of all taxable property within the state for each year for the purpose of creating a fund to be known as the "Returned Soldiers' Fund"; providing for the payment thereof to returned soldiers; defining the powers and duties of the Adjutant General and of the Industrial Commission with reference thereto."

Which the Senate has amended as follows:

In line 42 on page 4 of the Printed Bill strike out the period at the end of the line and insert a semi-colon and add the following: Provided, further, that when it shall be made to appear to the Adjutant General that any such returned soldier shall have deserted his wife or minor children and when no divorce shall have been granted, then the amount to which such returned soldier shall be entitled under the provisions of this Act may be paid to such wife or minor children.

Very respectfully,

W. J. PRATER,  
Secretary.

Mr. Hoare moved that the House do concur in the Senate amendment on House Bill No. 2, which motion prevailed.

House Bill No. 2.

The question being on adoption of Senate amendment, the roll was called and there were, ayes, 107; nays, 0; absent and not voting, 6.

Ayes—Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bollinger, Bjerke, Burtness, Burkhart, Byrne, Caddell, Carr, Donner, Dungan, Durkee, Eckert, Engen, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hammond, Hanson, Hardt, Harding, Harris, Herbert, Hoare, Humphreys, Ivers, Johnson of Dickey, Johnson of Steele, Johnson of Cass, Johnson of Pembina, Johnston, Kamrath, Kelder, Kell, Kellogg, Kelly, Keitzman, Koller, Krueger, Kunkel, Larson of Ransom, Larson of Stutsman, Larson of Pierce, Larkin, Lazier, Lowe, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McGauvran, McLarty, McLaughlin, McManus, Mikkelson, Miller, Moen, Murtha, Nathan of Sheridan, Nathan of Logan, Ness, Nesvig, Nims, O'Brien, O'Connor of Pembina, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olson of Barnes, Olsgard, Opland, Patterson, Petterson, Pleasance, Prater, Randall, Riba, Reid, Renauld, Robinson, Roquette, Rusch, Severson, Sherman, Strain, Strom, Turner, Twichell, Wadson, Walker, Weld of Wells, Whipple, Wog, Yeater, Mr. Speaker.

Absent and not voting—Cleven, Hemmi, Klein, Reishus, Uglum, Weld of Kidder.

So the bill passed and the title was agreed to.

Which amendment was adopted.

#### MOTIONS AND RESOLUTIONS

MR. TWICHELL moved that further action be not taken by this House on this Resolution for the reason that there is absolutely no proof that any violations of the kind mentioned in the Resolution occurred, and that even the elections committee on which Mr. Whipple sat in the investigations of the Riba-Weber election contest reported that there was in fact no violation of law.

MR. BURTNESS. I desire to offer a substitute motion. That is that the request be made of the Attorney General to supplement his report by sending in the testimony taken at the hearing in Forman.

MR. PATTERSON moved the previous question, which motion carried.

MR. O'CONNOR moved that this matter be postponed until 12 o'clock tomorrow (Wednesday), and that it be taken up in its order, which motion prevailed.

MR. MADDOCK moved that the Speaker appoint a committee of three to escort Judge Castberg of the Norwegian Parliament to the rostrum, which motion prevailed, and the Speaker appointed Mr. O'Connor of Grand Forks, Mr. Keitzman and Mr. Johnson.

#### FIRST AND SECOND READING OF SENATE BILLS

Senate Bill No. 3, "A Bill for an Act to amend and reenact Section 2185, Compiled Laws of North Dakota for the year 1913, relating to real estate taxes due and delinquent, and penalty and interest thereon."

Was read the first and second time and referred to the committee on State Affairs.

Senate Bill No. 48, "A Bill for an Act to amend and reenact Chapter 91 of the Session Laws of 1919, being an Act to amend Section 183 of Article 12 of the Constitution of North Dakota providing for debt limit of any county, township, city, town, school district and any other political subdivision."

Was read the first and second time and referred to the committee on State Affairs.

Senate Bill No. 53, "A Bill for an Act to amend and reenact Section 1341 of the Compiled Laws of North Dakota for 1913, providing for the bonding of school districts for the building of school houses when warrants have been issued."

Was read the first and second time and referred to the committee on State Affairs.

Mr. Whipple moved that the House recess until 12 o'clock tomorrow, which motion prevailed and the House recessed.



SIXTEENTH DAY AFTER RECESS AND  
SEVENTEENTH DAY

## HOUSE OF REPRESENTATIVES,

Bismarck, North Dakota,  
December 10th, 1919.

The House assembled pursuant to recess taken, the Speaker presiding.

## SIGNING OF BILLS

The Chief Clerk announced that the Speaker was about to sign:

Senate Bill No. 11, "A Bill for an Act authorizing the Bank of North Dakota to make loans to various state departments, industries and institutions, and providing the manner under which loans shall be made and providing for the repayment of such loans and directing the state auditor to issue warrants against such funds so loaned."

Senate Bill No. 14, "A Bill for an Act to amend and reenact Chapter 58, Laws of North Dakota, 1917, relating to registration of Licensed Architects and the regulation of the practice of architecture as a profession in the State of North Dakota."

Emergency on Senate Bill No. 14.

Senate Bill No. 20, "A Bill for an Act making it a felony for any state official to wilfully publish false statements with reference to any state department, institution or industry and providing the manner in which such cases under the provisions of this Act shall be tried; and providing the penalty therefor."

Senate Bill No. 35, "A Bill for an Act to amend Section 4441 of the Revised Codes of North Dakota for the year 1913, and all Acts or parts of Acts amendatory thereto."

Emergency on Senate Bill No. 35.

Senate Bill No. 37, "A Bill for an Act to provide for an appropriation for the purpose of carrying out the provisions of the State Hail Insurance Law."

Emergency on Senate Bill No. 37.

Senate Bill No. 43, "A Bill for an Act making effective Section 9, Chapter 167, Session Laws of North Dakota, for the year 1919, as regards expenses of district judges, by making an appropriation therefor."

Emergency on Senate Bill No. 43.

Senate Bill No. 57, "A Bill for an Act appropriating the sum of Five Thousand dollars for the relief of Alice Bixby."

Emergency on Senate Bill No. 57.

House Bill No. 2, "A Bill for an Act to amend and reenact Section 1 and Section 3 of Chapter 206 of the Session

Laws of 1919, relating to the levying of a tax of one-half of one mill upon each dollar of assessed valuation of all taxable property within the state for each year for the purpose of creating a fund to be known as the "Returned Soldiers' Fund"; providing for the payment thereof to returned soldiers; defining the powers and duties of the Adjutant General and of the Industrial Commission with reference thereto."

Emergency on House Bill No. 2.

House Bill No. 10, "A Bill for an Act to amend and reenact Section 5170 of the Compiled Laws, State of North Dakota, for the year 1913, as amended by Chapter 58 of the Session Laws of 1915, relating to the legal reserve fund of banking corporations and associations."

House Bill No. 13, "A Bill for an Act providing for the appointment of Special Assistant Attorneys General by the Governor; making an appropriation therefor; and repealing all Acts and parts of Acts in conflict therewith."

House Bill No. 19, "A Bill for an Act to provide for the joint ownership and use of public buildings and grounds by villages and townships."

House Bill No. 20, "A Bill for an Act to exempt "money" and "credits" from taxation except as herein provided, and repealing Chapter 255 of the Laws of North Dakota for the year 1915, and Chapter 230 of the Laws of North Dakota for the year 1917 as amended by Chapter 226 of the Laws of North Dakota for the year 1919, and all other Acts and parts of Acts in conflict with the provisions of this Act."

Emergency on House Bill No. 20.

House Bill No. 39, "A Bill for an Act to appropriate money for the expenses of the Executive Department of the State to cover expenses in meeting certain emergencies."

Emergency on House Bill No. 39.

House Bill No. 40, "A Bill for an Act to amend Section 1218, Compiled Laws of North Dakota, 1913, requiring school district treasurers to file a copy of their annual report with the Bank of North Dakota."

House Bill No. 48, "A Joint Resolution creating a Joint Investigation Committee, defining its rights and powers, and authorizing it to investigate all efforts to destroy or injure the property or rights of individuals, corporations, or any of the industries, enterprises or utilities owned by the State, or the credit of the State, or to unlawfully influence or corrupt elections or results thereof and to report the results of such examination to the Governor, to the Legislative Assembly and State's Attorneys; and making an appropriation therefor."

House Bill No. 41, "A Bill for an Act to provide for the cutting and removing of weeds and grasses along the public highways, streets and alleys, prescribing the duties of Township Supervisors, Road Overseers and County Commissioners with reference thereto, and providing for the payment of the expense thereof."

House Bill No. 54,

"A Bill for an Act to provide for the better enforcement of the laws of this State, constituting the County Sheriffs of this State, a State Constabulary and defining their duties;

creating the office of State Sheriff and defining his duties; making an appropriation therefor and repealing all Acts and parts of Acts in conflict therewith."

And the Speaker signed the same in the presence of the House.

Mr. Miller moved that the House resolve itself into a Committee of the Whole for the considerations of General Orders, which motion prevailed and the House resolved itself into a Committee of the Whole.

The Speaker called Mr. Hoare to the Chair.

When the Committee arose it submitted the following report:

Mr. Speaker: The Committee of the Whole to whom was referred House Bill No. 7, "A Bill for an Act to amend and re-enact Sections 2, 3, 4, 5 and 6 of Chapter 6 of the Session Laws of the State of North Dakota for the year 1919, relating to the licensing and inspection of pool halls, billiard rooms, ball and pin alleys, dance halls, theaters, moving picture shows, taxicab stands and places where soft drinks are sold."

Have had the same under consideration and recommend that the same do pass as amended by Standing Committee and Committee of the Whole as follows:

Mr. Burtness moved that House Bill No. 7 be amended by striking out last three lines as they appear in the Journal of Section 6 and insert in lieu thereof the following:

And provided, further, that on or before the fifth day of July in each year after the year 1919, the State Treasurer shall apportion and pay to the treasurers of the several cities, villages and townships within or from the residents of which such license fees were collected, all moneys which remain on hand in said State Sheriff Licensing Department on July 1st of such year derived from licenses for the previous license year, such payments to be prorated to such cities, villages and townships in the same proportion in which they were received. Such funds shall be used by such municipalities to defray expenses incurred in local regulation and supervision and in carrying out the duties now or hereafter enjoined upon them in such regard, including the keeping of the peace in the places which may be licensed under the provisions hereof.

**MR. HOARE,**  
Chairman.

Mr. Patterson moved that the report be adopted, which motion prevailed and the report was adopted.

Senate Bill No. 44, "A Bill for an Act providing for the issuing of bonds of the State of North Dakota in a sum not exceeding two million dollars to be known as "Bonds of North Dakota Home Building Series"; prescribing the terms and other provisions for the payment of interest and principal of said bonds and to carry into effect the provisions of this Act; and declaring this Act to be an emergency measure."

Have had the same under consideration and recommend that the same do pass as amended by Standing Committee.

**P. A. HOARE,**  
Chairman.

Mr. Patterson moved that the report be adopted, which motion prevailed and the report was adopted.

#### MOTIONS AND RESOLUTIONS

Mr. Patterson moved that Senate Bill No. 23 be recalled from the Senate, which motion prevailed.

MR. MILLER moved that the rules be suspended and that House Bill No. 7 and Senate Bill No. 44 be considered properly enrolled and engrossed and put on for third reading and final passage, which motion prevailed.

#### MESSAGE FROM THE SENATE

##### SENATE CHAMBER,

Bismarck, North Dakota,  
December 10th, 1919.

Mr. Speaker: I have the honor to transmit herewith the following bills:

Senate Bill No. 10, "A Bill for an Act to amend and re-enact Section 1 and Section 2 of Chapter 227, Laws of North Dakota, 1919, relating to the taxation of petroleum products or by-products."

Senate Bill No. 27, "A Bill for an Act to amend and re-enact Section 1 of Chapter 224, Laws of North Dakota, 1919, relating to the limitation of tax levies."

Senate Bill No. 36, "A Bill for an Act providing for the distraint of property for the payment of delinquent taxes due to the state."

Senate Bill No. 32, "A Bill for an Act to amend and re-enact Section 2144 of the Compiled Laws of North Dakota for the year 1913, relating to the assessment of express, telegraph and telephone companies, freight line and car equipment companies, and to impose a gross earnings tax on freight line and car equipment companies, and repealing all Acts and parts of Acts in conflict herewith."

Senate Bill No. 12, "A Bill for an Act to amend and re-enact Sections 7, 8 and 9, and Sub-section (e) of Section 13 of Chapter 224, Sessions Laws of North Dakota, 1919, relating to income taxes."

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

Very respectfully,

W. J. PRATER,  
Secretary.

##### SENATE CHAMBER,

Bismarck, North Dakota,  
December 8, 1919.

Mr. Speaker: I have the honor to transmit the following Concurrent Resolution:

#### A JOINT RESOLUTION

(Introduced by Mr. Drown)

Authorizing and empowering the Railroad Commissioners to investigate the price of gasoline in this State and the alleged discrimination of the Standard Oil Company against residents of this State."

BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN, that

WHEREAS, the said Standard Oil Company is alleged to be leged to be engaged in discriminating against residents of the State of North Dakota in the sale of gasoline, and

WHEREAS, the Standard Oil Company is alleged to be charging an unfair price in this State for gasoline, therefore,

BE IT RESOLVED, that the Railroad Commissioners of this State be and they are hereby authorized and empowered to investigate the practices of the Standard Oil Company with reference to discrimination against residents of this State in the matter of fixing prices for gasoline, and that the Board of Railroad Commissioners report the results of such investigation to the next general session of the Legislative Assembly of this State.

Which the Senate adopted and your favorable consideration is respectfully requested.

Very respectfully,

W. J. PRATER,  
Secretary.

### THIRD READING OF HOUSE BILLS

House Bill No. 7, "A Bill for an Act to amend and reenact Sections 2, 3, 4, 5 and 6 of Chapter 6 of the Session Laws of the State of North Dakota for the year 1919, relating to the licensing and inspection of pool halls, billiard rooms, ball and pin alleys, dance halls, theaters, moving picture shows, taxicab stands and places where soft drinks are sold."

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, 66; nays, 41, absent and not voting, 6.

Ayes—Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bjerke, Burkhart, Byrne, Caddell, Eckert, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hardt, Harding, Hoare, Ivers, Johnson of Dickey, Johnson of Steele, Kamrath, Kelder, Kell, Kellogg, Keitzman, Larson of Ransom, Larson of Stutsman, Larkin, Lazier, Maddock of Mount-rail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McLarty, McManus, Miller, Moen, Nathan of Sheridan, Nesvig, O'Brien, O'Connor of Pembina, Olson of Barnes, Opland, Patterson, Prater, Randall, Riba, Renauld, Sherman, Strain, Strom, Wadeson, Walker, Weld of Wells, Whipple, Wog, Yeater, Mr. Speaker.

Nays—Bollinger, Burtness, Carr, Donner, Dungan, Durkee, Engen, Hammond, Hanson, Harris, Herbert, Humphreys, Johnson of Cass, Johnson of Pembina, Johnston, Kelly, Koller, Krueger, Kunkel, Larson of Pierce, Lowe, McGauvran, McLaughlin, Mikkelson, Murtha, Nathan of Logan, Ness, Nims, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olsgard, Petterson, Pleasance, Reid, Robinson, Roquette, Rusch, Severson, Turner, Twichell.

Absent and not voting—Cleven, Hemmi, Klein, Reishus, Uglum, Weld of Kidder.

So the bill passed and the title was agreed to.

MR. BURTNESS. I wish to explain my vote on House Bill No. 7. In one respect, a minor respect, this bill is preferable to the old law, because of the amendment that has carried and adopted. The position which I have taken throughout this Legislative Session, however, is that I cannot vote for any bill which I regard as unconstitutional. The office of the State Sheriff has been created or probably will be created by this Legislative Assembly and is one which I do not believe will be sustained by the Supreme Court of the State because of the fact of the decision in the case of *In Re. Corliss* reported in 16 N. D. Reports, which to my mind is conclusive against its constitutionality. For that reason, and because of the fact that I am too much of a believer in law enforcement measures, I am not willing to take a chance of letting the enforcement of this law go to an official who will probably be one on paper only, that is on the assumption that the law will be declared invalid by the Supreme Court. For that reason I vote "no."

MR. JOHNSON of Pembina. Under the existing conditions, I could not vote for this bill. I realize that the people of the State of North Dakota have an Attorney General and it belongs to his duties to look after these matters. The people have never elected a state sheriff and I doubt if they ever will. I don't believe, under the law, we will really have such an officer, and I vote "no."

### THIRD READING OF SENATE BILLS

Senate Bill No. 44, "A Bill for an Act providing for the issuing of bonds of the State of North Dakota in a sum not exceeding two million dollars to be known as "Bonds of North Dakota Home Building Series"; prescribing the terms and stating the purposes thereof; providing for a tax and making other provisions for the payment thereof; making appropriations and other provisions for the payment of interest and principal of said bonds and to carry into effect the provisions of this Act; and declaring this Act to be an emergency measure."

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, 71; nays, 36; absent and not voting, 6.

Ayes—Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bjerke, Burtness, Burkhart, Byrne, Caddell, Eckert, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hardt, Harding, Harris, Hoare, Humphreys, Ivers, Johnson of Dickey, Johnson of Steele, Kamrath, Kelder, Kell, Kellogg, Keitzman, Larson of Ransom, Larson of Stutsman, Larkin, Lazier, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McLarty, McManus, Miller, Moen, Nathan of Sheridan, Nesvig, O'Brien, O'Connor of Pembina, O'Connor of Grand Forks, Olson of Barnes, Opland, Patterson, Prater, Randall, Riba, Renauld, Sherman, Strain, Strom, Wadeson, Walker, Weld of Wells, Whipple, Wog, Yeater, Mr. Speaker.

Nays—Bollinger, Carr, Donner, Dungan, Durkee, Engen, Hammond, Hanson, Herbert, Johnson of Cass, Johnson of

Pembina, Johnston, Kelly, Koller, Krueger, Larson of Pierce, Lowe, McGauvran, McLaughlin, Mikkelson, Murtha, Nathan of Logan, Ness, Nims, Olsen of Ramsey, Olson of Ward, Olsgard, Petterson, Pleasance, Reid, Robinson, Roquette, Rusch, Severson, Turner, Twichell.

Absent and not voting—Cleven, Hemmi, Klein, Kunkel, Reishus, Uglum. Weld of Kidder.

So the bill passed and the title was agreed to.

MR. BURTNESS. I wish to explain my vote on Senate Bill No. 44. I did not vote for the Home Building Association bill last year. The principal reason for that was because I felt that it wouldn't be operative, that is, that it couldn't function for the purposes for which it was intended. Up to this time I have voted for no bond issue although I stood ready and anxious to vote for a mill and elevator bond issue to be limited to two millions of dollars. That privilege was denied me by the defeat of the Senate bill providing for such an issue last session. Since then the Home Building Law has been approved by a vote of the people at the polls. It appears that the Home Building Association law has not been able to function. The claim is made that with the passage of this bill it will be able to become operative and that some good can be realized from it. As I regard the law, a number of safeguards are cast around the issuance of these bonds. The safeguards to my mind amply protect it. With those safeguards I don't believe that the bond issues can be misused so as to endanger the funds of the state, and for that reason I vote "aye."

#### MESSAGE FROM THE SENATE

SENATE CHAMBER,  
Bismarck, North Dakota,  
December 10, 1919.

Mr. Speaker: I have the honor to return Senate Bill No. 23 as per request of the House.

Very respectfully,  
W. J. PRATER,  
Secretary.

#### FIRST AND SECOND READING OF SENATE BILLS

Senate Bill No. 36, "A Bill for an Act providing for the distraint of property for the payment of delinquent taxes due to the state."

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

Senate Bill No. 27, "A Bill for an Act to amend and re-enact Section 1 of Chapter 224, Laws of North Dakota, 1919, relating to the limitation of tax levies."

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

Senate Bill No. 10, "A Bill for an Act to amend and reenact Section 1 and Section 2 of Chapter 227, Laws of North Dakota, 1919, relating to the taxation of petroleum products or by-products."

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

Senate Bill No. 32, "A Bill for an Act to amend and reenact Section 2144 of the Compiled Laws of North Dakota for the year 1913, relating to the assessment of express, telegraph and telephone companies, freight line and car equipment companies, and to impose a gross earnings tax on freight line and car equipment companies, and repealing all Acts and parts of Acts in conflict herewith."

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

Senate Bill No. 12, "A Bill for an Act to amend and reenact Sections 7, 8 and 9, and Sub-section (e) of Section 13 of Chapter 224, Sessions Laws of North Dakota, 1919, relating to income taxes."

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

#### REPORTS OF STANDING COMMITTEES

The committee on State Affairs made the following report:

Mr. Speaker: Your committee on State Affairs to whom was referred Senate Bill No. 53, "A Bill for an Act providing for the bonding of school districts for the building of school houses when warrants have been issued."

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

WALTER J. MADDOCK,  
Chairman.

The committee on State Affairs made the following report:

Mr. Speaker: Your committee on State Affairs to whom was referred Senate Bill No. 48, "Being a Concurrent Resolution to amend Section 183 of Article 12 of the Constitution of North Dakota, providing the debt limit of any county, township, city, town, school district, and any other political sub-division."

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

WALTER J. MADDOCK,  
Chairman.

The committee on State Affairs made the following report:



Mr. Speaker: Your committee on Appropriations to whom was referred Senate Bill No. 33, "A Bill for an Act to appropriate \$225,000.00 for the purpose of aiding in the construction of a bridge across the Missouri River from Burleigh County to Morton County in the state of North Dakota and the further sum of \$35,000 for the construction of a bridge across the Red river at Pembina, Pembina County and Kittson county, Minnesota, under the provisions of Chapter 73 of the Laws passed at the Sixteenth Session of the Legislative Assembly of North Dakota, approved March 5, 1919; and such appropriations be made from the State Highway Funds."

JOHN R. MADDOCK,  
Chairman.

Mr. Magnuson moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on State Affairs made the following report:

was referred Senate Bill No. 3, "A Bill for an Act to amend and re-enact Section 2185, Compiled Laws of North Dakota for the year 1913, relating to real estate taxes due and delinquent, and penalty and interest thereon."

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

Strike out all of Section 2 relating to the emergency clause and put in lieu thereof "Section 2. This Act shall take effect and be in force from and after December 1st, 1920".

And when so amended recommend the same to be passed.

WALTER J. MADDOCK,  
Chairman.

Mr. Walter J. Maddock moved that the report be adopted, which motion prevailed and the report was adopted.

#### A MESSAGE FROM THE SENATE

SENATE CHAMBER,  
Bismarck, North Dakota,  
December 4, 1919.

Mr. Speaker: I have the honor to transmit the following Concurrent Resolution:

Whereas, The Canadian officials, federal and provincial, have expressed a desire to co-operate with the States in protecting the Red River Valley from floods and to hold a joint conference between properly authorized officials.

Be it resolved by the Senate of the State of North Dakota, the House concurring, that we do hereby authorize the Governor to appoint as delegates a legislator and a citizen at large to co-operate with the State Flood Control Commission and its chief engineer and go to Winnipeg for a joint conference with Canadian officials about Dec. 18 to arrive at a definite effective basis of mutual co-operation.

Be it further resolved that there is hereby appropriated out of any funds in the state treasury not otherwise appropriated, the sum of \$100.00 or such part thereof as may be needed to defray the bare traveling expenses of the delegates appointed by the Governor.

Very respectfully,

W. J. PRATER,  
Secretary.

Mr. O'Brien moved that the report be adopted.

The question being on the adoption of the Senate Concurrent Resoltuion appropriating for Flood Control, the roll was called and there were ayes 107, absent and not voting 6.

Ayes: Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bollinger, Bjerke, Burtness, Burkhart, Byrne, Caddell, Carr, Donner, Dungan, Durkee, Eckert, Engen, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hammond, Hanson, Hardt, Harding, Harris, Herbert, Hoare, Humphreys, Ivers, Johnson of Dickey, Johnson of Steele, Johnson of Cass, Johnson of Pembina, Johnston, Kamrath, Kelder, Kell, Kellogg, Kelly, Keitzman, Koller, Krueger, Kunkel, Larson of Ransom, Larson of Stutsman, Larson of Pierce, Larkin, Lazier, Lowe, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Steele, Martin of Bottineau, Maxwell, McDonnell, McGauvran, McLarty, McLaughlin, McManus, Mikkelson, Miller, Moen, Murtha, Nathan of Sheridan, Nathan of Logan, Ness, Nesvig, Nims, O'Brien, O'Connor of Pembina, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olson of Barnes, Olsgard, Opland, Patterson, Petterson, Pleasance, Prater, Randall, Riba, Reid, Renauld, Robinson, Roquette, Rusch, Severson, Sherman, Strain, Strom, Turner, Twichell, Wadeson, Walker, Weld of Wells, Whipple, Wog, Yeater. Mr. Speaker.

Absent and not voting: Cleven, Hemmi, Klein, Reishus, Weld of Kidder.

Which resolution was adopted.

Mr. Johnson moved that the House concur in and adopt the Joint Resolution of the Senate relating to conferring with the Canadian Government in regard to flood supervision, which motion prevailed.

Mr. O'Brien moved that the House do now adjourn which motion prevailed and the House adjourned.

#### SEVENTEENTH DAY.

The House assembled at 2 o'clock p. m. pursuant to adjournment the Speaker presiding.

Prayer by the Chaplain.

Roll call.

Present 107, absent 6.

Ayes: Arnold, Alberts, Bailey, Brady, Brostuen, Bratsburg, Bryans, Bollinger, Bjerke, Burtness, Byrne, Caddell, Carr, Donner, Dungan, Durkee, Engen, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hammond, Hanson, Hardt, Harding, Harris, Her-

bert, Hoare, Humphreys, Ivers, Johnson of Dickey, Johnson of Steele, Johnson of Cass, Johnson of Pembina, Johnston, Kamrath, Kelder, Kell, Kellogg, Kelly, Keitzman, Koller, Krueger, Kunkel, Larson of Ransom, Larson of Stutsman, Larson of Pierce, Larkin, Lazier, Lowe, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McGauvran, McLarty, McLaughlin, McManus, Mikkelson, Miller, Moen, Murtha, Nathan of Sheridan, Nathan of Logan, Ness, Nesvig, Nims, O'Brien, O'Connor of Pembina, O'Conner of Grand Forks, Olsen of Ramsey, Olson of Ward, Olson of Barnes, Olsgard, Opland, Patterson, Petterson, Pleasance, Prater, Randall, Riba, Reid, Renauld, Robinson, Rouquette, Rusch, Severson, Sherman, Strain, Strom, Turner, Wadeson, Walker, Weld of Wells, Whipple, Wog, Yeater. Mr. Speaker.

Absent: Cleven, Hemmi, Klein, Reishus, Uglum, Weld of Kidder.

Mr. Murtha moved that the House do resolve itself into a committee of the whole for the consideration of General Orders, which motion prevailed and the House resolved itself into a committee of the whole. The Speaker called Mr. Miller to the chair.

When the committee arose it submitted the following report:

Mr. Speaker: The committee of the whole to whom was referred Senate Bill No. 3, "A Bill for an Act to amend and reenact Section 2185, Compiled Laws of North Dakota for the year 1913, relating to real estate taxes due and delinquent, and penalty and interest thereon."

Have had the same under consideration and recommend that the same do pass as amended by the standing committee.

MR. J. C. MILLER,  
Chairman.

Mr. Patterson moved that the report be adopted, which motion prevailed and the report was adopted.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER,

Bismarck, N. D.  
Dec. 10, 1919.

Mr. Speaker: I have the honor to inform you that the Senate has concurred in the House amendment to Senate Bill 44.

Very respectfully,  
W. J. PRATER,  
Secretary.

#### A CONCURRENT RESOLUTION SENATE CHAMBER

Bismarck, N. D., Dec. 10, 1919.

Mr. Speaker: I have the honor to transmit the following concurrent resolution:

BE IT RESOLVED by the Senate, the House of Representatives concurring, recognizing and commending the splendid service President Wilson-rendered to his country and to all mankind through his untiring efforts as a statesman to secure world peace, we regret that his health and physical strength became exhausted before his work for peace of the world was completed.

We ask a speedy ratification of the Peace Treaty with only such reservations as are compatible with a binding and bona fide participation by the United States of America in the Covenant of the League of Nations. The honor of our Arms and our devotion to the principles of Democracy demand that Congress take action to bring about peace to a war weary world at the very earliest date possible.

BE IT FURTHER RESOLVED, That the Secretary of State send a copy of these Resolutions to President Woodrow Wilson, and to each Senator and member of Congress from North Dakota.

Which the Senate adopted and your favorable consideration is respectfully requested.

Very respectfully,

W. J. PRATER,  
Secretary.

Mr. Harding moved that the House do concur in the Senate resolution, which motion prevailed.

#### PRESENTATION OF PETITIONS AND COMMUNICATIONS

Cando, North Dakota, December 6th, 1919.

Mr. O. B. Burtness,  
Bismarck, North Dakota.  
Dear Mr. Burtness:

The Fleur de Lis Club of Cando wish to enter an emphatic protest against the circulation of socialistic and immoral literature in our school libraries and also against the bill depriving Miss M. J. Nielson of any of the powers she was elected to exercise as state superintendent of public instruction.

Yours truly

FANNIE D. MENTER,  
President.

MAMIE SORENSON,  
Secretary.

Cando, N. D., Dec. 4, 1919.

O. B. Burtness,  
Bismarck, N. D.

In behalf of our homes and the coming generation we protest against the introduction into our schools of socialistic, anarchist and free love literature through circulating libraries or through any other medium.

## MEMBERS JUANITA REBAKAS LODGE.

Cando, N. D., Dec. 4, 1919.

O. B. Burtness,  
Bismarck, N. D.

We, the ladies of the M. E. church, protest against the circulation of such books as are found in our present traveling libraries at Bismarck.

MRS. W. L. NOYES,  
President.

Cando, N. D., Dec. 5, 1919.

O. B. Burtness,  
Bismarck, N. D.

Cando Lodge D. of H. No. 82 hereby protests against the books specified in your speech on the floor of the House the other day, being sent out in the circulating library to the school children of this state and protests against the action of the officials in charge in permitting same to be done.

Yours very truly,

MRS. SELMA MARKS,  
Chief Honor.

Hatton, N. D., Dec. 8, 1919.

Hon. O. B. Burtness,  
Bismarck, N. D.

Whereas recent developments in the affairs of our state evinces a determined purpose on the part of men in power to corrupt our childhood by a contamination of the literature to be taught in our schools and thus ultimately to wreck the family, ruin the home, and strike from its foundations our much hallowed form of self-government, be it therefore

RESOLVED, by the mothers of the city of Hatton and vicinity and others who are deeply interested in the moral and religious welfare of our homes, our schools and our state being in mass meeting assembled that we most vigorously protest against the unmanly and un-American attitude assumed in the recent effort to poison the literature of our youth and we do hereby petition the Honorable Members of the Legislative Assembly of the state of North Dakota to take immediate action to the end that our educational system may be purged of the teachings now about to be offered to the little folks in our schools and which have for their evident purpose the dissemination of knowledge of free love, socialism and other isms so wrought with danger to the growing minds of the children in our schools. We ask that C. E. Stangeland, George A. Totten, Robert Muir, and others who are responsible for the dastardly attempt at so corrupting our childhood be forthwith removed from any connection with the educational system of our state and that the management and control of our schools be restored to the superintendent of public instruction where the people placed it in the organic law our state constitution. We feel that the present attempt to add to the circulating libraries books such as have recently been disclosed can have no other purpose than

that of contaminating our childhood and subject the coming generations to the dangers which now threaten the world.

MRS. ED. COLTON,  
Chairman.

GURI WAMBHEIM,  
Secretary.

Mr. Kelly: I move you that the resolution on page 24 of the Journal be stricken out at this time, which motion prevailed.

Mr. Nesvig moved that no further consideration be given to such matters (the Chief Clerk now reading communications received by Mr. Burtness) on the ground that he objects to filling the record and Journal with such trash.

Mr. Harding moved as a substitute motion that such matters be printed in the Journal without taking the time to read them, which motion prevailed.

#### REPORTS OF STANDING COMMITTEES

The committee on State Affairs made the following report:

- Mr. Speaker: Your committee on State Affairs to whom was referred a Concurrent Resolution referring to one J. R. Waters, introduced by L. L. Twichell.

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

WALTER J. MADDOCK,  
Chairman.

Mr. Maddock moved that the report be adopted, which motion prevailed, and the report was adopted.

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

Mr. Speaker: Your committee on revision and correction of the journal have carefully examined the Journal of the Fifteenth Day and recommend that the same be corrected as follows:

On page 15 strike out lines 41, 42, 43, 44, and insert in lieu the following: "Mr. Twichell: I wish to explain my vote. The increase in this appropriation is satisfactory to me. The fact that the Industrial Commission is in effect given the rights to determine the priority of claims, that is what claim for bonus shall be paid and what not paid, is not satisfactory, but I am going to vote for the bill."

In Journal of the 11th day on page 14 strike out all of line 24. On page 17 strike out all of line 53.

B. C. LARKIN,  
Acting Chairman.

Mr. Larkin moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Enrollment and Engrossment made the following report:

Mr. Speaker: Your committee on Enrollment and Engrossment have examined the following bills:

House Bill No. 2.

"A Bill for an Act to amend and re-enact Section 1 and Section 3 of Chapter 206 of the Session Laws of 1919, relating to the levying of a tax of one-half of one mill upon each dollar of assessed valuation of all taxable property within the state for each year for the purpose of creating a fund to be known as the "Returned Soldiers Fund;" providing for the payment thereof to returned soldiers; defining the powers and duties of the Adjutant General and of the Industrial Commission with reference thereto.

House Bill No. 19.

"A Bill for an Act to provide for the joint ownership and use of public buildings and grounds by villages and townships."

House Bill No. 40.

"A Bill for an Act to amend Section 1218, Compiled Laws of North Dakota, 1913, requiring school district treasurers to file a copy of their annual report with the Bank of North Dakota."

House Bill No. 41.

"A Bill for an Act to provide for the cutting and removing of weeds and grasses along the public highways, streets and alleys; prescribing the duties of township supervisors, road overseers and county commissioners with reference thereto, and providing for the payment of the expense thereof.

House Bill No. 48.

"A Joint Resolution, creating a joint investigation committee; defining its rights and powers, and authorizing it to investigate all efforts to destroy or injure the property or rights of individuals, corporations, or any of the industries, enterprises or utilities owned by the state, or the credit of the state, or to unlawfully influence or corrupt elections or results thereof and to report the results of such examination to the governor, to the Legislative Assembly and State's Attorneys; and making an appropriation therefor; and providing for bonds.

House Bill No. 54.

"A Bill for an Act to provide for the better enforcement of the laws of this state, constituting the county sheriffs of this state a State Constabulary and defining their duties; creating the office of State Sheriff and defining his duties; making an appropriation therefor and repealing all acts and parts of acts in conflict herewith."

And find the same correctly engrossed.

J. W. KUNKEL,  
Chairman

Mr. Kunkel moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Enrollment and Engrossment made the following report:

MR. SPEAKER: Your committee on Enrollment and Engrossment have examined the following bills:

House Bill No. 60. A bill for an act declaring and defining the time within which laws passed at any Special Session of the Legislative Assembly shall take effect.

House Bill No. 59. A bill for an act remitting and reducing the amount of state taxes levied for the General Fund for the year 1919, and find the same correctly engrossed.

J. N. Kunkel,  
Chairman.

Mr. Kunkel moved that the report be adopted, which motion prevailed and the report was adopted.

#### REPORT OF SELECT COMMITTEE

#### REPORT OF THE COMMITTEE APPOINTED TO INVESTIGATE THE STATE LIBRARY

Your committee appointed to investigate the State Library and the charges made by Representative O. B. Burtness respectfully reports as follows:

The State Board of Administration has supervision and control of the State Library at Bismarck, North Dakota.

The books in the State Library are divided into the following classification:

- (1) Legislative Reference Library.
- (2) Educational Reference Library.
- (3) Traveling Library.

The records of the library show that the books in the Traveling Library system are numbered and designated as follows:

- 1 -120. Farmers Libraries.
- 230-299. Community Libraries.
- 340-444. Community Libraries.
- 300-339. School Libraries.
- 150s-184s. School Libraries.

The books criticised by Mr. Burtness did not contain any of these numbers. The above classification and system has been in operation for a number of years. The numbers above are used as a unit basis to designate a group of books similarly marked and boxed which are sent out from the library upon request, and the books so designated are not placed upon the shelves and are not distributed in any other manner. Each box bears a number and all the books contained in that box take the number of the box, and that constitutes a single unit traveling library. All other books in the library remain



on the shelves for circulation to adults only upon specific requests for certain designated books or subjects.

The Board of Administration has not appointed a permanent Librarian. The library is being operated under the management and direction of Miss Anne Peterson, an experienced librarian, who has been placed temporarily in charge thereof.

On December 1st, O. B. Burtness delivered a speech in the House of Representatives, charging that C. E. Stangeland was in charge of the library and had placed the following books in the library:

Socialism and Modern Science—Ferri.  
 Anarchism and Socialism—Plecharoff.  
 Positive School of Criminology—Ferri.  
 Class Struggles in America—Simons.  
 The Evolution of Property—LeFarges.  
 Co-operation the Hope of the Consumer—Harris.  
 Not Guilty—Blarchford.  
 Political Parties—Michels.  
 Stories of the Great Railroads—Russell.  
 Bolshevism—Spargo.  
 American Government and Politics—Beard.  
 The Bolsheviki and World Peace—Trozky.  
 Russia in 1913—Ransom.  
 History of the Supreme Court—Myers.  
 Our Judicial Oligarchy—Roe.  
 The Profits of Religion—Sinclair.  
 Socialism vs. The State—Vanderbachen.  
 Love and Ethics—Ellen Key.  
 Essays on Materialistic Conception in History—LaBriola.  
 New Schools for Old—Dewey.  
 The Old Freedom—Nelson.  
 Puritanism—Miller.

Second: That all of these books, with the exception of Spargo on Bolshevism and Love and Ethics by Ellen Key had traveling library cards on the inside front cover; that none of the books had been numbered; and that none of the books as yet have actually been sent out throughout the state; that the librarian stated it was her intention to send these books out throughout the state with other books selected by her if a request was made for books on social problems, as the librarian considered the authors of the books reputable writers and the books standard books.

Third: That all books in the library are either classified as traveling library books or reference books, and on request the reference books are sent out and this has been the practice by the former librarian according to her reports.

Fourth: That all of the books mentioned and contained in the list hereinbefore set forth were placed by the librarian in a wooden box which had printed on it "Library Commis-

sion, Bismarck, N. Dak. Box 107," and part of them on top of said box. The librarian explained to the Committee that these books were placed in the box not for the purpose of sending them out as traveling library Box 107, but that the box was herely used as a shelf and the books that could not be placed in the box were placed on the top of the box and that such books were placed there at this time for the convenience of the legislators.

Fifth: That all of the books mentioned in Paragraph 1 were selected by Miss Peterson, the deputy librarian, and ordered by Mr. Charles E. Stangeland, after Mr. Stangeland had sent to Miss Peterson a survey of the Library Books which he had taken and which indicated to him that books on social and economic questions were lacking in the North Dakota Library.

Sixth: That there were in the library, prior to the time of the taking charge of it by Miss Peterson, four other books written by Ellen Key, which books were not in the traveling library but were obtainable on request.

Seventh: That Mr. George Totten, Sr., chairman of the Board of Administration was authorized by the board to secure an educational expert and that he assumed full responsibility for employing Mr. Charles E. Stangeland.

Eighth: That Mr. George Totten, Sr., employed Miss Peterson as deputy librarian and as acting librarian; that she assumed her duties about the middle of November.

Ninth: That it was impossible for this committee to examine the minutes of the Board of Administration meetings as the same had not been written up. And this failure was explained by Mr. Totten on the ground that the secretary, Mr. Leissman, has not been well; that the Board of Administration has no definite time for meetings or place of meeting.

Portions of Mr. Burtness' speech was apparently reported verbatim by the Bismarck Tribune. Your committee subpoenaed Mr. Burtness as a witness, and he appeared and testified under oath, denying the accuracy of the speech as reported in the Bismarck Tribune. He was asked specifically to state whether or not he had made the statement that these books were being sent to the schools. He answered: "Most assuredly I did not." He further stated, under oath, that he acted on rumors, the basis of which he refused to furnish your committee.

Your committee further finds that the books, "Love and Ethics," "Profits of Religion" and "History of the Supreme Court" were purchased by C. E. Stangeland on the advice of Miss Peterson.

The testimony of the librarian, Miss Peterson, shows that books of a similar character, and some by the same author, were in the library and had been in the library for a great many years prior to the creation of the present Board of Administration. Four of Ellen Key's works were in the library. The following books of Ellen Key's were in the library prior to the present Administration:

- (1) "Century of the Child," put in Oct. 22, 1912.
- (2) "Love and Marriage," put in Aug. 6, 1913.
- (3) "Renaissance of Motherhood," put in July 2, 1917.
- (4) "The Younger Generation," put in July 2, 1917, and the last book to be added, "Love and Ethics," put in Nov., 1919.

The librarian further testified that all of the books criticised were contained and generally found in the libraries of all of the large cities of the country. The book, "Love and Ethics," was pocketed and carded the same as the four above books by the same author, and your committee finds it was not at any time, nor were any of the above books in circulation among the schools of this state.

This is admitted: That there was no intention of placing any of said books in circulation among the schools of the state, as is fully shown by the undisputed and uncontradicted testimony of the assistant librarian, Miss Ethel Lane, who was subpoenaed by your committee and testified under oath as follows:

Q. Was this box (containing "Love and Ethics") ready to be circulated out in the state at that time, was this supposed to be circulated, was it packed? A. No.

Q. And these books do not jibe with the box they are in, or the kind of books that would be included in the Farmers Library? A. No.

Q. The box has no relation to the books at all? A. Not at all.

Q. And then this box containing these books that Mr. Burtness has referred to was not ready to be circulated to the library to be sent to the schools of any community whatever? A. No, it was not.

Q. There is one of the books that was found by Mr. Burtness in this collection of books on top of this box 107, used as a shelf, "Love and Ethics"—I wish you to look at it, turn to the cover inside, what do you find? A. This book is pocketed for Educational Reference Library.

Q. What does it state in there?

A. "North Dakota Public Library Commission, Educational Reference Library, Bismarck, N. D. Borrowers—Adults living in North Dakota are entitled to draw books from this library by filing an application blank, copy of which will be furnished on request."

Q. Adults. So it was never intended to be sent out promiscuously to schools? A. Why, no.

Q. Are any of these books to be sent out to the schools of our state? A. No, they are not.

Q. Box 164s, what library does that belong to? A. The box carried a title and the number indicates that it is a school library.

Q. How are they sent? A. Those books are sent out upon request, also upon application properly signed and not unless they are properly requested and signed. They are not sent out, they have to sign an application when they request for the school library, they send an application with it properly signed by the president and the clerk or the teacher or the librarian, or who is to have charge of these books.

Q. Then the teacher is responsible for selecting whatever books go into the school library? A. Yes, she is.

Q. And you send it out upon her request, leaving the rest to her? And that is the way these school books are circulated? And if any book that would not be proper for children, the responsibility would be thrown upon the teacher of the school, or the superintendent or the principal who has charge of the school? A. Yes.

She testified further the way school books are sent out in the School Circulating Library is upon request by teachers for certain designated grades in the school and they send books adapted for children of those grades and so on up through high school. That none of the books in the library whether they belong to the Traveling Libraries or the Reference or Legislative Libraries go out except upon request.

Your committee further reports that they have been so busily engaged in performing their duties as members of the Legislative Assembly and conducting the investigation of the library that they have not had time to read or secure a critical report upon the volumes criticised and damned by Mr. Burtness.

We herewith submit a complete transcript of the evidence taken by this committee.

We do not want intolerance. We do not favor attacks upon religious creeds or on political affiliations of any citizen.

We believe in Christianity. We are unalterably opposed to any propaganda which would tend to discredit or cause disrespect for the schools, the home, the church, the state or the nation. We do not wish to censor freedom of thought or of expression or of religious liberty or speech. We do not feel competent to assume such a responsibility nor assume to exercise such a power.

Your committee was uncertain as to its authority to make recommendations and therefore has confined itself to facts.

Respectfully submitted,

R. H. WALKER, Chairman.

J. F. T. O'CONNOR,

S. W. JOHNSON,

J. H. BURKHART,

PETER McLAUGHLIN.

Mr. Walker moved (seconded by Mr. O'Connor) that the report of the Book and Library Investigating Committee be adopted, which motion prevailed.

REPORT OF THE BOOK AND LIBRARY  
INVESTIGATING COMMITTEE

Mr. McLaughlin: Just what is the Library Commission, and has the Librarian authority to order the books?

Mr. Totten: With us the Public Library is a state institution. It is one of the state institutions that is placed under the charge and control of the State Board of Administration.

Mr. McLaughlin: Who is responsible for the ordering of the books?

Mr. Totten: They are ordered by the Librarian.

Mr. Johnson: She can order any books she likes?

Mr. Totten: Miss Peterson is only assistant. Miss Peterson was engaged as Deputy Librarian. When Mrs. Budlong left her force practically went out with her. We wanted to be sure that Miss Peterson could measure up and we offered her the position as Acting Librarian.

Mr. McLaughlin: It is the duty of the Librarian to order whatever books she sees fit?

Mr. Totten: They are supposed to be competent through experience.

Mr. Muir: Mrs. Budlong never submitted any list of books to the Board of Regents since I have been a member of the Board. She had full hand in ordering, and never submitted any list of the books ordered.

Mr. Johnson: Is there any list of books by which we might—or—how many of this class of books has been in the Library previous to this late order? Take for instance Ellen Key's books.

Mr. Totten: I rather think that the Librarian has some list to which she can refer.

Miss Peterson: I have a list that I made out. I can say here that we have four of Ellen Key's publications and we have other books on the same subject.

Mr. Johnson: I do not want a list. We can agree here upon the list of books which Mr. Burtness spoke of. I do not want to assume, I want the committee to agree.

Mr. O'Connor: I don't think that you will have to—that



is the list that Mr. Burtness reads, and I might put it as a question, he stated to the House that he found these books in the Library:

Socialism and Modern Science .....	Ferri
Anarchism and Socialism .....	Plecharoff
Positive School of Criminology .....	Ferri
The Evolution of Property .....	LaFarges
Co-Operation The Hope of the Consumer .....	Harris
Not Guilty .....	Blatchford
Political Parties .....	Michels
Stories of the Great Railroads .....	Russell
American Government and Politics .....	Beard
Bolshevism .....	Spargo
The Bolsheviki and World Peace .....	Trotsky
Russia in 1913 .....	Ransom
History of the Supreme Court .....	Myers
Our Judicial Oligarchy .....	Roe
The Profits of Religion .....	Sinclair
Socialism vs. the State .....	Vanderbachen
Love and Ethics .....	Ellen Key
Essays on Materialistic Conception in History .....	LaBriola
New Schools for Old .....	Dewey
The Old Freedom .....	Nelson
Puritanism .....	Miller

Are all these books in the Library?

Miss Peterson: Yes.

Mr. O'Connor: These books were in a certain place in the library. Just go ahead and explain to the Board just where they were and why they were there.

Miss Peterson: These books were a group of books on social problems. They were placed in a prominent position so that the Legislators could have the opportunity to read them here while they were in session here. They happened to be in the Library Case, I say that to explain "Traveling Box 107" as it has been talked about. It might have been any other box as it was only used as a temporary shelf as I might place books on a shelf.

Mr. Totten: I might ask here, Miss Peterson, are your Library shelves crowded?

Miss Peterson: Yes, they are crowded. And I wanted the Legislators to see them. There already is a list of books that were in the Library before I came here.

Mr. O'Connor: I have a little—we want that, we want everything, we want to go through this little controversy thoroughly.

Miss Peterson: I had no other box to use and had other things to do but build temporary shelves.

McLaughlin: You did not leave that impression with Mr. Burtness.

Miss Peterson: Anybody with intelligence would not question any—

McLaughlin: I saw books in the case just as he described it.

Walker: Did you arrive at that conclusion too?

O'Connor: We do not care for talks. I believe that the chairman will talk. If we can just stay by the question.

Did you say anything to Mr. Burtness that might lead him to believe that this was Box No. 107? Did you convey any or did you convey the impression by anything you said that that was a list of books to go out in that box?

Miss Peterson: I did not intend to convey that impression.

O'Connor: I am arguing the point for the reason that it was a small traveling library.

Totten: I think if you will confine yourself more to answering questions.

O'Connor: Now it is true also that these books that we have referred to, which we might call Exhibit "A," one of these had been marked by you for distribution?

Miss Peterson: I have put no numbers in yet.

Walker to O'Connor: That question would lead one to infer that at some future time she means to mark them for distribution.

O'Connor: In this list of books some of them had in them Traveling Library cards and some did not?

Miss Peterson: I think all had Traveling Library cards except one which came from the Legislative Reference Library.

O'Connor: My point was this: as we examined the books we found you said that some were taken out so that is why they—

Burkhardt: Were all of these books that we found, books that had been recently ordered or were there some books in this case that had been in the Library before you came? Were there other books along the same line as these?

Miss Peterson: I had one book "Bolshevism" that had been in the Library before.

Burkhardt: Do you know if the people take out a Traveling Library card or a Reference Library card?

Miss Peterson: "Love and Marriage" had been in the Educational Reference Library.

Burkhardt: What about "Love and Ethics"?

Miss Peterson: It was intended for circulation on request.

Burkhardt: It is a question in my mind. A certain man said that he could make affidavit that it had a Reference Library card in it.

Miss Peterson: "Love and Marriage" had a Legislative Reference Library card.

Burkhardt: He said that this particular book that Mr. Burtness had had a Reference Library card.

The committee must agree upon: Did Mr. Burtness read from that book or was it "Love and Ethics."

O'Connor: I know he read from "Love and Ethics" and "History of the Supreme Court."

Totten: The Bismarck Tribune quotes on "Love and Ethics."

Burkhardt: I have a list on "Love and Marriage" and the earliest date that this book was taken out is 9-29-15.

Miss Nielson: Was it on the list or was it on the shelf?

Miss Peterson: It is a book of similar subject exactly.

Mr. Hagan: May I ask, did Mr. Burtness have this book out at that time, do you know, Miss Peterson?

Miss Peterson: If it is not charged there he did not take it. I am reclassifying the books. "Love and Ethics" has a Traveling Library card.

Totten: May I ask what the Traveling Library card signifies?

Miss Peterson: It is for circulation on request. All books are Traveling Library books because they all circulate. All reference books do not leave the rooms but are consulted in the room.

Miss Nielson: I would like to ask, Miss Peterson, if you ordered this list of books which Mr. O'Connor read?

Miss Peterson: Yes.

Miss Nielson: Mr. Totten, didn't you say that Mr. Stangeland ordered the books?

Totten: I just quoted from hearsay.

Miss Peterson: I knew of this position some time ago. Mr. Stangeland told me he was making a survey and I skirmished around for books and I merely checked lists to him. I sent a list to him before I came here.

Miss Nielson: Were you under pay then?

Miss Peterson: No.

Burkhardt: Mr. Burtness threw at the administration that this was the first books that had ever been in the library. I wanted to bring out the point that there were other books of this kind in the Library.

Hagan: Has it been customary for reference libraries to be circulated.

Miss Peterson: The Educational Reference and Legislative Reference books have been sent out for circulation.

Hagan: Are the Reference Library books sent out promiscuously?

Miss Peterson: They are sent out by request.

Johnson: I have my idea then that we speak of several different libraries here and I think we should have a thorough understanding as to what libraries we have. The Traveling Library, the Legislative Library and the Reference Library. Are these the three kinds?

Miss Peterson: Yes. When I came here the classification of books was arranged in Legislative Reference Library, Educational Reference Library and boxed-up Traveling Libraries. The books in the Legislative Reference Library have always gone out except during the Legislative session. The books in the Educational Reference Library have been circulated on request and the boxed-up traveling libraries have been sent on the request of farmers, communities and schools for that community.

Johnson: I would like to ask you, not knowing myself, your idea of this books as compared to the book from which Mr. Burtness read.

Miss Peterson: It is a boog by the same author and deals with the same problems. All the books are particularly for information on feminist subjects. Women's clubs all through-



out the country are referring to Ellen Key as chief authority on that subject.

Johnson: If one is—what do you think others are? Look upon that book and see how that book has been used.

Miss Peterson: It has been circulated.

Miss Nielson: How many years has it been circulated?

Miss Peterson: The first date is Aug. 30th, no year given, the next date is Sept. 29th, Nov. 8th, Dec. 6th; the only year given is 7-14-15. It has been circulated four times in 1914, three times in 1915 and two times in 1917.

Miss Nielson: Nine times in five years?

Hagan: Is it customary when this card is filled to insert a new card? Is it customary to lay one card aside and keep it? You have no way of knowing whether it has been sent out prior to the first date?

Miss Peterson: The first year out is July, 1915, and then August, September, November and December previous so it must at least have been 1914.

Johnson: In what class of the Library would that be?

Miss Peterson: This book was placed in the Educational Reference Library. I take exception to that classification because they are not reference books but circulating books.

Burkhardt: What is your experience in public library work?

Miss Peterson: I have had ten years' experience.

Burkhardt: What are some of the libraries?

Miss Peterson: The New York Public Library in various branches and departments.

Miss Nielson: You spent ten years in the New York Library?

Miss Peterson: Yes, all the branches I have been in. have had Ellen Key's books.

Totten: What about the other books referred to in this list?

Miss Peterson: They are standard books throughout the public libraries.

Totten: I am not attempting to make any one the goat but I am going to ask a question. You state that you ordered this list of books through Dr. Stangeland?

Miss Peterson: Yes.

Totten: Did you consult any member of the Board of Administration before ordering that list?

Miss Peterson: I did not. I corresponded with several members before I came out here.

Totten: Did you state that you were going to order books?

Miss Peterson: I did not state that I was going to order books but I think I said in a letter that I would look around for books but I understood—

Totten: You say that in one of your letters you mentioned it? Who was the member?

Miss Peterson: Either you or Mr. Liessman.

Totten: It was not to me.

Miss Peterson: It must have been Mr. Liessman then.

Totten: Did you call the attention of any member of the

Board of Administration that you had this new set of books in the Library?

Miss Peterson: No, I did not.

Miss Nielson: Did Dr. Stangeland suggest to you the nature of books to order?

Miss Peterson: No, Dr. Stangeland told me the character of the Library.

Miss Nielson: What did he say?

Miss Peterson: I do not know the number of volumes. He said that there was a lacking in books and modern books on certain fundamental social problems.

Miss Nielson: Did you order other books?

Miss Peterson: Yes, I had ordered more.

Miss Nielson: How did you know they were not in it?

Miss Peterson: I sent Dr. Stangeland a list of the books and he checked it.

Miss Nielson: What do you mean by checking them?

Miss Peterson: They had very few books of the books that I suggested.

Miss Nielson: Did he send you a list of the books that you ordered?

Miss Peterson: He did not because he had no authority to order books.

Miss Nielson: Did you know Mr. Stangeland before you came?

Miss Peterson: No, I did not.

Miss Nielson: How did you happen to come here?

Miss Peterson: I made application.

Totten: I was trying to establish who has sole authority to purchase books. Who is authorized to purchase Library books?

Miss Peterson: The librarian, the executive of the branch.

McLaughlin: Don't you have a committee to pass on the books which she suggests?

Miss Peterson: Not in an ordinary library, but where there are branches there would have to be a committee of libraries to pass upon.

Muir: Isn't there a Commission on Libraries?

Miss Peterson: There are many reputable censors. I would select only from reputable publishing houses.

Johnson: Through what firms were these purchased from?

Miss Peterson: From various firms. The Kerr Company specializes in books on economic problems.

Walker: Not all of these books which were on the list that Mr. Burtness read were purchased from Kerr & Co., I was under the impression that that list of books was a recent purchase and I was wondering if they were not purchased from the same publishing company.

Johnson: This is a copy of the invoice.

Miss Peterson: If they were all from one publishing company it was all a coincidence.

Johnson: I was only wondering if there was a firm which we could rely upon in ordering books. Can you order from

them and feel that they are reputable? Is this a first-class company that we are dealing with?

Miss Nielson: What is the company?

Walker: The Chas. H. Kerr Co., specializes in books on economics.

Johnson: I spoke to a man who knew Kerr and he says that they handle nothing but reputable books.

Hagan: I think you will find the Kerrs a most reputable family. I have been informed that the father of Charles Kerr was a Sunday School teacher in the Presbyterian Church and that the family of children were considered of high moral standard and that the father was a teacher of economics.

O'Connor: Mr. Walker, you say that you have had some dealings with the firm?

Walker: They deal in what you might call radical literature.

Totten: Do they sell books other than they publish themselves?

Walker: I could not answer as to that.

Totten: I notice that this book is by Putnam & Son. Can you tell me, Miss Peterson, can you order any book that is published from the Kerr Company?

Miss Peterson: No, I don't think so.

McLaughlin: I think this committee was just appointed to investigate to the point where Mr. Burtness made his address to the House.

Walker: I cannot agree as to that. Mr. Burtness' charges were very specific and I think it would be pertinent for this committee to ascertain if this class of books is carried in reputable libraries.

Johnson: I want to know if Ellen Key's books are carried in the libraries at the University.

Totten: I can answer as to that. I spoke to Professor Gillette over the phone yesterday and he said that two of Mrs. Key's books, "Love and Marriage" and I think "Renaissance of Motherhood" are carried in the University library.

Miss Nielson: You say that these books were classed as reference books?

Miss Peterson: I would say that this was a faulty classification.

Miss Nielson: You say they were not in the library books to go out for circulation? Why did you put them on display?

Miss Peterson: On social and economic questions they were newer books.

Totten: Did you think that North Dakota was particularly interested in social and economic problems at this time?

Miss Peterson: I thought that men who represented the people would be interested in questions solving social problems. People all over are reading books on that subject and I assumed—. If I could read my report I believe it would fully answer these questions.

Walker: You spoke of a report. Have you a report that you would like to read to the committee?

Miss Peterson: Yes.

Burkhardt: Do you know if any of these books which we found have been printed in serial form in any of the newspapers in the country?

Miss Peterson: I could not say for sure.

Johnson: I would like to ask one more question. On the book of "Love and Ethics", how long since this book was purchased?

Miss Peterson: Ever since the Legislature convened. I put them out.

Johnson: Have any of these books been in use since they were put on the shelves?

Miss Peterson: By people who came into the library.

Johnson: There has been some call for them. Two of the books were taken out on a card while we were there.

Miss Peterson: Yes, men and women have stopped and asked if they might take them home.

Johnson: Mr. Burtness then took out a card and took this book on a card?

Miss Peterson: Yes, we have his card there.

Johnson: Mr. Burtness is not the only one who has called for the book and taken it out?

Miss Peterson: No, he is not. He has kept it ever since.

Hagan: I understand that accusations have been made that this book of Ellen Key is intended for the youths of the state to read and that this book

Miss Peterson: I think the book widely unsuitable for children but it is a book for mature minds.

Hagan: These books were not intended for circulation among schools?

Miss Peterson: Decidedly no, and I may add here that I should not have been appointed to this position if it had not been assumed that I could distinguish between books for children and adults.

Hagan: If a school had ordered such books, would you have sent it out?

Miss Peterson: Of course I would not. They are not intended for high school pupils.

Hagan: I simply wanted to clear up

Totten: In making up a box for the Traveling Library, would you send out these books promiscuously or would you wait until requested?

Miss Peterson: I would wait until requested. Women's Clubs might write for books on social problems.

O'Connor: If a club wrote in for books on social problems, would you send them?

Miss Peterson: If they requested it.

O'Connor: In other words, it is absolute with you what books are to go out?

Miss Peterson: Yes, I understand so.

O'Connor: You would not send them unless requested?

Miss Peterson: No, exactly.

O'Connor: We asked for a list of books in the Educational Library and Traveling Libraries. Have you that list?

Miss Peterson: No, I have not.

O'Connor: In this group they were all in the Traveling Library except Spargo. Was that the only book on the list that Mr. Burtness had, "Bolshevism" by Spargo, and that was because the former librarian had not labeled it as a Traveling Library book?

Miss Peterson: In gathering her Reference Library she had included this.

Walker: I suggest that Miss Peterson be allowed to read her report.

Miss Peterson: REPORT OF THE DEPUTY LIBRARIAN OF THE STATE LIBRARY COMMISSION.

The Deputy Librarian who is now in charge of the Public Library Commission, came here with the assumption that the State Library Commission which endeavors to supply a whole state with books is essentially an Educational Institution. Through her nine years' experience in the largest public library in the country, she has learned that public education is the fundamental function of a public library. Of course a good general library, if it can afford it, must have fiction and other books for entertainment also, but the main function is educational.

The books and periodicals which comprise the libraries under the supervision of the Public Library Commission have always been used as circulating library books throughout the state. (This information I obtained from the "Sixth Biennial Report of the Public Library Commission of the State of North Dakota, 1916-1918" by Mrs. Minnie Clarke Budlong). Upon requests from people for information on certain subjects as an aid to student and club papers, debates, speeches, etc., the library has always attempted to furnish proper material.

For general requests from communities, farmers and schools for an individual library, there have been compiled boxed-up libraries for this purpose, and corresponding lists have been made, telling just what each box contains. In addition each book in a box has the number of that box stamped on it. This collection of boxed-up libraries has been inaccurately called the Traveling Library Department, inasmuch as the books and pamphlets in the Educational Reference and the Legislative Reference Departments have always been circulated throughout the state upon request. The Deputy Librarian here wishes to call attention to the fact that the Educational and Legislative Reference Libraries are not merely reference libraries in the strict sense of the term. In all public libraries the term "Reference" refers to books that are never circulated, they must be consulted in the library, as encyclopedias, dictionaries, etc. It was with this fact in mind that the books which have been added to the library recently were all given the Traveling Library pocket, though they are all books under the former classification would have been called Educational Reference books. For instance, naturally, "Love and Ethics," by Ellen Key, would of course be given the same status as "Love and Marriage" which has been in the Educational Reference Library for several years before the present administration came into power, and has been widely circulated.

The Deputy Librarian as long as she is Acting Director of the Public Library Commission has been delegated to assume full responsibility in the circulation of all the books under her control. Nine years in the various departments of the Public Library where she acquired her experience, both with children and adults has presumably given her ample foundation for discrimination and judgment in these matters.

So far she has not been able to make any definite changes in the classifications of books in any of the divisions of the library. This applies to all books in the library, including the new ones ordered by her predecessor, Mrs. Budlong. It is possible, indeed it is probable, that when the Deputy Librarian has had time to acquaint herself thoroughly with all the books in the so-called Traveling Libraries, as well as in the other circulating departments, she will find it desirable to make many changes including additions and eliminations. Among other things she hopes to be able to arrange collections of books on social and economic problems, which collections must necessarily contain books presenting the varying points of view. These collections will of course be sent only to clubs or groups requesting them. The Librarian also hopes to have small collections of the World's best literature to be sent out in the same way upon request.

These books were ordered from regular publishers' catalogues, booklists, and from book-reviews in magazines; these books are in most of the good libraries throughout the country.

The authors are listed in reputable encyclopedia and "Who's Who."

ANNE EVELYN PETERSON,  
Deputy Librarian,  
Public Library Commission, N. D.

Moved by Mr. Hagan, seconded by Mr. Muir, that the report of Miss Peterson be made a part of the records of the Board of Administration records. All members voted "Aye," and the motion was declared duly carried.

O'Connor: I move that a transcript of all the testimony taken be made, that one copy be given to the Board of Administration and two copies to the Committee. Motion declared duly carried.

Johnson: I would like to ask one more question. On the back of this book it has No. 173, and it also has K-52, and on the inside it has the same notation. I would like to ask what that signifies.

Miss Peterson: "173" is the class number of the subject, "K" represents the author, and "52" is the classification of the book.

Johnson: This does not show that this goes in the Traveling Library?

Miss Peterson: It is not in one of the Traveling Libraries.

Miss Nielson: There is one book in the list which there were fifteen copies ordered.

Totten: Is that one book or a series of different volumes?

Miss Peterson: One book.

Hagan: I notice on this list that Mr. Kositzky sent out that there are five copies of "Class Struggles" and billed it as ten. There are fifteen copies of the same book?

Miss Peterson: Yes, I think that book will be of interest to people.

O'Connor: There is another book here "School of Criminology" of which you have ordered seven copies.

Miss Peterson: That is another small book. Small books easily get lost.

Miss Nielson: You have a list of all books sent out?

Miss Peterson: Yes, small books are more easily lost.

Muir: There is a work there by Dr. Beard. What is Dr. Beard's standing on his writings?

O'Connor: I would say offhand that that is not an objectionable book. I believe that American Government and Politics

Totten: What would you classify as an objectionable book?

O'Connor: A book, for instance, that preaches that a man should not marry. A book that preaches free love such as Ellen Key's. I would not object to having it put in a library for those who are making a study along those lines. I consider a book that advocates force in government rather than political changes in the ballot as a book that we are not yet ready to disseminate, and I do not believe in putting into circulation a book which represents only a very small part.

Totten: Do you fear the injury that books may do to intelligent people who read them?

O'Connor: No. In my early life when I was probably ten or twelve a book was placed in my hands which probably did more to

Later at a banquet with several men we were asked what book made the greatest impression on my mind. I believe that if a book like this "History of the Supreme Court of the United States" by Myers, in which he goes—he suggests that a man like Washington was influenced by . . . I would have grown up with the idea that our government was not safe. I object that a book of that kind be given to the immature.

Johnson: Have you read any of these books?

O'Connor: "History of the Supreme Court."

Johnson: I would like to ask Mr. O'Connor, what has been the effect upon you?

O'Connor: It can't affect me now.

Walker: The committee will come to order. We are ready for business.

Johnson: I would move that the chairman be authorized to employ an attorney to question any witnesses that may be brought before us.

O'Connor: We have no authority to call an attorney without authority from the House. I do not suppose you will want an attorney unless\*\*\*

Johnson: I would not object to that, I thought the other side had an attorney here.

McLaughlin: All we have to do is to get Stangeland to appear before the committee.

Totten: I would like to say this, whatever you do, that the scope of the inquiry be limited. Dr. Stangeland has been attacked through the local newspapers and by certain people

who have the desire to monopolize all the patriotism there is going and there has been an attempt made to get him, as they say, first on one thing and then on another. The matter of his alleged refusal to contribute to the Red Cross, of which I have no personal knowledge, came up yesterday. I am willing to believe that even that splendid organization, the Red Cross, can be used in order to attempt to get a man by some people who are not sufficiently imbued with the high spirit of the movement, and it would not surprise me to know that it had been used for such a purpose. I will not sit a party to anything to get Dr. Stangeland and I think the scope of the inquiry should be defined before we call him in.

O'Connor: I think we should define. I think there should be some limitation. As I understand Mr. Totten positive, certain accusations have been made against him. That certain people have been attempting to get him. I want it distinctly understood that I did not want to get him or anyone else. As we got to this point yesterday\*\*\*\*

Walker: I would suggest as chairman of this committee that the purpose of this meeting is to get the charges and that the committee has invited the Board of Administration to meet with them to assist in probing these charges. There was a little disposition yesterday to bring in family quarrels which I believe have no place in this meeting. I believe we should determine who is chairman of this meeting and whether or not it is a closed meeting.

Totten: I think Mr. Walker is perfectly right. The only thing I thought the Board of Administration has been laboring under a misapprehension. The Board of Administration extended an invitation to the Legislative Committee to meet with them.

Walker: If you will excuse me. Mr. Johnson made the request for an attorney at the request of the chairman of this committee. I heard certain rumors last night and I have taken the liberty to subpoena certain witnesses and I believe we have sufficient authority to employ an attorney if we need one, but I certainly want legal counsel.

McLaughlin: I understood that this was to get Stangeland to appear before us.

O'Connor: I am frank to say with reference to a committee, I am not going to say that it is an established precedent whether this committee could go out and hold secret meetings or whether the meetings are open. We are against everything that savors of secrecy. Of course if we are going to have attorneys, both sides should have attorneys. I do not think that either side has power to employ attorneys.

McLaughlin: This committee was not appointed to try Stangeland.

Johnson: What were we appointed for?

McLaughlin: To investigate the books.

Johnson: Did he not bring charges against Stangeland?

Walker: I do not think this board should go on record to do any injustice toward Mr. Stangeland. I would suggest

Johnson: I am willing to accept Mr. O'Connor's ideas in regard to that as he states them because I feel he knows more about it than we do.

Walker: I would suggest that we might declare recess for a few minutes and get some enlightenment.



O'Connor: I am perfectly willing.

Totten: Before you recess might I request that the status of the board in this meeting be defined? The members of this board? Just so we know where we are.

Walker: I think that the chairman of the investigating committee is the presiding officer.

Totten: Did you notify us to be present?

Walker: We did.

O'Connor: I want to make a motion that all meetings of this committee be open and that all who would like to be present may be present.

Johnson: I would like to speak my opinion.

McLaughlin: I second the motion.

Walker: It has been moved and seconded that the committee meetings be open to the general public. Any remarks?

Johnson: I would say that I was heartily in accord with O'Connor who objected to this trial, or whatever we may call these proceedings. I agree with him because it was getting at the truth. If we simply open it up to everyone here then there would be reports, and I feel we have a right to say as we know what newspaper reports are. Both sides will admit that the truth has not been told in the papers. Mr. O'Connor called my attention to something in the Grand Forks American-which was not true. On the other hand the reports on Mr. Burtness' speech have certainly been given wide publicity to things which have not been true. Therefore I would object to an open meeting.

Burkhart: I am always in favor of all the publicity that a thing of this kind is intended to get before the public, but I think if we would hold an open meeting it would put us to some disadvantage. And further I feel that we should be facilitating the work of this committee and the work of the Legislature as much as possible and I feel that we would be hampered to a certain extent in our investigation. There will be newspaper reports from all sides and no one will be able to distinguish what the truth is. If we were appointed by the House as an investigating committee they have had the faith in us. Otherwise if we had sixty days of session to go into, while I admit that the charges are grave, if the charges that Mr. Burtness made are true, I feel that we are in a grave situation, and I feel that we are in the right to have this a closed meeting.

O'Connor: In order to make a plain statement. It is true that I have always opposed these investigations to be carried on before the House, and I believe the House will agree in this. At the last session we had one hundred or more men trying to examine two witnesses that were called. The proper way to get at the bottom of these things is to appoint a special committee. The matter has taken an entirely new turn of which I knew nothing about. Without any direction from the committee the chairman has announced that he has taken it upon himself to issue certain subpoenas. I for one know nothing of this and I object to a star chamber session and call to the committee. In order then to protect myself I feel that this committee should be open. Newspapers on both sides are reporting on both sides of the case. Reports in the papers are not true and they do an injustice to both

sides. Newspapers are going to do so and of course it is for this committee to decide, but personally my feeling is that we could . . . . If we are going to change the procedure of yesterday and employ attorneys I think then we should have an open meeting.

Walker: I would be very willing to issue subpoenas to anyone to get to the bottom of this. I believe as chairman of this committee that I have perfect right to subpoena witnesses if I find that necessary.

McLaughlin: My conception of this was that we were simply requested here at the request of the Board, that Mr. Stangeland was going to appear before the Board and merely refute his accusations but it never occurred to me that it would be carried to this extent.

Hagan: Now, yesterday during this interview with this committee, one of the members of the committee said that there were accusations made, that there were accusations made that were not refuted. Now, our Board has a right to know where these accusations come from. I do not believe that it is right to bring these accusations here against the administration, the Board and even the League.

O'Connor: I want to report that a charge was made by the Board yesterday that Mr. Stangeland who occupies a high position, had been buffeted from jail to jail . . . and I took it that we were going to have Mr. Stangeland here to refute that charge. If any member of the House made any charges against me I would gladly try to refute those charges. If he has not been buffeted from jail to jail it is his privilege to testify.

Hagan: Those are not all the charges that have been brought before us. We have a right to know and as officials we have the right to know. And I object to just such accusations as are brought up by some members.

Walker: In regard to this star chamber session, this investigation is going to involve the reputation of certain public officials and I believe it is usual for investigations to hold such meetings behind closed doors. The impeachment proceedings against Judge John Cowan in 1911, these meetings were held in secret and properly so, I think.

McLaughlin: We may appear as investigating the Board here but we have no authority to take them or the Board here.

Walker: Are you ready for the question? All in favor say "Aye". O'Connor and McLaughlin voted "Aye". Those opposed "No". Johnson and Burkhart voted "No".

Walker: The vote resulted in a tie and it is up to the chairman to break the vote, therefore I vote "No".

Walker: The Board, I take it, is on trial here, too.

Mr. Johnson: I think the chairman will grant Mr. O'Connor and Mr. McLaughlin an opportunity to bring anyone in here.

Committee took recess to present the matter to the House.

A committee was called together by the chairman of the Special Investigating Committee of the House of Representatives for the purpose of conducting a hearing as to the charges preferred against the library and those in charge of the same

and specifically the charge that has been made that the certain books specified were in the circulating school library, at 9:30 A. M., December 5, 1919. Roll call of the committee. Representative Burtness called as the first witness by the chairman.

Mr. Walker: Mr. Burtness, do you solemnly swear that the evidence that you are about to give before this committee to be the truth, the whole truth and nothing but the truth, so help me God.

Mr. Burtness: I do.

Mr. Wehe: Your name is O. B. Burtness?

Mr. Burtness: Yes.

Mr. Wehe: You are a member of the House of Representatives?

Mr. Burtness: Yes.

Mr. Wehe: Now in session?

Mr. Burtness: Yes sir.

Mr. Wehe: You are the member from Grand Forks?

Mr. Burtness: From the Seventh Legislative district.

Mr. Wehe: You are an attorney, Mr. Burtness?

Mr. Burtness: I am.

Mr. Wehe: Mr. Burtness, on the first day of December, 1919, there was under discussion in the House, House Bill No. 28, was there not?

Mr. Burtness: I do not recall the exact date, but about that time, yes.

Mr. Wehe: And that bill had some reference to the Board of Administration.

Mr. Burtness: It provided among other things for the repeal of our present Board of Administration, Senate Bill 134, of the Session Laws of 1919.

Mr. Wehe: The committee had made a report on that bill that\*\*\*\*

Mr. Wehe: And when that motion was made you gained

Mr. Burtness: A report for indefinite postponement. the floor of the House, did you not?

Mr. Burtness: I did.

Mr. Wehe: And you made some remarks relative to the committee's report and about that bill No. 28, that it should not be postponed, that it was of too great importance, or something like that, did you not?

Mr. Burtness: I did.

Mr. Wehe: And during the course of those remarks you stated to this body, did you not, that the history of the past few weeks has shown us additional reasons why there should be a few changes made in the Board of Administration Act.

Mr. Burtness: I did specifically.

Mr. Wehe: And you went on and stated that "the Board of Administration has placed in charge of the state library to select the reading for our schools, colleges and universities, Chas. E. Stangeland, a man who was buffeted from one jail to another while in the consular service."

Mr. Burtness: I did, but that is not a correct quotation of what I stated.

Mr. Wehe: You deny that this is a correct quotation as given in the Bismarck Tribune of December 1st, 1919?

Mr. Burtness: I do. I made some of those statements that are in there.

Mr. Wehe: And you further stated at that time, did you not, Mr. Burtness, "this man is telling our country schools what to read."

Mr. Burtness: I did not.

Mr. Wehe: Just a minute and I will read. (Reading from Bismarck Tribune of December 1st, 1919.)

This man is telling our country schools what to read. I was surprised and shocked when I stepped into the state library Saturday to find there at the left of the door a circulating library, ready to go out to some country school, filled with such literature that if the fathers of this state knew what it actually was they would be down here with shotguns. Here are some of the titles:

Socialism and Modern Science—Ferri.

Evolution of Property—LaFarges.

Not Guilty—Blatchford.

Love and Marriage—Ellen Key.

Love and Ethics—Ellen Key.

Anarchism and Socialism—Harris.

American Government and Politics—Beard.

The Bolsheviki and World Peace—Leon Trotsky.

History of the Supreme Court—Meyers.

The Profits of Religion—Sinclair.

Essays on Material Conception on History—LaBriola.

Mr. Wehe: You made that statement in the House, did you not?

Mr. Burtness: That is not a correct quotation at all; further, I do not think that it is fair that I should be put under such cross-examination and I refuse to accept the attitude of the attorney for the majority of the committee, or what seems to be his attitude of ascertaining the facts by cross-examining a witness, and if that attitude continues I shall refuse to answer.

Mr. Wehe: You may state in the records that I have been asked by the chairman of this committee to get the exact charges in the record as made by Mr. Burtness so that we can conduct a proper investigation along those lines and find out just what there is to his charge against the librarian, or those whom it is in charge of, namely, the Board of Administration, before we can have a proper investigation, do I understand you correctly?

Mr. Burtness: I shall be very glad to make such statements but I do not intend to be subjected to cross-examination or to point out misquotations in any of the newspapers of this state in order to arrive at that result.

Mr. Wehe: Mr. Burtness, have you ever at any time denied any of these statements?

Mr. Burtness: I have.

Mr. Wehe: In the paper?

Mr. Burtness: I have called the attention of reporters to misquotations, particularly the Bismarck Tribune and the Courier-News.

Mr. Wehe: Did you ever call the Grand Forks Herald about it?

Mr. Burtness: I have not.

Mr. Wehe: And did you not also state further at that time\*\*\*\*\*

Mr. Burtness: There is no use of asking me like that, I am not going to answer it.

Mr. Wehe: We will go right on. There was not included, not one of the standard old works. (Reading from Bismarck Tribune, Dec. 1st, 1919.)

"There was not included one of the standard old works, not one of the great works of fiction or of the biographies of great men from which we gained our youthful ideals. Pilgrim's Progress was not there.

"There was not a book that would give the young men and women of our country schools the likeness of Washington or Lincoln or Grant, but there is a book that gives the picture of Leon Trotzky. The time has not come in this state, gentlemen, when the portrait of Leon Trotzky must be honored more in the public schools of this state than that of the father of his country and the savior of his country.

"Think, gentlemen of your little boys and girls going to their school library and reading stuff like this," quoting several passages from "Love and Ethics," by Ellen Key.

"Startling views on the marriage relation; refusal to accept the time-honored belief in the sanctity of marriage; monogamy's inevitable consequence the loss of an enormous amount of life energy; the standard of parentage not the marriage right or the legitimacy of their children but the quality of the child; dissolution of marriage made dependent on the will of the pair; free love; motherhood out of wedlock; the superiorities of the child who is a product of pure passion as compared with the product of lawful union.

"That is just one of these volumes, gentlemen. It teaches your boy and your girl there is no holiness in marriage; that love and child-getting out of marriage are a glorious thing; that there is no such thing as the sanctity of the home and of motherhood and fatherhood.

"I have here, too, the 'History of the Supreme Court' by Meyers. It purports, gentlemen, to show that every president from Washington down was so corrupt that he appointed men equally corrupt to the supreme court of our United States. It attacks John Jay, our first justice; Thomas Marshall, the greatest jurist the world has ever produced, and Chief Justice White of the present court.

"Certainly that book is not designed to inspire respect and reverence for our flag, for our country and our courts. We have not to look far—we need only examine our own consciences to discover why a man like Stangeland has placed a book like this, written by such a man as Meyers, in the hands of the youth of our state."

Mr. Wehe: Did you make that statement in the House of Representatives, and that was one of the indictments against the library, one of the attacks made against the administrative body that have charge of this library, or Board of Administration?

Mr. Burtness: I object to the form of the question, it being plainly evident that in the mind of the attorney who is acting for the committee, or the majority of the committee, that there seems to be no desire to find out what the facts are, but rather a desire to cross-examine and to try me, but in spite of my objection to the question I will answer it in this way.

That much of the portion which Mr. Wehe has read is a substantially correct summary of what I said, a considerable portion thereof is not correct, on its face anyone reading it carefully can tell that it does not pretend to be a complete quotation of what I said, but, be that as it may, the quotation is only partial and much of it, as before indicated, is incorrect.

Mr. Wehe: Would you point out, Mr. Burtness, the inaccuracies in that statement contained in the Bismarck Tribune dated December 1st, 1919, in quoting what you had said.

Mr. Burtness: I would much rather, Mr. Wehe, to give you the substance of what I did say and would much rather give you the facts as I found them to be.

Mr. Wehe: We are now, Mr. Burtness, getting at the charges that are preferred so that we will have something to go by, so far we have had nothing definite on which to work.

Mr. Burtness: I shall be very glad to give them.

Mr. Wehe: And your charges were the charges that were made on the floor of the House and those are the ones that are to be investigated.

Mr. Burtness: I shall be very glad to repeat them here.

Mr. O'Connor: I should like to make a statement, Mr. Chairman, I have tried four times to do that.

If the committee have not found outstanding facts, as the attorney for the majority of the board states, and as Mr. Burtness has said that the statement made in the Bismarck Tribune is not correct, I say that the attorney for the majority of this committee is acting very incorrectly in some respects, this paper did not contain a correct report of his speech and as he has testified to this committee that he would be very glad to give the substance of the remarks that he made and I will now ask the chairman at this time that he permit the witness on the stand who comes here voluntarily, as this committee have no right under the constitution to compel the attendance of any member of the House, to hold him responsible, to challenge him in any manner for any speech made in the House, to give at this time the substance of the charges which he made.

Mr. Wehe: We take exception to the conclusions that Mr. O'Connor has drawn in regard to the powers of this committee. This committee according to law has a right to subpoena anyone and make them show cause for any statements or charges.

Mr. O'Connor: Just to correct that, I want to read the part of the constitution relative to that. I do not propose to have a lawyer or anyone mistake the law of the constitution.

Section 42 of the constitution as follows: "The members of the Legislative Assembly shall in all cases except treason, felony and breach of peace, be privileged from arrest during their attendance at the Sessions of their respective house and in going to or returning from the same, for words used in any speech or debate in either house, they shall not be questioned in any other place."

And also to correct the other statement I want to read Section 32 of the Political Code—Chairman of the Committee may administer oaths when "Any member of the Senate or House of Representatives, while acting as chairman of a committee of the House of which he is a member shall have

authority to administer oaths to such persons or shall be examined before the committee of which he is a member." My challenge to the statement that it does not state in here that express authority was given to call a member of the House before it.

Mr. Wehe: Mr. O'Connor misunderstands this proposition; it is this, that this branch committee appointed by the Legislative House itself, that is, the House of Representatives, to investigate this matter and the House has a right to delegate to this committee powers which the House has itself and the House has the power itself, when any member makes any statements that are derogatory to any other members relating to any affairs of state to call that member to account, swear him in and make him testify as to those things, and that is what this committee is doing in this case with Mr. Burtness.

Mr. O'Connor: The attorney is correct. There is a proceeding in the court that they will put him under oath, subpoena him and make him testify when this legislature is in session, but this is a different proceeding, that is a proceeding by the House itself and it has a right to do it.

Mr. Burtness: Might the witness make the statement that he is very glad that Mr. Wehe is frank enough to state that it is his purpose to call me to account rather than his purpose to find out what the facts are.

Mr. Wehe: We did not state that. We stated that the House has those powers to do that and that the House has the power to delegate that power to the committee while that House is in session, to subpoena witnesses and compel them to testify and a refusal to do so is a contempt of court. And also we will insert in there the section that gives an investigating committee, or any committee appointed by the House of Representative power to subpoena witnesses and compel them to testify whether it is a member of its own body or not.

Mr. O'Connor: That is not in the law.

Mr. Wehe: I know that it is.

**MR. WALKER:**

The chair rules that Mr. Burtness may state the charges that he made upon the floor of the House.

**MR. BURTNESS:**

I made many arguments against the present Board of Administration bill and for the passage of House Bill 28, but as I understand the situation, the only thing that you are interested in now is the charges that I made with reference to books in the library or the placing of books in the library. I did not have a set speech, I do not pretend to give word for word of just what I said, but the substance of my charges, as you call them, are this:

That I was very much surprised and shocked when I entered the library, in the basement of the Capitol Building, on the Friday, I think it was, preceding the day that the report came in on House Bill 28, and that I found a few paces from the door and to my left, one of the Traveling Library cases. The kind of a case that is circulated throughout the state including the public schools of the state and in that library case and immediately on top of that case I found this list of books, and I then gave the list. I have

seen no complete list in any of the press published in this or any other state. The complete list includes as I now recall it twenty-two books. I can get the complete list by going to my desk upstairs. I haven't it with me. But I could identify it if I had it.

MR. O'CONNOR:

This is the list which we have offered in evidence as Exhibit A. We have introduced this and accepted it. (Gives Mr. Burtness copy of records of Dec. 4, 1919, including list of books).

MR. BURTNESS:

My memory is now refreshed from one of the records of this committee and the list is as follows:

Socialism and Modern Science.....	Ferri
Anarchism and Socialism.....	Plecharoff
Positive School of Criminology.....	Ferri
The Evolution of Property.....	LaFarges
Co-operation the Hope of the Consumer.....	Harris
Not Guilty .....	Blatchford
Political Parties .....	Michels
Stories of the Great Railroads.....	Russell
American Government and Politics.....	Beard
Bolshevism .....	Spargo
The Bolsheviki and World Peace.....	Trotsky
Russia in 1913.....	Ransom
History of the Supreme Court... Myers (should be Meyers)	
Our Judicial Oligarchy.....	Roe
The Profits of Religion.....	Sinclair
Socialism vs. the State.....	Vanderbachen
Love and Ethics.....	Ellen Key
Essays on Materialistic Conception in History.....	LaBriola
New Schools for Old.....	Dewey
The Old Freedom.....	Nelson
Puritanism .....	Miller

(Mr. Burtness reading the list as given in evidence handed him by Mr. O'Connor.)

MR. WEHE:

We wish to have the records show here that it does not prove anything at all; it is just our same statement, that each house has at any time power to call any one of the members, whether representaives or senators in the House or Senate and that rules to decide of the jurisdiction of the House or the Senate; there is another provision that provides that each house has charge through decorum and can eject any one of its members that it sees fit and for anything that that member does in connection with the House, if he wilfully disobeys the rules of the House or is illegally elected, and it has full charge and control of the actions of its members, and this is a body delegated by the House of Representatives with the same powers it is not outside of the body, this a part of that body; there is the distinction that Mr. O'Connor fails to grasp.

Mr. O'CONNOR:

Mr. Chairman, it is plainly evident that the attorney for the majority of the committee has stated a proposition which has absolutely nothing to do with this inquiry. And the remarks that he has made would be pertinent if we were trying a member of the House on some charge. It was my



impression that we were investigating some other man against whom charges had been made, and therefore, I take exception to the part of the counsel's statement to the effect that the House has control of its own decorum; it has no application to this case.

(All these remarks by Mr. Wehe and Mr. O'Connor have to do with remarks on page 7 of this manuscript.)

MR. BURTNESS:

I have now given you the list of the books which I found exactly as told the House. I told the House that this was a complete list, that I gave it in full in fairness to those who were in charge, that there were no other books either inside this traveling library case or on top of it. I told the House that I had not read all of these books; that I had found them only a short time theretofore; that I was not prepared to say that each and every one of the books on that list were bad. I furthermore said that I was neither prepared to commend any of them but that some might be good. I further said that there were some of them that were bad, that they were not worthy of a place there and that if they were to be sent out to the public schools of this state that I believe the people would be down here with shotguns to stop that sort of procedure. I called particular attention to three of the books which I had read; those three were Ellen Key's "Love and Ethics," Meyers' "History of the Supreme Court," and Sinclair's "Profits of Religion;" each of which books I regard as damnable. I did not use that language in the House but I make that statement as to my views concerning them here. To prove my assertion that they were bad I quoted at considerable length from Ellen Key's "Love and Ethics." I think I could find the quotations I used if I had access to the book. The pretended quotations found in the press from which Mr. Wehe read are, of course, not complete quotations at all and seem to be only just a word or two caught by the reporter as I read the quotations. Every quotation made by me was made correctly and made for the information of the House so that the members of the House itself could see what was in the book and whether or not it received the individual sanction of the House.

I did not quote from Meyers' History of the Supreme Court nor from Sinclair's Profits of Religion but I branded them as bad. And I made this statement in substance regarding Meyers' History of the Supreme Court that he urged in his work that every president from Washington down to the present was corrupt and to such an extent that he appointed equally corrupt men to the position of judge on the Supreme court; that the charge was made in the book that appointments were made for the purpose by the president, by the various presidents for the express purpose of validating fraudulent land grants and validating corrupt practices.

MR. WEHE:

Do you mean to state that you said that on the floor of the House?

MR. BURTNESS:

Yes. That the author of the book condemned the justices beginning with Chief Justice John Jay; that he attacked the integrity of Chief Justice Marshall, the greatest jurist that the country, or I may have said the world, has ever seen; that it attacked every other chief justice from Jay down to

the present chief justice, Judge White. I told them that I did not believe that the statements made by this author would cause the people of the state or the school children of the state to have honor or respect for our country, its institutions or its flag. I made no quotations from any of the other books. I made no specific references to any other than the three mentioned as being either good or bad. I gave the entire list as I found it. In addition to these specific facts I spoke rather feelingly as I felt then and as I feel now, regarding any person who would place books of that kind that I had referred to specifically into a traveling library to be sent throughout the state for the use of the public or for the use of our school children. The ultimate facts and the only ultimate facts that I said anything about are the books themselves, where I found them and what some of them contained, the kind of box I found them in and I for one concluded if you are interested in what my conclusions might be that they were intended for distribution throughout this state\*\*\*\*

MR. WEHE:

It is for the chairman of the committee to find those conclusions; we are only asking what your statement was. We find now that there is considerable difference between your purported statement and what you claim your statements were so it will probably necessitate on the part of the committee to call up some of these things. You state now that if these books were sent out to the public schools of the state; you do not state then that they were sent out to the public schools, whether they were sent to the public schools or not.

MR. BURTNESS:

Most assuredly I did not.

MR. WEHE:

You did not know whether or not they had been circulated throughout the public schools of the state or not.

MR. BURTNESS:

I have never found any in the public schools and I have made no examination throughout the state for that purpose and I never so stated on the floor of the House.

MR. WEHE:

You never did?

MR. BURTNESS:

I want to say this, that I inferred that they were to be circulated and that I inferred that on the floor of the House.

I inferred on the floor of the House that they were for the traveling library and the lady in charge told me later that they were there for that purpose; I also want to add, I did not make a complete investigation of them and I so stated, I think, on the floor of the House. On the inside cover thereof was a card indicating that they were a part of the traveling library of our state.

MR. WEHE:

Did Miss Peterson or anyone else in connection with the library at any time before you made this speech in the House tell you that these particular books were sent out to the schools of the state?

MR. BURTNESS:

She never did, or I never had any conversation about them except that I asked permission to withdraw them, signed a card for them as I recall and the regular notation was made of the loan to me.

MR. WEHE:

Then you have no information, evidential information that any of these books, these twenty-two, were actually circulated by the public library to the schools of our state?

MR. BURTNESS:

None whatever except the inference that I made from the fact that they were in a traveling library case on my trip to the library and from the fact that the books had attached to the inside thereof a card showing that they were a part of the traveling library and a card entirely distinct from cards that I have examined and had prior to that time seen on the books that formed a part of the regular legislative or reference library as I have heard it called at different times.

MR. WEHE:

Are you aware of the fact that they have several kinds of traveling libraries that they send out from the state library?

MR. BURTNESS:

No, I cannot say that I am.

MR. WEHE:

You did not investigate nor try to find out before you made the statement on the floor of the House?

MR. BURTNESS:

No.

MR. WEHE:

Did you find out that there is the Farmers' Library, Community Library and School Library?

MR. BURTNESS:

No.

MR. WEHE:

Did you find out prior to the time that you made this speech, did you find out since that this was one sent out upon request?

MR. BURTNESS:

I have not so found out and if such a claim is made it would be contrary to the statement made to me since that time by the lady in charge of the library.

MR. WEHE:

Now, Mr. Burtness, where did you get this list of books that you produced in the House?

MR. BURTNESS:

Why I got it from writing down the list while I stood in front of the case; the case was either on top of a desk or some other shelves, I had a piece of paper and got out my pencil and wrote down the name of each and every book and the author thereof.

MR. WEHE:

Did Mr. Kositzky furnish you with a list; did you have a list of these books before you came here, while you were still in Grand Forks, you had no knowledge in any way, in any shape or manner.

MR. BURTNESS:

I heard a rumor that Mr. Stangeland was making a survey of libraries throughout the state and that an effort would probably be made to put in objectionable books.

MR. WEHE:

Who was the party who gave you this information?

MR. BURTNESS:

I don't intend to tell you.

MR. WEHE:

But you had that information.

MR. BURTNESS:

I had that rumor. I heard some rumors. In connection with this, I want to say this to answer the men or women throughout the state that I had at no time either seen or heard from Mr. Kositzky; in fact I had never personally met Mr. Kositzky until after I made this talk on the floor of the House; somewhat to my surprise, within probably five minutes after I made the talk which apparently was of such conduct as to investigate me rather than the facts, Mr. Kositzky came up to my desk and handed me a typewritten, or rather a mimeographed sheet purporting to be a copy of a bill of books bought from one Kerr Company, and I have seen several of those copies around since, and that is the first time that I talked with Mr. Kositzky about these books in any shape, manner or form. Before that I knew Mr. Kositzky by sight only.

MR. WEHE:

And it was from these rumors that you heard in Grand Forks that you stepped into the public library and took a list of these books.

MR. BURTNESS:

And that I had found rumors here to the same effect; some rumors, none of which were authentic and none of which came from any people who claimed to have any personal knowledge of the facts themselves.

MR. WEHE:

(Pointing to a box.) You recognize this box No. 107 as being the box that you picked these books off of.

MR. BURTNESS:

I could not say that I do. It was similar to that, but I would not swear as to the number, Mr. Wehe. It was a box similar to that, either that exact size or one that would vary very little from that particular box which is numbered No. 107.

MR. WEHE:

On this, on the outside the writing is  
Library Commission  
Bismarck, N. D.  
No. 107

This is a small box about 18 inches long and about 13 or 14 inches high.

MR. BURTNESS:

I would say that it is a little longer than that; I am not a good judge of dimensions.

MR. WEHE:

(Measuring box.) It is just 18 inches long and it is not quite 11 inches high, 10½ inches, outside measurement. Just to get the size of the box 18x10½. Now, on this box, if this is the box perhaps it can be identified later on. It was set up on its side?

MR. BURTNESS:

It was just the way it is now.

MR. WEHE:

Setting up the lid was dropped down and there were cer-

tain of these books were set on top of the box.

MR. BURTNESS:

The box was entirely filled and the rest of the books were on top of the box and were not enough to cover the entire top of the box; perhaps two-thirds of the top of the box.

MR. WEHE:

(Pointing to the books.) You recognize some of these.

MR. BURTNESS:

Yes, some of them.

MR. WEHE:

The ones that are here were in the case that you pointed to on the table.

MR. BURTNESS:

The books that were there were apparently all new books, most of them had paper covers on them, that is the covers that contain advertising material, etc. as they come from the publisher.

MR. WEHE:

When you came into the State Public Library you found these on top of some filing cases on the lefthand side of the library. You found these, Mr. Burtness, to your left about 10 or 12 feet from the door on the lefthand side just as you go to turn around the corner to go into another room.

MR. BURTNESS:

I believe there was an alcove or open space near these.

MR. WEHE:

And there was a desk just around the corner and some filing cabinets.

MR. BURTNESS:

I think that is correct.

MR. WEHE:

It was on top of the filing cabinets. Now, did you see any other boxes around there at that time of these library boxes that are to be circulated.

MR. BURTNESS:

No, I do not recall that I did.

MR. WEHE:

As a matter of fact they are in another room where you would find circulating library, in the back part of the library. Did you go in there and look around?

MR. BURTNESS:

No, I did not know where they were.

I never noticed the marking on the box, the lid was down; I knew that I had seen boxes of books out in the state somewhat similar to this. I never measured it.

MR. WEHE:

You didn't actually know whether this was printed on the back, whether it said school circulating library or what it was.

MR. BURTNESS:

No, I did not, the lid was down; I saw it was a box for traveling library purposes similar to boxes that I had seen out in the state.

MR. WEHE:

But at that time there wasn't anybody that told you that these were circulated in the school libraries.

MR. BURTNESS:

I have answered that several times, Mr. Wehe.

MR. WEHE:

Then you didn't make that statement that those books had been in the circulating school library and as a part of the circulating school library at that particular time.

MR. BURTNESS:

I made the statement that they were a part of the traveling library of this state.

MR. WEHE:

Did you make the statement that they were a part of the books to be sent out to the schools of our state.

MR. BURTNESS:

I told them that they were presumably to be sent to the public of the state and the schools of the state.

MR. WEHE:

Answer my question yes or no.

MR. BURTNESS:

I refuse to answer it yes or no. I shall be glad to answer the question fairly.

MR. WEHE:

Did you at any time, Mr. Burtness, state in your speech that these particular books that you designated were a part of the circulating library that were sent to the schools of our state? That's fair.

MR. BURTNESS:

I made the statement that I found them there as a part of the traveling library and I inferred that they were for distribution to the public of the state, including the schools of the state.

MR. WALKER:

I think that question can be answered yes or no.

MR. BURTNESS:

It cannot be answered yes or no fairly.

MR. WEHE:

We insist upon an answer from Mr. Burtness in regard to that question.

MR. BURTNESS:

If I am going to be bully-ragged like this I am going to leave. (Attempted exit by Mr. Burtness.)

MR. WEHE:

It is clearcut.

MR. WALKER:

The chair rules that Mr. Burtness answer the question.

MR. BURTNESS:

I except to the ruling of the chair and will not answer the question yes or no.

MR. WEHE:

Then the only proceeding is for contempt of court.

MR. BURTNESS:

Go to it.

MR. WEHE:

I will leave it to the chairman that this a fair question.

MR. McLAUGHLIN:

And I think that Mr. Burtness has given a fair answer.

**MR. WEHE:**

Did you try to find out, Mr. Burtness, whether they were in the traveling library for the schools of the state or not?

**MR. BURTNESS:**

I have told you what I did with reference to it.

**MR. WEHE:**

Answer it yes or not.

**MR. BURTNESS:**

We will ask the chairman.

**MR. WALKER:**

I would instruct Mr. Burtness to answer by yes or no.

**MR. BURTNESS:**

I made no further investigation than what I have detailed in my testimony.

**MR. WEHE:**

Answer the question.

**MR. BURTNESS:**

I have answered it.

**MR. O'CONNOR:**

I would suggest, Mr. Chairman, that you have this stricken from the records.

(Varied discussion by all different speakers as to the advisability of eliminating said questions and answers from the records.)

**WEHE:**

Let the records show that Mr. Burtness deliberately refuses to answer the questions "Yes" or "No" when ordered to do so by the chairman of this Legislative committee appointed for the purpose of making this investigation.

**BURTNESS:**

Let the records also show that I have answered each and every question properly and fairly.

**WEHE:**

Mr. Burtness, did you make this statement, your memory might have failed you, and therefore I ask if you made this specific statement? The Board of Administration has placed in charge of the State Public Library to select the reading for our schools and colleges C. E. Stangeland, a man who was buffeted around from jail to jail while in the consular service.

**BURTNESS:**

No, not exactly.

**WEHE:**

You did not state it? Did you say the words "that he was buffeted from jail to jail while in

**BURTNESS:**

I did. I might have used diplomatic service.

**WEHE:**

Did you make that statement? What did you state?

**BURTNESS:**

I stated in substance this, "That the Board of Administration has placed in charge of the state libraries or the public libraries a man to select the reading for such libraries, one C. E. Stangeland, a man who was buffeted from one jail to another while in the consular or diplomatic service. I did not at any time use the words "for our schools, colleges

and universities." But what I tried to say was that the man had been placed in charge to select the books for the so-called libraries furnished to the public throughout the entire state.

WEHE:

On what foundation did you base that statement that he had been buffeted from jail to jail?

BURTNESS:

Upon very general and positive statements by people. I was never in the consular service nor had I seen him in jail.

WEHE:

You have no records to prove your assertions?

BURTNESS:

I have not.

WEHE:

By buffeted from jail to jail you mean that he has been in more than one jail? By that phrase?

BURTNESS:

Why yes. I have been told by some one who talked to him that he was taken from one jail to another without being informed as to what charges had been made against him.

WEHE:

You made that statement just from hearsay?

BURTNESS:

Yes, I made that statement.

WEHE:

Have you ever met Mr. Stangeland?

BURTNESS:

I have not.

WEHE:

Do you know him?

BURTNESS:

Know him by sight.

WEHE:

At that time did you know whether or not he was in charge of that library?

BURTNESS:

I cannot answer that specifically "yes" or "no." I knew that he had been selected and I gained my information from the press of the state. I knew that the Library Commission had selected a man to make a survey of the libraries of the state and it seems to me that I had somewhere seen what purported to be an official list of some official list and my impression was that his name was on that list.

WEHE:

You know now as a matter of fact that Mr. Stangeland is not in charge?

BURTNESS:

I do not know.

WEHE:

Could you not have found that out?

BURTNESS:

In fact the information that has come to me since then were rather some to the contrary. My information was that he made his headquarters in the library and that the radical books have been purchased with his approval and have been purchased pursuant to his recommendations.



**WEHE:**

Where did you get that information?

**BURTNESS:**

I was told so.

**WEHE:**

Did you get any information from Mr. Stangeland to that effect?

**BURTNESS:**

No.

**WEHE:**

Did you get that information from Miss Peterson?

**BURTNESS:**

No.

**WEHE:**

Your source of information is hearsay?

**BURTNESS:**

No, it is not hearsay.

**WEHE:**

You know as a lawyer that you could search the records and find out what his official position was?

Burtness: I did not.

Wehe: Did you inquire from the Board of Administration? You never made an investigation or went to the Board of Administration to find out just what his position was?

Burtness: I think to a member of the Board of Administration.

Wehe: Before you made this speech?

Burtness: Yes, I think to one of the members of the Board of Administration. I would not be positive whether I did so before or after I made this talk but I think before.

Wehe: As a matter of fact it has come to your knowledge that he was hired to make a survey of the Libraries of the state?

Burtness: I have been told that he has been making his survey.

Wehe: Could not a man make a survey without having the power to purchase books?

Burtness: I presume so. I understand that he could make his recommendations.

Wehe: You made this statement: This man is telling our country schools what to read.

Burtness: No, I do not think I did.

Wehe: You deny that?

Burtness: I deny that that is an exact and correct quotation. I made the inference on the floor of the House that this man was making the selection of the material that would go out to the public schools.

Wehe: Did you ever make a search to find out who Mr. Stangeland was in such books as Encyclopedias, Who's Who?

Burtness: I did a day or two ago.

Wehe: Did you ever come across this which I will read in Who's Who in America in 1918-1919, Volume 10?

Burtness: I looked him up in Who's Who.

Wehe: Did you read on page 2563 in reference to Charles Emil Stangeland, political economist?

STANGELAND, CHARLES EMIL, political economist: b. Sheldahl, Ia., May 1, 1881; s. Adolf and Thera Marie (Sigve-land) S; A. B., Augsburg Sem., Minneapolis, 1898; at U. of Wis., 1898-9; A. M., University of Minnesota, 1901; University of Berlin, 1902-3; Ph. D., Columbia, 1904; r. Karin Michaelis, Feb. 22, 1912. Instr. and later prof. polit. economy, State Coll. of Wash., 1905-9; studied and traveled in France, Italy, Russia, etc., 1907-8; expert spl. agt. Bur. of Corpus, to Jan. 10, 1912; sec. Am. Legation at La Paz, Bolivia, 1912-13, charge d'affaires, 1913; 2d sec. Am. Embassy, London, 1914-15. Mem. Acad. Polit. Science, Die Internationale Vereinigung fur vergleichende Rechtswissenschaften und Volkswirtschaftlehre in Berlin and Normanda forbundet, Christiania. Author: Pre-Malthusian Doctrines of Population, 1904. Contbr. to economic jours. and official publs. Home: Seattle, Wash. Address: Cosmos Club, Washington, D. C.

Burtness: I think just a day or two ago a substantially similar statement in Who's Who in America. I think I saw the preceding year of this particular volume, but I could not swear to that it is the same, but I have reason to think it is the same.

Wehe: As found on page 2563 on the bottom of the page?

Burtness: That's correct.

Wehe: Did you read that after you made your speech in the House?

Burtness: I did.

Wehe: You did not see that before your speech?

Burtness: I did not.

Wehe: Now, Mr. Burtness, you have in your possession "Love and Ethics"?

Burtness: I have.

Wehe: Will you please produce it.

Burtness: I have not it with me.

Wehe: We would like to have the book produced.

Burtness: Do you want it now or later?

Wehe: Now, Mr. Burtness, at the time you made this speech in the House you had "Love and Ethics" in your possession?

Burtness: Yes, the volume from the library.

Wehe: You got that from the Public Library November 28th, 1919?

Burtness: I can't say.

Wehe: Here's your card.

Burtness: That's correct, on the Friday preceding the talk, November 28th, 1919.

Wehe: You have also "Love and Marriage," also in the House?

Burtness: I did not.

Wehe: You swear to that?

Burtness: I swear to anything I say here.

Wehe: Mr. Burtness, you are aware of the fact that some of these works that you refer to, that these works by Ellen Key had been in the Library for six or seven years? You found that out?

Burtness: I have since I made the talk.

Wehe: That there \* \* \*

Burtness: Miss Peterson told me that they had several works in the Library shortly after my talk.

Wehe: That there were four volumes in the library and that this "Love and Ethics" was the fifth book that was added?

Burtness: She said there were other books there before. I know nothing about the fifth book.

Wehe: "Love and Marriage" was in the Library in 1913.

Burtness: She told either the committee or some other members of the House, Mr. Sherman or some others, she told us that "Love and Marriage" had been there for a number of years, that that was her best work.

Wehe: Have you ever read "Socialism and Modern Science" by Perri?

Burtness: No, I have not.

Wehe: Have you ever read "Anarchism and Socialism" by Plecharoff?

Burtness: I have read a considerable portion of it.

Wehe: Since this matter came up?

Burtness: Yes.

Wehe: Never before?

Burtness: It was one of the books that they gave me on the card.

Wehe: Did you ever read "Positive School of Criminology"?

Burtness: No.

Wehe: Did you ever read "Class Struggles in America"?

Burtness: No.

Wehe: Do you know the entire contents of any of these I have asked you about?

Burtness: I know the entire contents only of the three, "Love and Ethics," "History of the Supreme Court" and "The Profits of Religion."

Wehe: Do you know the entire contents of "Evolution of Property"?

Burtness: No.

Wehe: These are the only three of those twenty-two that you know the contents of?

Burtness: Yes, the entire contents.

Wehe: You did not stop to read "Love and Marriage"?

Burtness: No.

Wehe: You read those three books since you came down to attend this session?

Burtness: Yes.

Wehe: Prior to that time you had not read any of them?

Burtness: No.

Wehe: You read "Love and Ethics"?

Burtness: I read it through a couple of times before I made my talk.

Wehe: Did you ever read the "Century of the Child"?

Burtness: No.

Wehe: Did you ever read through "Renaissance of Motherhood"?

Burtness: No.

Wehe: Did you ever read "The Younger Generation"?

Burtness: No.

Wehe: Now we would like to have "Love and Ethics" produced and ask Mr. Burtness to produce the places where he read from. Mr. Burtness, did you ever make any effort to find out if any of Ellen Key's books were in the library at the time you were in there looking these other books up before you made your speech?

Burtness: No, I did not.

Wehe: Well, Mr. Burtness, how is it that you came to look for just these particular books without making any further investigation at that time?

Burtness: It was rather a happenstance. I had heard these rumors. I went into the library and really about the first thing that directed my attention was this little box filled with what appeared to be new books and I stopped and I looked at them and I simply said to myself "I suppose those reports are true."

Wehe: Did some one direct you to that particular box?

Burtness: No.

Wehe: You had not been in that Library for the last five or six months, had you Mr. Burtness?

Burtness: No, not since the last session. I was in the library several times during the last regular session.

Wehe: What were those fathers and mothers going to do with those shot guns?

Burtness: I did not say what they were going to do.

O'Connor: I do not think that is a pertinent question.

Burtness: I made the statement that if these were being circulated among the schools they would be down with shot guns.

Wehe: What did you mean by that?

Burtness: Just exactly what I said.

Wehe: Were they going to shoot somebody?

Burtness: Not exactly.

Wehe: Why were they coming with shot guns?

Burtness: To show their protest against the circulation of these books among the public.

Wehe: Who were they going to make the protest against?

Burtness: The persons responsible for the presence of these books.

Wehe: Who are responsible? Do you know?

Burtness: I do not, but I personally feel that the Board of Administration is responsible for it to some extent, that is, not for the individual members of the Board but because under the law creating the Board of Administration certain powers are given by which the school books and matters of that sort are to be \* \* \*. And as I understand the facts, presumably by such powers, one Mr. or Dr. Stangeland had been appointed to make a survey of the libraries and I understood at the time and understand now that at least one of the first libraries, if not the first, which he investigated was the State Library here in the Capitol Building, and he being an agent of the Board as a whole, the Board to some extent at least shares the responsibility of his acts. And I infer that the Board, the Board's actions in respect to this library proposition was dominated much by Mr. Totten, a member of the Board, and knowing something of his general views from hearsay and arguments of the press, I feel they were consistent with the books which I found \* \* \*

Wehe: He says what he inferred, what he thought and what he supposed. We want testimony and not a speech. That should be stricken from the records.

O'Connor: I have tried to object four times \* \* \*

Burtness: If I am on trial I insist that it remain there.

Walker: It may remain there.

Wehe: We are not calling for a speech. Personally you did not know who is in charge of the Library?

Burtness: Only from what I saw.

Wehe: As a matter of fact Miss Peterson is in charge. Miss Peterson told me that she selected those books.

Burtness: She told me nothing of it until after my talk had been made when Mr. Sherman and myself went down and we had some talk with her then. And I went down there again when the committee was there but I cannot specifically state what conversation was had when Mr. Sherman and I were there. On one of these occasions, and I think rather on both, something was said that she had sent in the order for those books.

Wehe: She said that you had access to books on both sides of the question? That was the reason why these other books were \* \* \*

Burtness: She said that the Library was very much in need of books on social problems and that these books were authoritative books on social problems.

Wehe: You know as a matter of fact that the University of North Dakota contains a part of Ellen Key's works?

Burtness: I cannot say that as a matter of fact. I was familiar with that library some twelve or twenty years ago. It is a large library.

Wehe: You understand that a library has got to contain all books on different sides of the question in order to be a well balanced library, and in order to get light on a case you could get the books which have both sides of the question and between the two of them you could find what you wanted. Is that not what a library should have?

Burtness: It depends on the library.

Wehe: In the case of a library, if you are making laws on social questions, economic questions, if you could only get books on one side of the question, would you not consider such a library incomplete?

Burtness: I agree with you, if it is on questions and particularly where economic questions \* \* \*

Wehe: Of those you put in the list of twenty-two?

Burtness: I put in the list just whatever I found. If I had found the Life of Washington or the Life of Lincoln if I had found the Holy Bible or a dictionary I would have put it too on the list. I put on all the books I found regardless of whether they were good or bad. I investigated and had only time to investigate a few of them.

Wehe: The only objection you take is to "Love and Ethics" "History of the Supreme Court" and "Profits of Religion"?

Burtness: Those are the only books that I have taken specific objection to. I do not want to say that every other book in there is either good or every book is bad, because I have not read them.

Wehe: Now such questions as are discussed in Meyers "History of the Supreme Court" if there were certain ques-

tions that were said and certain questions would come up, if you could not find it in the state library you would say it was complete?

Burtness: No, I would not think that a little dinky library like the state library is, but I do not think that a book like Meyers' has a place in a library like this.

Wehe: In a first class library where you want to go to look up subjects and you would want to look up things, where would you find it if not in a State Legislative Reference Library?

Burtness: Am I brought here to testify to facts?

Wehe: I want to know what your idea is.

Burtness: I do not see why I have to give my idea on the subject any more than any other individual here.

Wehe: Now for mature minds is there anything in Meyers' "History of the Supreme Court" anything to injure you?

Burtness: It won't help me any, I regard him as a dirty muckraker.

Wehe: Even if he was that, in an uptodate library they should have him there to \* \* \*

Burtness: I feel that every book published unless it is absolutely filthy and indecent should have a place in it. My statement does not include books to be sent out to the general public but is limited only to libraries where students come to search for general problems may get them.

Wehe: If I understand you correctly, do you think that books in the state library are sent out promiscuously?

Burtness: I do not know what you mean by promiscuously?

Wehe: That any class of books are sent to schools, any class of books are sent out to high schools, any class of books are sent to colleges and any class of books are sent out to the people of the state

Burtness: I have no doubt in my mind that if the type of people who are present continue in charge of this that there will gradually come out this kind of material.

Wehe: Whether they understand that all of these books or any of these books sent out promiscuously all over North Dakota? Or whether a distinction is made to children below the eighth grade, and whether certain other books are sent out to high schools, and other books are sent to colleges, and other books are sent to people that have mature minds?

Burtness: I understand that such has been the situation in the past and I also understand that in the past no complaint has been made as to the quality of the books sent to the schools, and when I say to the past I mean to the former management.

Wehe: Can you point to one instance where a single complaint has been made to the Legislature up to this date, December 5th, 1919?

Burtness: No, except such rumors as I have heard of.

Wehe: Then up to the present time you have had no occasion to make any criticism to the Board or to the librarian either from the schools or any of the communities in the state where any books have been sent out from the library?

Burtness: No specific complaints but a number of suggestions that rumors should be looked into.

Wehe: Then the whole thing, Mr. Burtness, simmers down to this, that provocations and the cause that moved you to

make these remarks was just from rumor.

Burtness: Most assuredly not.

Wehe: Most assuredly not?

Burtness: The rumors caused me to make the investigation and my investigation, short as it was, caused me to bring these facts before the House.

Wehe: As I understand it you do not claim that there were any specific charges made by your constituents or anybody in the State of North Dakota as to the manner or the way the State Public Library was being handled as to the circulation of the books from the library to the schools of our state or community groups of the state?

Burtness: No specific complaint to me.

Wehe: I will ask you, Mr. Burtness, are you familiar with the rules and conditions under which these books are sent out, those different divisions of the circulating library from the state library?

Burtness: No, I am not aware of any specific rules.

Wehe: Do you understand that a box of books is just sent out to these schools, and that school sends it on to some other schools?

Burtness: No, I have not so understood it. I did not suppose that they were. That would be poor business.

Wehe: A request comes in from these communities and then they send out a box of books from the circulating library?

Burtness: I would so presume and if they had a box in that vicinity I suppose they could send it on.

Wehe: And you are aware of the fact that there is contained in each box, they have a list of the books contained in that box and before sending in that box the teachers or community members have a list of the books they want and they send in to the library a request to send them books on social questions, economic questions?

O'Connor: I am going to object to this at this time for the reason that we must certainly have some one here who knows that system of sending out books. I do not think that the committee is interested in having those questions asked.

Wehe: I think that Mr. Burtness has made plain to the committee that he knows nothing of the system upon which these books are circulated. Now that being the case it would be up to the teacher or superintendent to send in a request for the certain books that are desired?

Burtness: I understand that has been the custom with former administrations. I have heard so and I approve of the plan immensely, and I have heard so and I approve of gone out to school teachers, sometimes to postmasters, sometimes to the president of some club, but just the bookkeeping end of it I am not familiar with.

Wehe: The teacher would make a survey of the books desired?

O'Connor: I don't see that we are gaining anything by questioning Mr. Burtness on this matter.

Burtness: I have no more information as to these things than any other on this same committee. I cannot give you

any light on that. I can only give you light on what I found there. That is all.

Wehe: Have you "Love and Ethics"?

Burtness: Yes, I have. I have several of the books here.

Johnson: I would like to have the chairman look at the two books on the case and see if they are carded the same.

Walker: They appear to be. North Dakota Public Library Commission, Educational Reference Library.

Johnson: The one, "Love and Marriage" has evidently been in the library for several years in the past as shown by the card there. I simply wanted to show that they were both under the same carding system.

Wehe: Mr. Burtness, you found also "Bolshevism" by Spargo and "The Bolsheviki and World Peace" by Trotzky. One treats from the standpoint of the Bolshevik and the other is socialistic?

Burtness: One treats from the standpoint of the Bolsheviki and one from the standpoint of the socialist.

Wehe: Do you object to both of these books?

Burtness: Well, I do not think it is for me to say what my personal views on these questions are.

Wehe: Spargo takes the positive view of Bolsheviki and is that a little bit contrary to Leon Trotzky?

Burtness: Trotzky's is not a work of Bolshevism and Spargo talks Bolshevism.

Wehe: As a fact he is against Bolshevism?

Burtness: He is against Bolshevism, certainly.

Wehe: You found this book through one that was in favor of it. You found one book first on one side and then on the other?

Burtness: The books I examined or those that I read through are either most thoroughly socialistic or bolshevistic. Now if you regard these two theories as absolutely contrary and if you \* \* \* those two books representing contrary views and opinions. Now I won't say that there are not books in there that \* \* \*

Wehe: You have not examined it?

Burtness: They may be there but I doubt it. My attention has been called to none such. In the list of books I found on the case, Mr. Wehe.

Wehe: Now this "Love and Ethics" is supposed to treat of a moral question?

Burtness: Moral or immoral, I do not know what you would call it.

Wehe: It is not a story book, is it?

Burtness: Certainly not.

Wehe: And it is only a book of about seventy-three pages?

Burtness: Something like that.

Wehe: And Ellen Key gives in that book her views on this social question?

Burtness: That is correct.

Wehe: "Love and Ethics."

Burtness: I contend in that "Love and Ethics" is just a fair subject for the book. She gives her views not only on "Love and Ethics." I think some of the quotations I read on the floor of the House give a better answer.



Wehe: You can get the whole treatise of a book by reading some excerpts?

Burtness: That is something I do not know more about than you. I think people can get some idea when they are

O'Connor: I suggest that at this time as we are examining these books that he be allowed to read some of the quotations to which he objects.

Walker: Would here suggest that he read in the record the portion he read to the House.

O'Connor: I think that would be better.

Walker: You have those references?

Burtness: I think approximately so. I cannot say positively that I will be able to read the exact quotations. I called attention to the several first sentences in the note which was an introduction of the book and as found on page 5 thereof.

Wehe: Why is it, Mr. Burtness, that you did not make an investigation whether this author had any other books in the library?

Burtness: Why that had not occurred to me one way or the other.

Wehe: We will ask you, Mr. Burtness, should this book be removed from the library?

Burtness: Absolutely so unless it is placed on a closed shelf.

Wehe: Should all these books of Ellen Key on down the line be removed?

Burtness: I should not say that, but I believe like other radicals they get bitterer and bitterer.

Wehe: In looking up the records of the library we find that the first book that was put in there was the "Century of the Child" in October 22, 1912, and that "Love and Marriage" was put in August 5th, 1913, that the "Younger Generation" \* \* \*

O'Connor: In order to get this record straight, Mr. Wehe is not testifying but Mr. Wehe is a lawyer.

Wehe: If that is a fact that these were in there, that I can ask him another question on these books. I would just say that if these books were in there, he said the authors got more radical.

Johnson: It seems to me that up to the present time that Mr. Burtness has shown and intimated that he knows nothing of the library and I do not know whether it was a question to ask if he made this speech on the floor of the House when he was so ignorant as he says. He further intimates

Burtness: I would like to add this to the former answer because it represents my view. That my objections are not to author, they are to contents. That is, one author may write one book that is splendid and another book that is not. I think I have read Jim Jam Jems, some of those articles are gems and some are not. I do not want to leave the impression that all of Ellen Key's works are bad. I do not want to leave the impression that all of Sinclair's works are bad. I think Sinclair's "Jungles" is fine but I do not think that "Profits of Religion" should be in the traveling library.

Wehe: You think they should all be in the library to \* \*

Burtness: I think it is an outrage for the taxpayers to pay for such books as Sinclair's "Profits of Religion" and I should like to establish my reasons for it.

Wehe: Don't some of them intend rather as William Marion Ready says that this is a book which is a study of supernaturalism from a new point of view?

Burtness: I do not know, I have not made a study of all the radicals in the country, and furthermore I do not intend to. I think we can put in our time to better advantage.

Wehe: It is not a story book?

Burtness: It is a damnable outrage.

Wehe: It treats of philosophical questions in a philosophical manner.

Burtness: If you will read the book I think you will find out.

Wehe: I read four or five pages.

Burtness: It is an attack upon all churches as being corrupt.

Wehe: Not all churches.

Burtness: Which ones does it attack?

Wehe: Some ministers say it opened their eyes.

Burtness: I am here to answer questions.

Walker: Have you "Love and Ethics" there?

Burtness: You do not want me to read it?

Wehe: We want you to state just exactly what you quoted from the book in the House and see whether you are \* \* \*

Burtness: I quoted the note which is not written by Ellen Key herself, found in the introduction on page 5, which is as follows:

"Ellen Key's startling views on the marriage relation in "Love and Marriage" imply far more than a refusal to accept the sanctified, time-honored beliefs held by the majority to-day. The heat of the arguments provoked by her bold contentions often blinds her adversaries to the basic moral good in her creed. She elucidates some of the most difficult problems in eugenics by showing how the right marriage relation, founded on a higher moral standard in the sex relation, will make woman more capable of doing her share in the great work of social reconstruction."

I think I quoted that, the first paragraph in the note signed "A. K. B."

I then quoted the paragraph found on page 11 beginning with the words "In Love and Marriage," quoting the balance of that paragraph which reads as follows:

In "Love and Marriage" I pointed out that those who insist on monogamy, that is, a lifelong love relation, as the only moral relationship between the sexes disregard the inevitable consequence of such an ethical standard, namely, the waste of a large amount of splendid life energy which if utilized would produce fine offspring and so aid in the improvement of the race; while the worse elements of society would not be deterred by any ethical principle from propagating their kind. Such high-strung idealism would produce the same results as the convents in the Middle Ages, and, under present social conditions, this standard of morality would hinder the improvement of the species, although the trend of evolution is unmistakably toward real unity of love as the final goal, and although unity of soul and the senses can already be laid down as the condition of true chastity in the

union of the sexes in or out of marriage."

On page 25 about the sixth line from the bottom, beginning with the words "of all social concessions" I quoted the balance of that paragraph which reads as follows:

"Of all social concessions to be demanded the most essential is that the standard by which the morality of parenthood is measured should be, not the marriage rite but the will of two human beings to assume the responsibility for their children, not the legitimacy of the children but the kind of children they are. The second social concession to be insisted upon is that the dissolution of marriage should be made dependent upon the will of one of the married pair, and that the man and woman should have equal marital rights."

I commented at the time upon the portion that the absolute of marriage should be dependent upon one of the married pair.

Wehe: I will ask, why you did not quote the entire paragraph?

Burness: I could not take up all the time. I quoted to the end of the paragraph.

After making the quotations that I have so far read, I called the attention of the House to the fact that there was a sort of an addition made to the book by the author, Ellen Key, in response to objections that had apparently been made by one Dr. Foerster. The objections as made by Dr. Foerster as stated by Ellen Key are found on page 64 and I read that entire page, 64, and the page following, page 65, as stating the substance of Dr. Foerster's objections, this, however, being in the author's own words, and that reads as follows:

"Since the above was written Doctor Foerster has made a criticism of my views; which in his Christian ascetic conception of life is quite natural. According to this conception obedience to the laws of bourgeois society and religious authority is the only road to a higher evolution; self-discipline and self-renunciation the best conditions of growth. Every word spoken in behalf of the sanctity and the right of love is in this view "worship of nature." Suffering, not passion, should be the road to that higher culture which is to be attained through self-conquest. The best love is fidelity and patience; these alone release the profoundest spiritual forces and join man to the divine. Fidelity in marriage frees man from his sensual instincts and passions and affords him the possibility of personal development in the higher sense. On the other hand "free love" does not develop these spiritual conditions, and motherhood out of wedlock must be rejected because it does not give the child a secure place in a settled family life and does not entail serious responsibility for the child. Since the child has sprung from passion alone the mother's love fades away in the face of responsibility."

That was a resume of Dr. Foerster's objection to the book. Now then immediately following that is the author's statement and I quoted that, quoting the balance of page 65, also the paragraph on page 66. This reads as follows:

"These views in the ascetic conception of life are, as I have said, natural. But he to whom the aim of life is life

itself feels the same reverence for its sensual as for its spiritual demands. He knows there is immoral asceticism just as there is immoral sensual passion, immoral, because it is not uplifting to humanity or the individual. He knows that when two unmarried persons give life to a child nature often rewards "passion" by endowing the child with splendid equipment. Nature seems to pursue a mysterious purpose with this quality of "passion" which the sense of responsibility cannot achieve.

The important thing, therefore, is to harmonize our concepts of right with nature after we have learned to know nature by thorough investigation. It is not important to suppress nature unconditionally in favor of moral concepts distinctly opposed to nature. A higher culture in love can be attained only by correlating self-control with love and parental responsibility, a correlation that will follow as a consequence when love and parental responsibility are made the sole conditions of sex relations."

I then quoted the first seven lines of the paragraph commencing at the third line on page 67, which reads as follows:

"It is solely from this one moral point of view that motherhood without marriage as well as the right of free divorce must be judged. Irresponsible motherhood is always sin with or without marriage, responsible motherhood is always sacred with or without marriage."

Wehe: Why did you not read the balance of the paragraph?

Burtness: I did not have the time. Did not want to take up the time of the House.

Wehe: Well, isn't the works a complaint against illegitimate children? Did you recognize some social questions?

Burtness: The Book does not seem to be written from the standpoint of

Wehe: That is your view of it. But that is not your general conception?

Burtness: O yes, except in the minds of the irreligious.

I think I also quoted this, I am not positive but I think I did, the one between or the paragraph on page 69 and reading as follows:

"The one necessary thing is to make over greater demands upon the men and women who take to themselves the right to give humanity new beings.

In order to make room for these new demands the ethical conception that makes the right of parenthood dependent upon the present fixed forms of marriage must fall."

That quotation ends with the period on the third line on page 70. The quotations that I have read plainly show the fallacy of Mr. Wehe's question as to this book. It shows plainly that it is a book upon our institution rather than \* \* \* and prevent on behalf of the illegitimate child.

Wehe: Is it not a fact that all libraries carry books on these subjects? \* \* \*

Burtness: That question is absolutely unintelligible because it includes two questions. If you will divide the two questions. You asked if not all libraries have such books.

Wehe: Most libraries?

Burtness: No, I would say not, if you refer to such il-

braries as we have here. If we would have a library like those of larger cities. I would say yes.

Wehe: That is not the answer to that question \* \* \*

Burtness: That is the answer to the first part of your question.

Wehe: Just because some books on present social conditions from economic, political or some social value, that is not the reason why they should not be in a public library?

Burtness: I cannot answer that unless you tell me what you mean by a public library.

Wehe: We have \* \* \*

Burtness: I think I have my position clear.

Wehe: What do you mean by a closed library?

Burtness: I said a closed shelf.

Wehe: can you point to a library that has a closed shelf?

Burtness: We had at the University library.

Wehe: You mean to tell this committee that at the time you were a junior or senior there were books that you could not get in the library to read?

Burtness: That also is true. There were some books there that the general student body did not have access to. We could get them from some instructor if we were investigating some sociological problem. There were books we could get by showing the librarian in charge their reasons for wanting it. I do not know if there are any set rules. There is \* \* \*

Wehe: Have you ever been denied a book at the public library at Frand Forks?

Burtness: I have not had occasion to ask for books of this nature at the public library at Frand Forks. I am not one who has been searching for books that are improper.

Wehe: The general public is not reading books of this kind?

Burtness: I do not know. And I think probably that that is the reason these books were obtained to be sent out. I have my own views.

Wehe: You do not know?

Burtness: I think people thought they would be sent out.

Wehe: Now, Mr. Burtness, you know that there is a distinction from your examination of the books which we have in the library here, that there are rules established as to who can get the library books? Did you know there is a difference in the rules?

Burtness: No, I don't know anything about the difference in rules.

Wehe: Is there any member of the committee that wants to ask Mr. Burtness any questions?

O'Connor: I think he has covered the ground.

Wehe: If not, I would \* \* \*

Burtness: I would prefer not to come to the committee again unless you need me there are some, Mr. Wehe, has waited on asking questions on "Profits of Religion" and I would like to call your attention to some of those extracts.

Johnson: I would like to ask if Mr. Burtness had read anything from that to the House?

O'Connor: One of the charges is that the list of books found are unsuitable Mr. Burtness says some of them, and at this time I am going to ask that Mr. Burtness be allowed to read to this committee. If you recall Mr. Burtness' testimony was that this book is a damnable book.

Walker: It would seem to the chair that that would be unfair. One could take the Old and the New Testament for instance \* \* \* but I do not believe that it would be a conclusion. I have never read "Profits of Religion" but I don't think one can be justified by reading parts. If the whole book would be read \* \* \*

Wehe: I think there is a misunderstanding. That book has already been in the evidence.

O'Connor: I move that we have a recess until immediately at the conclusion of this day's session and that if we can get an hour or two that we proceed.

McLaughlin: I second that motion.

Recess taken at 1:30 P. M.,  
December 5th, 1919.

December 6, 1919.

Mr. Ness, the first witness called.

Mr. Walker: Do you solemnly swear that the evidence you are about to give before this committee is the truth, the whole truth and nothing but the truth, so help you God.

Mr. Ness: Yes sir, I do.

Mr. Wehe: Your initials, Mr. Ness, are what?

Mr. Ness: C—Christian Ness.

Q. You are a member of the present House of Representatives that is in session?

A. I am.

Q. And what county are you from?

A. Richland County, the twelfth district; there are two from that county.

Q. Mr. Ness, you heard something about a list of books that was being handed around, circulated around in regard to being in the library, did you not?

A. I heard, yes.

Q. How long ago was that when you first heard that, the first time?

A. Well, the first time; that is more than I can remember. I heard some rumors but I didn't know any facts before Thanksgiving day or Wednesday, I don't remember—one of those days.

Q. This was after you got down here? Had you heard some rumors before you came here?

A. I certainly had.

Q. From Wahpeton or some other town in Richland County?

A. To answer that question by yes or no, I may give you a little history of myself and my family.

Q. It isn't necessary to go into the history of yourself and family.

A. I am interested in school affairs and I want to keep a very sharp eye on such affairs. I have raised a family of

12 children, ten of them are graduates from some of our state institutions and I have two yet that have not graduated from either the Science School, the State Normal School at Mayville or the Valley City Normal School and I refuse to send them to the Science School this year on the grounds that I know and have heard that they have left good teachers go and have drafted into the school some of radical minds.

Q. You are antagonistic then to the present administration, I take it?

A. I am.

Q. And naturally then your prejudices were against any program that they would put forth.

A. To a certain extent.

Mr. Walker: I think that is perhaps too personal.

Q. You were biased.

A. To a certain extent, I am.

Q. Now, going back to the subject, in what town was it that you heard these rumors.

A. Oh, I heard it here and there talking between man and man; they could not say it was a fact but they had an impression that something of that kind was coming in the state.

Q. Was being done or was coming.

A. No, they had an idea; that it was a suspicion; no facts whatever.

Q. Were any of these informants of yours, people talking with you about these rumors, about what was going to come in regard to the stocking of the library with that kind of books, have a list of books?

A. The rumor was this, between man and man, no facts, people talking this and that—that this state, or our schools was going to be poisoned by some radical moves, radical poison drafted into our common education.

Q. Did any one of these informants or these parties talking with you say that they had a list of any books in the library.

A. No.

Q. You never saw a list?

A. No, I never saw a list.

Q. A list of these books that Mr. Burtness has referred to?

A. I do not think that I saw a list, but I heard a list of the books mentioned on the floor of the House.

Q. Before the time of Mr. Burtness' speech?

A. I want to say that it is pretty hard to remember those dates, a man is so busy; I had not seen a list before it was filed on my desk.

Q. You had a list that was laid down on your desk in the House of Representatives? What day was that?

A. I do not remember what day.

Q. A week ago?

A. I do not know what date it was; it was placed on my desk.

Q. A list of those were circulated around.

A. I found one on my desk.

Q. And you don't know how it came on your desk?

A. No.

Q. Do you know whether every representative had one, the Nonpartisans as well as the others?

A. I saw lots of them around there.

Mr. Walker: Did anyone ever tell you about that list until Mr. Burtness spoke, read the list?

A. That was the first that we knew that there was such a list of books had been bought. I do not know, and I do not know if I have to answer that. If a friend gave me anything of a secret I do not have to answer that question.

Q. You knew that there were lists out prior to that time? Was that before you came here?

A. No.

Q. Right after you got here? And it was prior to Mr. Burtness' speech that this intimate friend told you that there was a list out?

A. Something to that effect.

Wehe: That is all.

Mr. Walker: That is all, Mr. Ness.

Mr. Wehe: Call Mr. Stangeland.

Mr. Walker: Do you solemnly swear that the evidence you are about to give is the truth, the whole truth, and nothing but the truth, so help you, God.

Mr. Stangeland: I do.

Mr. Wehe: Mr. Stangeland, you may state what your initials are.

Mr. Stangeland: C. E. Chas. Emil Stangeland.

Q. Prior to coming to North Dakota where did you used to live?

A. I have lived in a number of places; just immediately before coming to North Dakota in New York City, Brooklyn, N. Y.

Q. Were you ever employed in Brooklyn, N. Y.?

A. No.

Q. You are an American citizen, are you?

A. I am.

Q. What positions have you ever occupied, just state off-hand.

Q. Are you the same Chas. E. Stangeland that is referred to in Who's Who in America 1918-1919?

A. There is a note about me in Who's Who.

Q. We have already introduced that in evidence, you heard it referred to the other day?

A. Yes sir.

Q. You are the person referred to.

A. As far as I know of.

Mr. O'Connor: What is the object of that question? Because this book contains only men of high standing.

Mr. Wehe: That man is prominent in the social or political world, no other affairs of the United States and is prominent enough to have caused him to be selected as one of those beings known in some line of activity, or else his name would not be quoted there; and of being of a reputable enough character in order to be quoted among respected citizens of eminence.



Q. Now, you have never lived in North Dakota before?

A. No sir.

Mr. O'Connor: Mr. Stangeland, you have heard of the statements that were made, or alleged to have been made by Mr. Burtness, a representative of the House, upon the floor to the effect that the Board of Administration has placed in charge of the state library to select the reading for our schools and colleges and universities, C. E. Stangeland, a man who was buffeted from one jail to another while in the consular service.

A. Yes sir, I read it.

Q. In the papers?

A. Yes.

Q. Have you ever been convicted of any crime in your life?

A. No sir.

Q. Have you ever been actually tried in any court anywhere in the United States for any crime?

A. No sir.

Q. Have you ever been tried in any other country for a crime?

A. No sir.

Q. Have you ever been in the consular or diplomatic service?

A. I have been in the diplomatic service.

Q. What branch of the United States?

A. In the secretarial, Secretary of State.

Q. In the Secretary of State?

A. Yes.

Q. And when were you in that branch of service?

A. From 1912 to 1915.

Q. From 1912 to 1915?

A. Yes.

Q. You were in the service about three years?

A. About four years.

Q. What position did you hold?

A. In 1912 I was secretary of the legation in La Paz, Bolivia. In 1913 I was secretary of the same legation. In 1914 I was second secretary of the American Embassy in London.

Q. That is a very responsible position.

A. I suppose.

Q. Who was the Secretary of State that you acted under?

A. To begin with, let's see, I have forgotten; Mr. Taft was president; I have forgotten who was Secretary of State, the last secretary under Mr. Taft; and then succeeding him was Mr. Bryan. I was under Mr. Bryan part of the time in South America; in London under Mr. Lansing who was acting under Taft's administration. Mr. Knox was the first secretary of state.

Q. Under Mr. Knox, Mr. Bryan and then Mr. Lansing?

A. Yes.

Q. You have testified that you have read the statements that you have been buffeted from jail to jail, is that true, that you have been a criminal?

A. Not as far as I know.

Q. Did you have a little trouble in New York, while you were in New York?

A. Yes, I was indicted there.

Q. Just explain how that came about relating the part, the misunderstanding, etc., on the part of the Department of Justice of the United States, the Secret Service in bringing you into that matter that was afterwards dismissed.

(The Chairman then instructed the witness to relate his story.)

A. I think it was on the ninth of June, 1918 I was at that time employed as statistician of the Bethlehem Shipbuilding Company, Bethlehem, Pa. Sunday I was in my suite of rooms at Bethlehem, Pa. Suddenly I heard some people in the hall below; in a minute three men were before me. There was some difficulty, and I got them to tell me what they were; they told me that I was under detention (I have forgotten the exact word) but they had revolvers, etc.; that they proceeded to examine my papers, and finally after about seven or eight hours of examination of everything, they presently took me myself and placed me in the town jail in Bethlehem, Pa., without allowing me to communicate with anyone by telephone or otherwise. I was in the house alone. And next day I was taken to Philadelphia and I was kept in a hotel uncommunicable for about a week and after that I was taken before the district attorney and told that I was charged with violating the trading with the enemy act. In the meantime, I found that things of this kind had been published in the papers in New York and Philadelphia and learned more about what the charge against me was centered against me in New York and upon the advice and after consultation with the district attorney in Philadelphia I went to New York, pending my getting bail furnished by Professor Beard of New York who knew the charge that had been made against me, is based on a piece of paper that I gave a friend of mine who was a member of the club that I belonged to in Bethlehem, Pa., who was going to Sweden, as my wife happened to be in Denmark and I gave him three different notes, one of which was to my wife as the mail at that time took about three months to go from New York to Denmark through the British Censor, as this would enable him to greet my wife and see her inside of a month, but after he bought his ticket and arrangements were made his papers were censored, this note which I had given him; he was arrested. This man was arrested in New York. I was in Bethlehem and knew nothing about it until a week later; we were both charged with the trading with the enemy act and on this basis we protested that this was unjustifiable, to be indicted without a hearing and our bail in the case was \$5,000 which I obtained in a few days and which my friend obtained a little later. About a month later the court declared on the case having been put up by an attorney that he had examined that my seizure of my personal seizure was unwarranted and unconstitutional and ordered everything returned. This was about six months after the initial incident and about five months after the initial incident the last of November, after my lawyer and I myself had attempted to bring the case to trial repeatedly, the district attorney on his own volition and motion asked the court for a writ of nolle prosequi and that finished the case. That was a complete dismissal of the case, the district attorney ruled that there was no basis to it whatever.

Mr. Walker: I think that covers the question. Are you through?

Mr. Wehe: In going from Pennsylvania to New York, you could have pleaded extradition.

A. No, I wished to have the case expedited as much as possible and asked if they would not let me go to New York in order to expedite the case and the district attorney refused.

Mr. Burtness: Was the prosecution under a state law?

Mr. Wehe: From his testimony I do not understand it as such.

Mr. O'Connor: Then, there would be no extradition charges.

Mr. Wehe: That he did not need to go to New York for extradition.

Mr. Walker: Come to order.

Mr. Burtness: As a lawyer you know he could not fight

Mr. Wehe: This was before the federal authorities in Philadelphia and New York? Where was it first commenced?

A. I was arrested in Pennsylvania and was seized, seized illegally, there was no warrant, no warrant for arrest and the district attorney stated that my seizure had been unwarranted and unconstitutional and could not be undertaken.

Q. Then the federal district court jurisdiction of Pennsylvania was transferred into the federal district court of New York? Transferred from Pennsylvania to New York?

A. Yes, it was the district attorney in Pennsylvania.

Mr. Walker: I suggest that this is entirely irrelevant. Are you through, Mr. Wehe?

Mr. McLaughlin: What jails were you in, Mr. Stangeland?

A. I was first detained for one night at the Bethlehem city jail, I think it was, I never went back to investigate, it was dark when I got there and in the morning; I had not been able to sleep on account of the bugs crawling. In a hotel in Philadelphia, it was quite comfortable and afterwards taken, after the charge was made against me in indicting me, to the jail in the City Hall in Philadelphia, near the Pennsylvania Station (I don't know whether you have been to Philadelphia or not) and afterwards in New York I was placed in the Tombs, the New York state jail.

Mr. McLaughlin: In three jails.

Mr. Walker: Were you in the consular service or the diplomatic?

A. I was resigned from the whole diplomatic and consular service almost three years before that.

Mr. O'Connor: Dr. Stangeland, you are a graduate of the University of Minnesota?

A. Yes.

Mr. O'Connor: We have not got some of the information that the Committee asked to have this investigation instituted upon. What is your position in the state of North Dakota?

Mr. Walker: Official capacity here in this state.

A. I am employed by the Board of Administration.

Mr. O'Connor: In what capacity, Mr. Stangeland?

A. Why, I suppose as an expert in educational matters. I have had several duties since I have been employed by them.

Mr. O'Connor: You must have some capacity, the Board, I take it, do not employ promiscuously, I believe they have

some purpose. What do you believe your duties are? What do you do in this state?

A. That is very hard to answer that without telling what I have been doing; I can do that.

Mr. O'Connor: Yes sir.

A. The first month I was here I was occupied in making a survey so-called, of the Public Library Commission, that was in September, this year. I have been employed by the Board of Administration since the first of September. In October I was engaged in preparing material for a preliminary, or first report, of the Board of Administration, since then I have been going over the proofs of the matter and other little things, about one thing and another as the Board saw fit.

Mr. O'Connor: Well, when the question of employment came up with the Board you evidently had some understanding with the Board as to just what kind of work you were expected to do; you must have done that.

A. I was to be, as I understand it, an educational expert for the Board; I don't think in any correspondence that word was ever used.

Mr. O'Connor: Educational expert for the Board. And one of the first works that you performed under your appointment was to make a survey of the State Library here at the Capitol with reference to its what?

A. The Public Library Commission?

Mr. O'Connor: The Public Library Commission. And that is also known here as the State Library in the Capitol?

A. Well, this may not be the one. There are three—the Law Library, the Historical Library and the Public Library Commission. I had nothing to do with the others.

Mr. O'Connor: And it is the Public Library Commission that the Traveling Library was sent out from?

A. I know traveling libraries are sent out from the Public Library Commission.

Mr. O'Connor: And did you make a survey of any of the other public library in our other state institutions?

A. No.

Mr. O'Connor: Was that part of your work, Doctor?

A. No.

Mr. O'Connor: Might I ask, Doctor, how you came to get in touch with our state, with our Board of Administration?

A. I met Mr. Totten in Fargo last spring and Mr. Totten apparently had some regard for me and the new Board of Administration was appointed and I do not know how the Board came to any conclusion about me. Mr. Totten happened to be one of the men that I knew and Mr. Muir of the present board that I had known before, but how they came to their conclusion about me I do not know.

Mr. O'Connor: Were you not present when the Board appointed you?

A. No sir.

Mr. O'Connor: And the only member that you saw or interviewed with reference to your qualifications to this was Mr. Totten?

A. I did not interview him at all about that.

Mr. O'Connor: Well, you mean to say that you were hired

by the Board without having talked to any member of the Board?

A. I did not apply for the position that I have at the present time. I happened to be at St. Paul and while I was there I was urged to come up and take hold of the work as my correspondence with Mr. Totten, chairman of the board will show.

Mr. O'Connor: You are no doubt familiar, Mr. Stangeland, with this list of books that Mr. Burtness read from titles and the authors on the floor of the House, a list which has already been introduced (Mr. O'Connor indicating the list of books).

A. Yes.

Mr. O'Connor: Did you have anything to do with placing any of those books in the library at Bismarck in the Capitol?

A. To this extent, when the new librarian was designated, or it was certain who was, I had some correspondence and indicated what my findings were and since she was delayed in coming out here and she thought it would be advisable to have books that I might designate ordered in advance of her coming; I had supervision temporarily for the Board of the library and she sent me a certain list. I then ordered them under my own signature for the Commission, but on her request.

Mr. O'Connor: I think probably we have it straight, perhaps now as I understand it; when did you commence your duties here?

A. I think my duties began with the Board of Administration the first of September, at least that is when my salary as such began.

Mr. O'Connor: And you are drawing the same salary now.

A. Yes.

Mr. O'Connor: And how much is that?

A. At the rate of \$300 per month.

Q. And expenses?

A. No, only when I am out of the city on official business.

Q. Now, you were employed, that is, your work under the direction of the Board of Administration began about the first of September and then you made a survey of our library here; how long did it take?

A. That was completed the 30th day of September, just a month.

Q. How many volumes have we in our library?

A. The detailed list I did not go into in my survey, but I accepted the count of Mrs. Budlong who had charge of the library. The Educational Reference Library, according to Mrs. Budlong's classification of the books was about 5,000 volumes and the legislative reference are about 1,000; and I do not recall if she specified the number in the box library, I should guess that within these there might be somewhere between possibly something like 5,000 books also.

Q. Taking your knowledge of libraries, Mr. Stangeland, would you say that we have a very incomplete library on practically all subjects?

A. I think it is a very poorly balanced library.

Mr. Burtness: The survey states his conclusions.

Mr. O'Connor: Now then, when you had completed your survey, which was the last of September, then, as I understand it, how did you get in touch with Miss Peterson, the one who has charge of the library?

A. Through the Board; the Board had correspondence with her and made her appointment.

Q. You did not know her or hear of her?

A. No, I had not heard of her even.

Q. Then you don't know how the Board got in touch with Miss Peterson then?

A. Because the appointment was made by the Board and not by me, but the Board told me that a certain young lady, Miss Peterson, would at least have temporary charge. They did not notify me in any form or way; I heard through correspondence; it might have been Mr. Liessman or Mr. Totten.

Q. And then you corresponded with this person who was to have charge of our state library.

A. Yes, about the time that I had completed my survey.

Q. And indicated to her, in your judgment, that the library was rather lacking in certain books.

A. The conclusion I gave her was about the conclusion that I had expressed in the particular survey.

Q. And then, did she suggest a list of books that would fill this gap?

A. Two or three lists.

Q. And from those lists Miss Peterson sent from New York you checked the ones that you believed were needed.

A. I took from her lists.

Q. And then what did you do after you checked out that?

A. I made out orders.

Q. You then made out orders, and did you send those directly to the publishing company?

A. Yes.

Q. In due time the books were received.

A. As far as I know.

Q. Did you have any other connection with them after that?

A. I did not check up the books when they came in; as the books came in from the publishers Miss Lane would take my order which was in the correspondence, a copy, and compare it with the invoices received from the publishers; I did not check up the order.

Q. Now then, as you are familiar with this list which Mr. Burtness read, were all those books secured in the manner that you have indicated?

A. As far as I remember.

Q. I think, Dr. Stangeland, one of them was here before that you have indicated?

A. Repeat your question.

Q. If all the books on the list that Mr. Burtness read were ordered in this manner?

A. I would not say because I had not thought of the thing; there may have been a book or two that had been in the library before. I think that I recall that was Spargo's Bolshevism. (Showing him the list). Not ordered through me. The list in this manuscript that I have was Spargo's Bolshevism, is the only book that was there before.

Q. And the list that the witness has is the list that has already been accepted here as the list that Mr. Burtness read on the floor of the House.

Q. I don't remember whether you told us the occasion of leaving the diplomatic service.

A. The occasion was rather personal; I couldn't afford to stay in it because the salary that the secretary of the diplomatic service is so low that you must either marry a rich wife or starve. The salary was \$2,000 and I think that the average secretary in the old days used to spend about \$5,000, that his position demanded that he live in certain ways and I found that I could not afford to stay there.

Q. So there was nothing of any nature or any trouble?

A. No. Mr. Dudley Field Malone was in charge of the branch of the service that I was in and he is quite aware of my position.

Q. You tell us that you were detained when these officials first came by distinguishing that from arrest.

A. I tried to use a word that would make a legal distinction as I am not a lawyer. That I was arrested myself of particular purpose; I was arrested when I was thrown into jail and even when I was kept in a hotel; I was dead to the world so far as anybody knew.

Q. When you secured bail was there no attempt made to read to you any charge that was against you for the indictment?

A. The indictment was a clear case.

Q. Then you were arrested under the indictment?

A. During this period of detention preceding the indictment I was kept in the Tombs and I have forgotten how many days it was, it may have been a week, but in the meantime a friend, of which I had many in New York, had secured bail for me. It was difficult to get bail for anyone charged with a war crime, it was dangerous to go bail in that case. As I remember it as soon as the indictment and my obtaining bail were practically simultaneously, no definite time, it is not clear in my mind. Bail was furnished by Professor Beard.

Q. Is that the same author of American Government and Politics?

A. Yes, and quite a number of other books.

Q. One of his books is in the list.

A. Mr. Beard was a professor of political science at Columbia University. He is now director of the Bureau of Municipal Research in New York City; he resigned from Columbia in 1917, since that time he has been with the Bureau.

Q. What is the Bureau of Municipal Research.

A. It is a leading Bureau in the United States, that is not of government sort that has to do with the investigation of government including municipal problems of work—municipal in a large sense as opposed to international.

Q. Is our understanding of that correct, Mr. Stangeland, is that more or less of a socialistic bureau?

A. No, you will find the directors of it are some of the most conservative and leading financiers in New York City.  
Mr. Burtness: Is that Bureau private?

A. No, it is a private foundation. It has been used in New York as its check in making investigations, but it is not a New York state or a New York city institution; it is a private institution the same as Columbia University or Yale are.

Q. I am showing you Who's Who in America. If your name was in this book for 1918-1919, Volume 10 and you are the Stangeland that is mentioned in this book on page 2563 and you also heard Mr. Wehe state the purpose of showing this that this book only recognized leading men, the scholars, educators and the leaders in the various fields.

A. I heard him say that.

Q. (continuing) In the same book is this gentleman, Mr. Debbs, Eugene Victor, who is now in the federal penitentiary; that does not exactly establish Mr. Wehe's contention.

A. I do not think that a man is of any distinguished ability because he is in the book; it may be more or less of an accident that he is; I think the editors try to use a good deal of discretion in putting in the names.

Mr. O'Connor: Yes, I read my name in one of the books in 1913.

Mr. Walker: I would suggest that we go into the records.

Mr. O'Connor: Page 8 in the Preface. "Let it again be stated that WHO'S WHO IN AMERICA aims to give brief, crisp, personal sketches of the most notable living Americans in all parts of the world—the men and women whose position or achievements make them of general interest. It tells just the things every intelligent person wants to know about those who are most conspicuous in every reputable walk of life—birthplace, age, parentage, education, degrees, occupation, position and achievements, politics, societies, clubs, marriage; and, in fact, the chief features of each career without eulogy or criticism."

I do not want the impression to go out that a man's standing can be questioned, he must be taken cart-blank, that a good many people carry that impression, but this explains; that is only fair to both sides.

Mr. Wehe: If Mr. Debs had been convicted his name would not have been in there.

Mr. Walker: Have you any more questions, Mr. O'Connor.

A. I think I am through.

Mr. Walker: Is there any other member who wishes to ask Mr. Stangeland a question.

Mr. Burkhardt: You have seen that list of books have you not Mr. Stangeland, that is in controversy—I do not know as it is worth while to ask that question, I believe that is the same question as Mr. O'Connor asked him. Just what do you feel your official position is in regard to the present question?

A. I do not understand your question.

Q. What is your official position now at the present time.

A. I am employed by the Board of Administration, as I suppose as one of its educational experts.

Mr. Walker: Mr. Stangeland, you are not employed, or were you employed by the Library Commission?

A. No, I have never been employed by the Library Commission.

Mr. Walker: You are not in charge of the Library?

A. No.



Mr. Walker: You are not the purchaser of books for the library, have no authority to purchase books?

A. The authority over the library is vested in the present deputy librarian; there was an intervening time of uncertainty of the previous incumbent in the position in the library and the coming of Miss Peterson.

Mr. O'Connor: At this time I would like to have this question answered for the reason that the witness has already testified that he is one of the educational experts employed by the Board of Administration and has made a survey of our state library and I would like to know from this educational expert of the Board if he considers the books read by Mr. Burtness on his list are books that should be circulated throughout the state of North Dakota.

Mr. Walker: I think, Mr. Stangeland, that you need not answer that question.

Mr. O'Connor: I understand Mr. Totten objects to that.

Mr. Walker: I will have to take exception to that. It does not appear that these are in any circulating library, the cards are marked supplementary to the circulating library to be sent out upon request.

Mr. O'Connor: That there were only two books in this list read by Mr. Burtness that are not in the public traveling library—Love and Ethics and Spargo's Bolshevism.

Mr. Burtness: Show Mr. Walker.

Mr. Walker: Love and Ethics and Spargo's Bolshevism have not been indexed as traveling library books; if you will exclude those two I will not object to the witness answering the question.

Mr. O'Connor: I will exclude those two on the first question. And then you can rule on the second.

Mr. Walker: State the question.

Mr. O'Connor: You are familiar with the list read by Mr. Burtness excluding from that list "Bolshevism" by Spargo and "Love and Ethics" by Ellen Key, do you consider the other books on the list books which should be circulated in North Dakota through a traveling library?

Mr. Wehe: Upon request.

A. I cannot answer the question I think, it does not seem to me; I am not in charge of the library and my opinion would not have any bearing. If you care for my opinion I believe that any book that is not universally classed as vicious is fit to be circulated throughout the state if people call for the definite title, or the definite subject; that is my opinion, it does not have any bearing on the case.

Q. O'Connor: You don't consider the others objectionable?

A. That I approve of the contents of the book? That involves me to certain political views; I believe it is desirable to let people have any books that they call for; if they desire those books I don't think there ought to be any censorship made, no point of view taken.

MR. WEHE: Then you believe that when a request is made for these books, excluding the two that Mr. O'Connor did, that it is all right to be sent out, should be read by people?

MR. WALKER: I think that is covered, Mr. Wehe.

A. That is my own humble opinion.

MR. WEHE: You are more or less familiar with large libraries, New York libraries and other libraries.

A. I know a good deal about libraries as I use them, but not as a librarian.

Q. You are a writer of some books, are you?

A. Two, to a limited extent.

Q. Would you say, or would not say, that it was proper for to have just part or the whole of these books, the twenty-two, included in any first-class library?

A. In my opinion, they are all good books, in the sense that you put the matter, that does not mean that I personally approve of the contents of these books, or any other books in the library.

Q. You take the position then that if there is a dispute or contention over certain political questions, or certain social or moral questions, or economic questions, that they should have books on both sides of that subject.

A. Both sides or all sides. I tried to indicate that in the survey, the little survey that I made of the library.

Q. Did you have that in mind when you suggested some of these books that have been placed in the library?

A. That was my general attitude so I acted consistently with my general attitude.

Q. That was merely to round out the other books that were in there. That these were lacking on one side of the question as treatises on one side.

A. These books were ordered really by Miss Peterson; I was but the agent in ordering them.

MR. WALKER: This is on the proposition of placing in a public library the books that are written.

MR. WEHE: Doctor, you could not make a research properly on any given moral, philosophical, political or social question if you had only one book on one side of the question. That is quite clear to anyone. And you would have to have these other ones to make a research, to find out what the contentions were on the different side on these questions, would you not? In order to arrive at a clear understanding of the different contentions if you were asked to write a treatise on that question.

MR. O'CONNOR: He has asked him that question.

MR. WALKER: I think the objection is well taken.

MR. WEHE: Why are these books required in a library?

A. The questions of controversy you would necessarily have to have material on all sides of the controversy, either trade, or single tax, or more controversial questions which are more bitterly given, such as socialism, anarchism, I. W. W.ism or even religious questions, or questions of morals; there are always several points of view and as I see it good reputable people have quite opposing points of view on all these things. In order to get the points of view, if you are isolated in small communities, such as we have in North Dakota, the only way to get them is through the library. In New York or Washington you can get these through your personal contact but there is more difficulty in isolated communities or on a farm.

Q (Wehe) Then there isn't anything improper having them in the library, just the fact that they are in there?

MR. BURTNES: The opinion of this witness isn't necessary.

MR. TOTTEN: Mr. Chairman, may I ask the witness a question, if there is no objection on the part of the committee.

Q. I would like to ask you, Mr. Stangeland, the one who was requested by the Board of Administration to make a survey of the Public Library Commission, what would you consider is the function of that Public Library Commission?

A. I regard the public library as primarily an educational institution except insofar as it might be used by the state government officials, or the legislature when it becomes a reference library for information in a narrower and technical sense, but otherwise, I regard it as an educational institution, the way I regard the university, for example, the normal schools and the Science School at Wahpeton. The books kept by the Public Library Commission are to supply information on all subjects on public concern, to the extent that the means available for the Commission would allow. It is rather a difficult question to answer very briefly except as I implied that I regard it as an educational institution for the supplying of information insofar as that can be through books on all questions chosen as well and competent as possible.

MR. TOTTEN: May I be permitted to ask the witness a question?

Q. From what source do you draw your salary, or from what Board?

A. From the Board of Administration.

MISS NIELSON: And responsible for Dr. Stangeland, the Public Library Commission is under the control of the Board of Administration?

A. Yes, as I understand it.

Q. (Miss Nielson) What did the Board instruct you were to be your duties? You assert you are an educational expert. These duties have not been specified. I suppose they regard him as a competent person that they should consult about educational matter, as far as I recall, you are under the employ of this Board at a salary of \$300 per month? What do you consider your duties?

A. Anything that the Board suggest that I do for them.

Q. This Board has an educational adviser at \$300, do you work with that adviser?

A. No, I have had no co-operation with him.

Q. Do you consult with him?

A. No. He has no professional duties connected with me as far as the Board is concerned.

Q. Have you suggested to any member of this Board any person to whom to write in order to obtain a librarian or deputy librarian for this Commission?

A. Why the Board did ask me, Mr. Totten perhaps asked me if I knew of anybody and I did suggest two persons who were not available and as far as Miss Peterson is concerned I do not know how the Board got in contact.

Q. Did you ever suggest to Mr. Totten to write to Dr. Beard?

A. If is possible, I do not recall the occasion if I did.

I have a high regard for Professor Beard, so it is possible that I did, but I do not recall.

Q. Then your duties are to do anything the Board asks you to do?

A. As I understand it. These duties have never been put into writing to me or specified in any form or definite way.

Q. Then this member who is the adviser is receiving the same salary as the educational expert?

A. I do not know about the salary paid to others.

Q. To whom did you make this survey? That report is out, published now. On page 122 there is a list of periodicals suggested as useful in a Legislative Reference Bureau for North Dakota. Did you make out that list?

A. I made out the whole survey.

Q. Why do you especially select such?

A. I suggested them as useful periodicals for the purpose of the library, it is quite possible that another person equally competent might suggest another list and leave out some I gave.

MR. WEHE: I would suggest that you are getting out of the line of the examination now.

MR. WALKER: Any other member of the committee wish to ask a question.

MR. BURKHART: I would like to ask Mr. Stangeland if he has been in the habit of ordering books.

A. Not except as I have indicated already.

Q. This is the only order that you have ordered for the Library Commission?

A. This is one of several orders, one that is taken out and called attention to, this particular list happens to be a list of radical books.

Q. You have ordered a large number?

A. Not a large number. The Library Commission has an appropriation of \$3,000 for the biennium for books and when Mrs. Budlong resigned July first, she had already ordered about \$1,000 worth of books, since she retired I think possibly about \$300 has been ordered in addition to this and this list that you refer to is a part of the books that have been ordered by the present administration.

Q. It was not the first order.

A. No, there have been several orders. This is an order of books from a radical publisher's selected list from this particular publisher; books have been ordered from Macmillan, Scribner's, Huesch and Boni-Liveright and other publishers indicated on these books; some of them are from Kerr Company.

Q. All these books in this particular list were ordered from Kerr Co.?

A. Well, I don't know; it is possible that they were; I do not think all were.

Q. (O'Connor showing sheet which was made out by Mr. Kositzky).

MR. BURTNESS: Whether this witness is responsible for that particular order, 20 or more books than those suggested, they are all more or less of the radical kinds of books.

MR. O'CONNOR: To clear up a rather mistaken impression of Mr. Burkhardt that all the books on Mr. Burtness'

list were ordered from Kerr & Co. that they were or were not, but Mr. Burkhardt evidently confused this which was ordered from the Kerr Co. which has been marked as Exhibit B, identified by the witness and which is offered in the records.

(List as given as Exhibit B)

TO THE STATE BOARD OF REGENTS

November 8, 1919.

STATE OF NORTH DAKOTA, Dr.  
 Through the Public Library Commission,  
 To Charles H. Kerr & Company,  
 341 E. Ohio St.,  
 Address, Chicago, Ill.  
 Dept. Voucher No. ....

Note—This bill must be rendered in DUPLICATE—Properly certified on back of each.

1 Anarchism and Socialism .....	\$ .60	
1 Ancient Lowly, Vol. II .....	2.00	
1 each, Capital, Vols. II and III .....	2.50	5.00
5 Class Struggles in America .....	.60	3.00
1 Economic Causes of War .....	1.00	
1 Labriola's Essays .....	1.25	
1 Economic Determinism .....	1.00	
1 Kautsky's Ethics .....	.60	
1 Evolution of Property .....	.60	
1 History of Supreme Court .....	2.50	
1 Introduction of Sociology .....	1.25	
1 Labor Movement in Japan .....	1.00	
1 Marx vs. Tolstoy .....	.60	
1 News from Nowhere .....	1.25	
1 Origin of the Family .....	.60	
2 Positive School of Criminology .....	.60	1.20
1 Socialism and Modern Science .....	1.25	
1 Socialism vs. the State .....	1.00	
1 Stories of the Great Railroads .....	1.25	
1 Story of Wendel Phillips .....	1.60	
1 Universal Kinship .....	1.25	
2 Anarchism and Socialism .....	.60	1.20
2 Labor Movements in Japan .....	1.00	2.00
5 Positive School of Criminology .....	.60	3.00
2 Puritanism .....	.60	1.20
1 Science and Revolution .....	.60	
10 Class Struggles in America .....	.60	6.00
		42.88
Less 33 1/3% .....	14.27	28.53
		2.00
1 Political Parties .....	2.00	
Less 10% .....	.20	1.80
		1.35
5 The Visioning .....	1.35	6.75
Less 33 1/3% .....	2.25	4.50
		34.83

Books.

STATE BOARD OF REGENTS'  
 APPROVAL,

Charles Liessman,  
 Sec. State Board of Regents,  
 November 26, 1919.

Copy of bill presented by Administration Board but not yet paid.

Carl R. Kositzky,  
State Auditor.

MR. McLAUGHLIN: How long a period are you hired for?

A. As far as I know, it is indefinite. I have no understanding about that.

Q. And you receive \$300 per month?

A. That is as far as I know; that is what I am getting. There is no term to my office, so far as the Board is concerned, it might terminate today, I have no guarantee of any kind.

MR. WALKER: Any of the committee wish to ask the witness any more questions?

If not, you are excused, Mr. Stangeland.

MR. WALKER: Mr. Burtness, I would like to ask one more question. In this Tribune's account "I was surprised and shocked when I stepped into the State Library Saturday to find there at the left of the door a circulating library ready to go out to the country schools." Did you make that statement?

A. I do not believe I put it exactly that way. I did say that I found a circulating library and I inferred—

Q. Are you able to answer that, "yes" or "no", "Ready to go out to the country schools?"

A. That was my inference from what I saw. It was my conclusion, but whether I said that, used those specific words on the floor of the House, I would state positively, my recollection is that I did not so state. I did say that I found the books there in a traveling library case and gave the list and from my remarks, of course, it was plain that the inference that I made, the conclusion was that they were going out to the public including the schools.

MR. WALKER: I wish a definite state ment as to whether or not you made that statement on the floor of the House.

A. I do not believe that I said that I found a library ready to go out to the public schools of the state. In the heat of the argument it might be that I did not select my words with great care and caution—

Q. You are dodging the question.

A. Then make your record and try to make me answer you "yes" or "no". If I am to be brought up for contempt of court, as Mr. Wehe has suggested several times, I do not intend to be deprived of the right of the records.

Q. Do you refuse to answer that question by "yes" or "no".

A. I cannot answer it otherwise than I have in fairness to you and to myself.

MR. WALKER: That is all.

Would the committee care to interview the librarian?

MR. WEHE: The assistant in the library.

MR. WALKER: Miss Lane, do you solemnly swear that

MR. WALKER: Mill Lane, do you solemnly swear that the evidence you are about to give relative to this investigation is the truth, the whole truth and nothing but the truth, so help me God.

MISS LANE: Your name is Ethel Lane?

A. It is.

Q. And do you occupy any position with the State Library Commission?

A. I do.

Q. What position do you occupy?

A. As stenographer.

Q. As stenographer, do you work in the library also?

A. I do.

Q. Have you been stenographer and are you assistant in the library?

A. Yes.

Q. How long have you been?

A. Since about the 26th of August, 1919.

Q. You are familiar with the system of the card index system of the library, are you?

A. I am.

Q. You may examine Exhibit C (showing the witness the card attached hereto and state whether.)

1-120 .....	Farmers' libraries
230-299 .....	Community libraries
340-444 .....	Community libraries
300-339 .....	School libraries
150S-184S .....	School libraries

or what that is, what is contained on that card.

A. These numbers from 1 to 120 include Farmers' libraries. 230 to 299 inclusive and 340 to 444 are community libraries. 300 to 339 inclusive and 150S to 184S are school libraries.

Q. Number of the boxes?

Complete sets of books that you have picked out fill in a box with the number?

A. Yes.

Q. You see this box here (indicating to box 107) (Exhibit D) have you seen that box before?

A. Yes.

Q. Whereabouts?

A. It was placed on the catalog index.

Q. In what part of the library?

A. In the educational reference library.

Q. According to its number, box 107, in looking at this card here, in what library would that fall?

A. Into the farmers' library.

Q. What was this box used for on the card index cases?

A. It was put there merely to act as a shelf for those books.

Q. Some of the books were inside the box and some were on top?

A. Yes.

Q. The lid was dropped down, the box was on its side?

A. Yes.

Q. And the number 107 you could not see from looking at it, facing it, could you?

A. No.

Q. Would you have to lift the cover up to see the 107?

A. Yes.

Q. Was this box ready to be circulated out in the state at that time, was this supposed to be circulated, was it packed?

A. No.

Q. And these books do not jibe with the box they are in, or the kind of books that would be included in the Farmers' library?

A. No.

Q. The box has no relation to the books at all?

A. Not at all.

Q. And then, this box containing these books that Mr. Burtness has referred to was not ready to be circulated to the library to be sent to the schools of any community whatever?

A. No, it was not.

MR. O'CONNOR: One objection, I think the witness ought to testify instead of Mr. Wehe.

MR. WALKER: I think you can leave it to the intelligence of the witness.

Q. There is one of the books that was found by Mr. Burtness in this collection of books on top of this box 107 used as a shelf "Love and Ethics" (Exhibit E) I wish you to look at it, turn to the cover inside, what do you find?

A. This here book is pocketed for Educational Reference Library.

Q. What does it state in there?

A. North Dakota Public Library Commission, Educational Reference Library, Bismarck, N. D.

Borrowers—Adults living in North Dakota are entitled to draw books from this library by filing an application blank, copy of which will be furnished on request.

Q. Adults. So it was never intended to be sent out promiscuously to schools?

A. Why, no.

Q. Any of these books to be sent out to the schools of our state?

A. No, they are not.

Q. Box 164s (Exhibit F). What library does that belong to?

A. The box carried a title and the number indicates that it is a school library.

Q. How are they sent?

A. Those books are sent out upon request, also upon application properly signed and not unless they are properly requested and signed. They are not sent out, they have to send a signed application when they request for the school library, they send an application with it properly signed by the president and the clerk, or the teacher or the librarian, or who is to have charge of these books.

Q. Then the teacher is responsible for selecting whatever books go into the school library?

A. Yes, she is.

Q. And you send it out upon her request leaving the rest to her? And that is the way these school books are circulated. And if any book that would not be proper for children, the responsibility would be thrown upon the teacher of the school, or the superintendent or the principal who has charge of the school?

MR. JOHNSON:

Supposing a teacher should request a library, that in the library you send out the book "Love and Ethics" would you place that book in the library?



**MR. O'CONNOR:**

What has been done?

**MR. JOHNSON:**

I believe the idea was that these books were to be sent out upon request.

**MR. O'CONNOR:**

Let us find out what the custom was in that library.

**MR. JOHNSON:**

May I not be permitted to obtain information on what books have not been sent out, I can ask questions on that.

**MR. O'CONNOR:**

Conceded.

**MR. BURTNESS:**

I can name that particular book.

**MR. WALKER:**

State your question:

A. To be placed in that school library and sent out, I think that I would consult the librarian on that first.

**MR. BURTNESS:**

Did you see the young lady pointing, etc.

**MISS PETERSON:**

If I may ask a general question? If an assistant librarian is put on the stand, the assistant has no authority whatever; the head librarian has, Miss Lane could never know what was intended to be done with any books; I have assigned her no regular rules or regulations of any sort.

**MR. WEHE:**

The different kinds of circulating libraries that you have, book libraries such as the one under discussion now (Exhibit F, 164) these are all made up and filled with a certain class of books?

A. They are.

Q. And you would not go to work and change the books in that box, you generally keep that class of books together.

A. There would be no object in changing them.

Q. Is there a list that is kept and published of what is contained in each box?

A. We have a list on file and send a list with the box.

Q. Now, there would not be any way that Love and Ethics could be put into this box, that it would be transferred from the kind of books from that into this box.

A. No, those books are checked up before they leave the library, each time checked with the list.

Q. Exhibit G. That is a list of the books contained in Box 164s, that is the school circulating library.

A. Yes.

Q. This collection, they send in and get these, they pick out them, the schools have a list to select from?

A. No, they do not.

Q. How is it?

A. They write and tell what books they wish, they state what grades they wish these books to cover and we check the books over and try to fill their request.

Q. The books that will do for the particular grade.

A. Those grades.

Q. High schools, you would fill with a grade of books

that a high school would be proper for them to read?

A. I would try to.

Q. And the same way from a college and university, you would do the same thing?

A. I have never had any of those requests.

Q. Ladies' Society or organization. You fill their request according to what they want.

A. The box is already filled.

Q. And you just send out a box on that subject matter?

Q. Now, take the farmers, some farmers' literary organization sends into you for some books, you would immediately go to the farm circulating library and pick out what they wanted and send one of those boxes out to them, is that the way it is done?

A. I never had a request like that. I would consult the librarian.

Q. Consult the librarian.

A. Yes, I would.

Q. And leave it to her judgment what should be sent to that particular farm society or organization?

A. I surely would.

MR. JOHNSON:

Inasmuch as this young lady is simply subordinate to the one in charge I cannot see what we are getting at. It shows she does as the librarian instructs.

MR. WEHE:

This lady has been there longer and knows more about sending out the books.

MR. JOHNSON:

But we are not so interested in what was, as what is going to be done.

MR. WALKER:

As I understand it, there are three—farmers circulating library; community library, and school circulating library.

MR. WEHE:

We produce in evidence box 359 traveling library, Public Library Commission, Bismarck, N. D., with a list of books. You may look at this. What department does that belong to?

A. That belongs to the community library because it bears the number and so do the books.

Q. Have the same box number, is that true, also all these books here?

A. That they have the same number, box and books? It is.

Q. This is what you call the community library?

A. It is.

Q. Sent out only on request?

A. It is sent out the same way the school libraries are sent out.

Q. In fact, none of them are sent out except upon request.

A. No.

Q. And as soon as they get through with them\*\*\*

A. At the end of six months. They pay the freight both ways.

Q. If there is any uncertainty you ask the librarian?

A. I surely do.

Q. And then it is up to her judgment whether this set of books in the traveling library should be sent to this community, or this school, or this farmers organization?

A. It is.

Q. Would there be any likelihood for any of these political, social, philosophical works of getting into the hands of children 10 or 12 years old?

MR. O'CONNOR:

I object to that question; as to what might be.

A. Not through the traveling library, they may as they go through the mails, through the educational reference library.

Q. Not through the circulating library.

A. No.

MR. O'CONNOR:

Miss Lane, did you happen to see this box 107 when it was in the library with the list of books?

A. Yes, I did.

Q. And you saw where it was located?

A. Yes, I did.

Q. Who put it there?

A. I believe Miss Peterson put it there.

Q. Did you see her put it there?

A. I believe I did.

Q. Did you see her put the books there?

A. I believe I did. She was working with the box and the books, I didn't pay particular attention.

Q. Did you help her at all?

A. No.

Q. Did you put the cards in any of these?

A. I may have put the cards in some of them.

Q. What are your instructions with reference to placing cards in them?

A. I do not know that I had them. They were new books and I instructed Miss Gandee to put them in.

Q. Is that part of your work, are you responsible for putting in the cards?

A. I do not know as I am.

Q. This list of books is received in the library some morning; just tell us what happens, if you know.

A. What is the first thing that is done to the list of books?

Q. Yes, that comes in.

A. They are checked up with the vouchers.

Q. Who does that?

A. I do.

A. And then they are pocketed, card put in and stamped.

Q. Do you think you did see to all of these books that were in this box, or most of them?

A. Most of them. I do not think that High Cost of Living is stamped.

Q. I am not trying to trip you at all.

Q. Have you different kinds of cards?

A. Different kinds of pockets, not cards.

Q. Who makes the selection as to the kind of pockets to go into the books?

A. When those books came in, I do not know what kind of pockets were used; Dr. Stangeland said that the traveling library pocket would be all right and I presumed that he meant for all the books, I did not ask in particular.

Q. Those were your instructions?

Q. Proceeded to carry those out?

A. Yes.

Q. One of the books that we find in the list, did you pocket that?

A. I believe Miss Candee pocketed that.

Q. Could we see her?

A. I imagine she is at home.

Q. Would you tell us what kind of pockets you have, how many?

A. We have the two. The traveling library and the educational reference library pockets.

Q. There is one that has the public traveling library card in it and here is one with the educational reference card in it and those are the two kinds you have.

A. Yes, those are the two kinds.

Q. Is there any different printing on any of the cards, educational reference and traveling library, or are they all the same?

A. Really, I never noticed.

Q. But all the cards as you recall would have about the same printing as this?

Q. Miss Lane, who makes up the list, for instance, suppose that you have sent out all of the school libraries and a request comes for another school library, who would make up the list that would go into that, providing there was no box made up?

A. Why, I would leave that to the librarian.

Q. In this case, that would be Miss Peterson?

A. Yes.

O'CONNOR:

All I have.

MR. WALKER:

Any member of the committee wish to ask a question?

MISS NIELSON:

I would like to ask, Miss Lane if Miss Peterson was here when those books were pocketed?

A. She was not, she may have been here when some of them were pocketed.

MR. BURTNESS:

Miss Peterson had not yet come on the job when these books were pocketed?

A. No, she had not.

MR. WEHE:

Can you furnish me with the dates of certain other books, have you any other books in the library of Ellen Key's?

A. Three or four copies. Century of the Child, Renaissance of Motherhood and the Younger Generation.

Q. When were they ordered?

A. The first one on October 22, 1912.

Q. When was Love and Marriage ordered?

A. Ordered in 1913.

Renaissance of Motherhood ordered in 1917.

Younger Generation ordered in 1917.

Q. And those have all been in the library?

A. Yes.

MR. O'CONNOR:

And Love and Ethics?

A. Ordered during the last two months.

MISS NIELSON:

I would like to ask if any other of Ellen Key's were on the shelf except Love and Ethics?

A. Not to my knowledge.

MR. BURTNESS:

On this particular shelf?

MR. WEHE:

They are in the library and exhibited?

A. No.

Q. Not on exhibition?

A. No.

Q. Now, about those books, did you put them out for convenience?

MR. O'CONNOR:

The witness testified she did not put them there.

A. No, I did not put them there. They had not been indexed or catalogued.

(Witness excused.)

#### EVENING OF DECEMBER 6, 1919

First witness called—William Martin.

MR. WALKER:

Your name is, William Martin.

Do solemnly swear that the evidence that you are about to give is the truth, the whole truth and nothing but the truth, so help me God.

MR. MARTIN:

I do.

MR. WEHE:

A. Yes sir.

Q. Are you a representative in the present House here?

A. Yes sir.

Q. A member sitting in the House of Representatives now in session?

A. Yes sir.

Q. From what county?

A. Bottineau county.

Q. Are you acquainted with Representative Ness?

A. Yes sir.

Q. From Richland county?

A. Yes sir.

Q. Did you ever have a conversation with Representative Ness?

A. Yes sir.

Q. Relative to this library of books that is now being investigated?

A. Yes sir, I did.

Q. When was that.

A. It was last Tuesday, the day following Representative Burtness' charge in regard to those books.

Q. In regard to the books that he had found in the library and that he stated were circulated among the schools of our state?

A. Yes sir.

Q. It was after that.

A. Yes sir.

Q. You may state to the committee just what Mr. Ness told you at that time.

A. Mr. Ness was eating dinner at the buffet, or cafe and I came in and sat down beside him and he commenced to talk about Mr. Burtness' charges in regard to the books in the library. He said that that was a great note to have those books going out into our schools and I said, yes it is. He said that he knew of those books being sent out before he came down here and had a list of those books sent to him by Kositzky and afterwards in conversation why he said why we all have a list of them.

Q. And who did you understand by "we."

MR. O'CONNOR:

Just a moment. Mr. Chairman, I think the point is well taken; I do not think that we care for the conclusion.

MR. WEHE:

Who did he mean by we?

A. A certain bunch.

Q. You stated this that he had a list of these books.

A. Yes sir.

Q. A week before the legislature convened?

A. I would not be positive as to the week before we came down here and I am quite positive that he said a week before he had received it from Mr. Carl Kositzky, the state auditor, well, he said Mr. Kositzky.

Q. Was that all that was said.

A. That was all.

MR. WALKER:

Do the committee wish to ask Mr. Martin any questions.

MR. O'CONNOR:

Do you know what list?

A. The list of those books that Mr. Burtness had mentioned, those socialistic and free love books.

Q. There was another list that had been passed around and that we have here, a list of books that was approved by

the board for payment and Mr. Kositzky has made copies of those and scattered around. Do you know if it was that list?

A. No. I do not know anything about it except that Mr. Ness said that he had a list of books in question sent to us before we came down.

Q. Two lists. Let's get it before what he said.

A. He said that we all knew that those books were in the library and being circulated, sent out to the schools from the library before we came. We have got a list from Mr. Kositzky and I am quite positive he said a week before; he said before we came down.

MR. WEHE:

And he had reference to the books that were quoted and named by Representative Burtness in his speech?

A. Yes sir.

MR. O'CONNOR:

There are two lists; you have seen the list made by Mr. Kositzky and placed on the desks?

A. On the desk, yes sir.

A. He said, "we had a list of those books that Burtness referred to"; we were discussing those books, "sent to us before we came down here," nothing said about a separate list just the list that we were discussing.

MR. O'CONNOR:

That is all.

MR. WALKER:

Any further member of the committee wish to ask any questions. If not, you are excused.

(Calling Miss Peterson.)

MR. WALKER:

Do you solemnly swear that the evidence you shall give relative to the matters before this committee to be the truth, the whole truth and nothing but the truth, so help me God.

MISS PETERSON:

I do.

MR. O'CONNOR:

Miss Peterson, do you recall when the committee first went down into the library to investigate this book situation?

A. Very plainly.

Q. Do you remember of my asking you who ordered or who was responsible for the placing of the books found in box 107 and on top of it?

A. I think you did. I said I was.

Q. Then, do you remember my asking if Mr. Stangeland had anything to do with it?

A. No.

Q. And you replied that—

A. I think you said to me "is not Mr. Stangeland con-

nected with the Commission?" And I said no.

Q. Also the question was asked me if Mr. Stangeland had anything to do with the ordering of these books and you said he had not.

MISS PETERSON:

Did you put it that way?

MR. O'CONNOR:

Yes.

A. No, I do not remember of going into detail. I said I was ordering. I was responsible for them; nobody questioned me further.

Q. And at this time I take it you deny having made the statement to the committee that Mr. Stangeland had anything to do with the ordering of these books or the placing of them in the library.

A. I did not make such a statement; we did not go into details like that about the ordering. I said I was responsible.

Q. The question was also asked, "Is Mr. Stangeland connected with the Commission?"

A. I said "I am librarian here."

Q. Miss Peterson, these books were all carded before you came?

A. No.

Q. How many did you card?

A. I do not know; personally I carded none, that is not my work, my assistant; I did not pocket one personally myself.

Q. And your testimony is that the pocketing was not all done before you got here?

A. No.

Q. Had the books arrived before you got here?

A. I could not say if all of those had arrived. The Kerr Company books had arrived.

Q. The list that we have in here.

A. Yes.

Q. Then, I take it that you were the one who placed the books in the position that Mr. Burtness found them?

A. I said so.

Q. Yourself?

A. Yes.

Q. When did you come to the state, Miss Peterson?

A. I came here on the 17th of November.

Q. 1919?

A. 1919.

Q. And how did you know that there was such a position open, up here, the position of librarian?

A. I heard of it indirectly.

Q. Just tell us what source.

A. I do not think that is necessary; I heard through another librarian.

Q. Can't you give us any information?



A. It is a very personal matter. My appointment is a public matter, but not how I heard of the position.

MR. WALKER:

Do I get your question. How did she hear of the opening here? I should say that that was immaterial.

MR. WEHE:

It does not make any difference to this hearing; absolutely none. We are just stirring up something, some personal matters.

MR. O'CONNOR:

I assume that is what it would do if she refuses to answer.

MR. O'CONNOR:

Miss Peterson, then coming to the official part of it. Who did you first hear from in North Dakota about it?

A. Mr. Liessman, I think.

Q. He wrote you directly?

A. Yes.

Q. When was that. Miss Peterson?

A. Some time in September.

Q. And then you made arrangements with the Board, as I understand it, and were employed, is that true?

A. Yes.

Q. And you stated that when you examined the survey that Mr. Stangeland sent you to New York, you were at that time retained by them, engaged by them?

A. I had been appointed.

Q. When did your salary from the State of North Dakota begin?

A. So far I have not received any salary; I presume from the 17th of November.

Q. From the time that you got here?

A. Yes.

Q. Just clear up this matter. You heard Mr. Stangeland state with reference to making a survey and sending that to you in New York? Do you remember that?

A. I heard him testify this morning, that he sent me a survey. He did not send me a completed survey. All he sent me was some material about the library.

Q. That is what we want, that establishes the connection.

A. He gave me the character of the library, told me just the type of books the library had. I wrote asking where it was lacking. He stated in the survey that it was lacking in good modern books on good social problems of the day.

Q. Go ahead, connect us right up. Trace the history of these books.

A. We corresponded about the type of books and I suggested perhaps he should do some ordering before I came (I had planned on coming the 15th of October, but was delayed). Dr. Stangeland sent the checked up list. I wrote him if

he hadn't the books to order them, otherwise to go ahead on the books I had checked up.

Q. And these were some on the list that you sent?

A. Yes.

Q. And on those lists were there other books; have you other lists?

A. There are indefinite lists, some have come, some have been held up calling for some discounts before we send in the invoices.

Q. You could get an exact list of them?

A. Not tonight.

Q. The Kerr list, that was ordered by you are partly by you?

A. By me, yes.

Q. The books that are in the records?

A. I just agreed to that list.

Q. You stated in your testimony the other night, if you remember, that you were very positive that Ellen Key's Love and Ethics was in the traveling library.

A. I do not remember that.

MR. O'CONNOR:

Show the witness the testimony. (Showing the same.)

A. Since that time I have been using, as I explained to you gentlemen in the hearing, the educational reference and traveling library cards rather indiscriminately and fancy most of them have traveling library cards as they are to be supplementary as the educational reference is already supplementary and all the books go out in the circulating library. This is the point that Mr. Burtness fell down on. In your testimony you testified that you did not know anything about the library at all, but that he had heard repeated about books being sent out in the traveling library to schools, communities, etc. and, therefore, when he found this with the traveling library cards he thought he was justified in saying that they were to be sent to the rural schools and it was on that assumption that he said they were criminal or damnable, or the words he used, to be sent by the traveling library to the schools. He had no bit of license because there was an educational reference pocket in it to assume that they would be sent to the schools because he had never conferred with me beforehand until after his talk.

Q. You were under the impression that this book had a traveling library card in it.

A. I was under the impression, as I said to you, these traveling library cards were indiscriminately labeled.

Q. You were under the impression that Love and Ethics had a traveling library card in it.

A. It may have had but that makes no difference to the statement. It would make no difference whatever whether any of these books (referring to the Burtness list) had an educational reference card, such as Love and Ethics, or had a traveling library; they answer the same purpose from my point of view. The card would make no difference as to how it should go out, that is my reclassification. I understand

Mr. Burtness told the House this book had a traveling library card in it.

MR. BURTNESS:

Where did you get that information?

A. From the papers and from everybody and that that is no book to be sent to the schools by the traveling library.

MR. WEHE:

Mr. Burtness is examining. I would like to say that his position is here—as a spectator.

MR. BURTNESS:

I am under trial from what you told me.

MR. WEHE:

And that this spectator here that we respectfully ask him to maintain his respect for this committee, which is due the committee, as a spectator.

MR. O'CONNOR:

Mr. Burtness has more right here as a member of the House of Representatives than Mr. Wehe.

MR. WALKER:

I think Mr. Burtness is right in being here.

MR. JOHNSON:

I think Mr. Burtness has a right here but I presume other members have not been taken into consideration and no one else has asked.

MR. TOTTEN:

Always with the permission of the chair.

MR. O'CONNOR:

We will confine Mr. Burtness with the permission of the chair.

MR. WEHE:

Not permitting him to talk to the witness.

MR. BURTNESS:

I would suggest that we cut out this bickering back and forth.

MR. O'CONNOR:

Miss Peterson, as the librarian here, have you received any instructions with reference to the kind of books that you could purchase.

A. No.

Q. In other words, you were placed solely in charge of the state library without instructions as to the books you should purchase?

A. Yes sir.

Q. And any other list that you might select, do you order them without consulting anybody?

A. Yes surely.

Q. And that is the way you have done here since you have been here.

A. Yes.

Q. You could select 50 or 100 books and then send that order to the publishing company without consulting anyone, I suppose?

A. Yes, and present the bill to the board authorities.

MR. O'CONNOR:

I am through.

MR. WALKER:

Any of the rest of the committee wish to ask the witness any questions?

MR. WEHE:

In regard to your reclassification mentioned, there would not be any distinction between the educational reference library and the traveling library cards, that is, in your reclassification and cataloging of the library; as you found it has been classified otherwise than you are proceeding to classify it, now as I understand it, just explain that.

A. Yes, I wish to make the change in the educational reference library of those books merely so that they will all be books of the traveling library, that's my future plan, to be sent out upon request.

MR. WEHE:

Heretofore, they had certain traveling libraries, what they called a traveling library, that were already boxed up and sent out upon request; now the educational reference library, those are the books that are on the shelves and they are not sent out as much as the traveling library?

A. Oh, no. They are sent merely on request for specific information.

Q. The books on certain subjects. But the traveling library, they are sent out a bunch of books at a time?

A., When an individual traveling library is asked for, then we send out an individual traveling library and it may be a dozen or two dozen books in that box and they may either be one or a dozen books, story books, treatises on some political question, etc., like that; those go out to the schools, some of them, that is, the school libraries go out to the schools and some libraries go out to the communities and to farmers' societies, etc., like that.

Q. As I understand it, these educational reference library books are those on the shelves and are only sent out when some particular book on some specific subject is asked for. And there is that distinction on those and the regular traveling library.

A. The regular traveling libraries. The whole library is a traveling library; those are called individual traveling libraries. In talking of the Public Library Commission, it is a traveling library because every book is for circulation perhaps, except encyclopedias, dictionaries, etc.

Q. Then, according to the way this book Love and Ethics was indexed this would not go, if this was correctly

indexed, presuming that it was or was not, but it is marked the educational reference library and it has no number of any box on there that that would be a book that would not be going out in any box circulating library?

A. No.

MR. O'CONNOR:

Miss Peterson, this under your classification will be put in the general traveling library cards to be sent out only on request?

A. Yes.

Q. That is correct?

A. Yes.

Q. So that the card educational reference library does not mean anything?

A. It meant something in regard to Mr. Burtness' assumption; I have explained that before. Mr. Burtness assumed, as I said before, he said he knew nothing about the library, asked me for no information concerning it, heard something about traveling library. Traveling, went to schools; he at once jumped at the conclusion. He had no business to say that about the book Love and Ethics because it did not have a traveling library pocket in it.

MR. O'CONNOR:

Here is Anarchism and Socialism, where would that go?

A. Out to a community or individual who asks for it and not the possibility of going to a school.

Q. I hold in my hand Anarchism and Socialism, which has a traveling library pocket; that occupies the same position and its status in the same as Love and Ethics.

North Dakota Public Library Commission  
Educational Reference Library  
Bismarck, N. D.

A. It will occupy that position in the new classification.

Q. Do you know whether you personally put in the card in Love and Ethics?

A. I did not.

Q. Now, you say that this book Anarchism and Socialism by no chance would go to a school. If a teacher wrote in for that book Love and Ethics.

A. The teacher for her individual use which she would have to specify that of course. Certainly, or we would just assume that she wanted a school library and would send out a school library.

Q. The compilation of these various libraries, school library, community library; that is, the books that are selected for each box, those collections are entirely made up by you?

A. I have made no collections; they were made by the previous librarian; that is the responsibility and the duty of the librarian.

Q. In the future as you are working on your reclassification, it will devolve upon you to select the books that you think ought to go to these schools, farmers clubs, communities as they ask for them.

A. That is my duty.

MISS NIELSON:

I hold in my hand a brief survey made by Dr. Stangeland. Are you familiar with that?

A. Not very familiar.

Q. Have you seen the list of periodicals on page 122 suggested for the library. (Miss Nielson showing the list of periodicals on page 122 to the witness.)

A. Yes, I have just glanced through it.

Q. Have you ordered any of these?

MR. TOTTEN:

If I have the right, I object to that question as being extraneous, outside of this all together.

MR. WALKER:

I think the question may be answered.

Have you ordered any of these magazines?

A. Yes.

Q. Can you enumerate them?

A. I ordered School and Society. The New Republic we have in the library and the Public.

MISS NIELSON:

And here is suggested 'typical journals of the various nonconformist groups, such as the single taxers, the I. W. A., the anarchists and socialists.' Have you ordered any of those?

A. No.

Q. Would you approve of ordering any of those for the Public Library Commission?

A. No, not under the circumstances.

Q. Are the periodicals ever sent out?

A. Oh, yes.

Q. As well as books?

A. Yes.

Q. Do you never send out the circulating libraries to the schools unless all the books have been selected by the teachers?

A. As I understand it, these school libraries have been made up and prepared, and classed for such and such a grade; I have no knowledge what they contain, but it is within the option of the librarian to put these books; I do not know how they were originally formed.

Q. But you feel it within your province to send out what you like if no list was selected?

A. Yes, certainly.

MR. HAGAN:

I understood in your testimony that you gave in regard to a conversation with Mr. Burtness regarding the traveling

library that you had that he asked you some questions; now, did he ask you these questions prior to the time that he had made the statements on the floor of the House, or afterwards?

A. Afterwards.

MR. WEHE:

Did he make any inquiry at all in regard to this list when he came down there and procured and looked them before he made the statements in the House?

A. No.

Q. To your knowledge?

A. Not at all.

Q. And you had met him before he made the statements?

A. I had seen him; I had given him no information; he had asked for none.

MR. JOHNSON:

Did Mr. Burtness get the book which he had on the cards from you or some of your assistants?

A. He got several from me; I don't know how many others he has taken out.

MR. WALKER:

Any other questions; if not you are excused.

(Call for Mr. Liessman who had gone home.)

Mr. Totten called to represent the Board of Administration.

MR. WALKER:

Do you solemnly swear that the evidence that you are about to give relative to the matters that come before this committee is the truth, the whole truth and nothing but the truth, so help me God.

MR. TOTTEN:

I do.

MR. O'CONNOR:

Mr. Totten, your full name is—

A. George A. Totten.

Q. Your official position is—

A. Chairman of the Board of Administration.

Q. And that board consists of—

A. Miss Nielson, Mr. Hagan, Casey, Mr. Muir and myself.

Q. And it is your board that has employed Dr. Chas. E. Stangeland?

A. Yes.

Q. Do you remember when he was appointed or elected?

A. I am sorry, I cannot recall the time.

Q. Do you remember the incident, the meeting, who were present?

A. When the board called him? Will you allow me to explain? At that particular meeting I requested the permission from the board to employ an educational expert, a man to make a survey of the Public Library Commission, and the board granted to me as chairman permission to do that.

Q. Do you remember who was present, Mr. Totten, when this permission was given?

A. Why, I could not say for sure; I might make a guess at it.

Q. All right.

A. I think that Hagan, Mr. Muir. I am not sure about Casey nor Miss Neilson.

Q. Are the records available or not?

A. They would be if Mr. Liessman were here. The trouble is our work has been so great that they are behind-hand in writing up the minutes.

Q. Mr. Totten, as I take it then, that the board left it discretionary with you to select an expert educator?

A. They did.

Q. Was his name formally presented?

A. His name was not formally presented but—

Q. Nor voted on as a board?

A. His name was mentioned whom I should choose at that meeting.

Q. But the board did not limit you to that choice?

A. My recollection is no.

Q. Did you employ Miss Peterson?

A. Miss Peterson was employed by the board as a whole acting on her application with recommendations.

Q. How did the board get in touch, if you know, with Miss Peterson, Mr. Totten?

A. I would not be positive. I heard the last witness state that Mr. Liessman, she thought, first communicated with her. I am not sure as to that, I rather thought that it was possibly myself but I would not be positive..

Q. As I take it you advertised for a librarian and she was one who answered.

A. We had a number of letters making application to the position. They never advertised; people hear of vacancies in our schools and libraries in some mysterious fashion that we don't pretend to account for.

Q. So it was through an application or a letter that came from Miss Peterson to the board, or to you, that you got in touch with her.

A. Yes.

Q. As I take it, you have not given as a board, Mr.



Totten, given any instructions to Miss Peterson as to the kind of literature to be selected by her in the library?

A. No.

Q. That is left entirely to her judgment?

A. No. Her position is deputy librarian, acting librarian. Her salary is \$1600 per year, which is \$100 raise, I might say, over the previous deputy librarian.

Q. As I understand the attitude of the board, part of the work of the expert educator (is that what he is called) (educational expert) part of his work would be the passing on or suggesting to the board of our textbooks.

A. Certainly not. Dr. Stangeland was only temporarily engaged and it was so understood at the meeting.

Q. Well, I thought that we passed a bill that had some reference to the commission to take care of the textbook matter.

A. That bill that you refer to was the bill creating the Board of Administration, which allowed or permitted the board, not making it mandatory, to permit the board to appoint a textbook commission. No such commission has been appointed.

Q. Why not?

A. There are several other members of the board here and they could answer that as well as I. I do not know.

Q. The reasons probably are the reasons given in the first annual report of the administration to the Governor. Would you call this official? Do you recognize this? (Holding up the report of the Board of Administration.)

A. That is official.

A. Among the recommendations (page 34) Senate Bill 134, Board of Administration law (excerpt read by Mr. O'Connor but copy of said report was not left to be inserted in this manuscript.)

Would that be the reason do you suppose, Mr. Totten; more ineffective through an advisory expert than through a commission?

A. I would not say that that was the reason.

MR. WEHE:

On the part of the committee at this time I bring the matter up before the chairman that we do not see that this examination is pertinent to any of the issues before this committee; it is entirely foreign and is not getting anywhere.

MR. O'CONNOR:

Our viewpoint is, and the chairman can rule on it, we are trying to establish the exact position of Dr. Stangeland.

MR. TOTTEN:

Might I say as the witness that I am perfectly ready and willing to answer all questions, if it is suitable to the chair.

MR. WALKER:

I think Mr. O'Connor may proceed with his questions.

MR. TOTTEN:

Because I am anxious to give this committee the fullest information possible.

MR. O'CONNOR:

It is your opinion that an expert selected in the manner suggested here, Mr. Totten, from one of these schools or elsewhere would be a better way than the legislature?

MR. TOTTEN:

Let me answer that question. The committee is not interested in my opinion, but in my facts.

The facts are contained in the report, you read them; you don't need me to give any further facts than that. I could not enlarge on that and make it any clearer, Mr. O'Connor.

MR. O'CONNOR:

My question then, Mr. Totten, is very fair I have just asked you whether or not it is a fact in your estimation, your opinion then, that it is more desirable to have an educational expert do this work than a commission?

A. My opinion is the opinion of a majority of the board as contained in their report. It is stated there for you to read.

Q. If this were carried then, this recommendation would incorporate in the bill an educational expert to do the work of the commission?

A. I do not know because I would have to refer to that; if you will allow me to see the report. (Looking at the report.) This states, Mr. O'Connor, with reference to the change which is advocated, this change will enable the board to choose a school commission with a view to the special qualifications of its proposed membership which the present provision does not and that expresses the sentiment of the majority of the board.

Q. And no commission has been appointed under the law?

A. No commission has been appointed. I will add a little to that, if you wish, to make things clear; in view of the fact that no commission has been appointed, in one place in that annual report you will find that it takes up the matter of textbooks so that something might be brought to the attention of the governor and through him to the legislature concerning that very important question.

Q. I am not as familiar as you are with the law because I have not read it carefully, Mr. Totten. The laws gives authority to employ expert educational advisors.

A. Yes.

MR. O'CONNOR:

I think that is all.

MR. WALKER: Any member want to question Mr. Totten further?

MISS NIELSON: I would like to have the member of the committee give the name of the person to whom he wrote for the librarian in New York. When I asked you how the Board got Miss Peterson, Mr. Totten, you told me; I would like to have that question answered now.

A. I wrote to Dr. Beard, the director the Bureau of Municipal Research of New York City requesting him to suggest some persons. Dr. Beard did suggest but the librarian did not happen to be chosen from the ones he suggested.

Q. You informed me when I asked the question the other day in the Board meeting, if you remember, I asked how the Board obtained the librarian and asked how the Board did this. You answered you got her. You wrote to Dr. Beard.

A. I went through that whole thing I believe about that appointment.

Q. But the name of Miss Peterson was not mentioned.

MR. McLAUGHLIN: Because one of the parties to whom Dr. Beard referred declined to become a candidate, herself mentioned Miss Peterson, was it not?

A. It was rather a round-about way.

Q. Dr. Beard is the president of the Municipal Research and the one who bailed Dr. Stangeland out?

A. I do not know. My recollection is that we received this name in this round-about way, our secretary was instructed to get in touch with her and to request her application with references, experience, training, etc.

MR. WALKER: Anything more?

MR. BURKHART: One question that came up in my mind; I presume Mr. Totten can answer that. Then, according to your statement, you instructed the secretary of the Board of Administration to correspond with Miss Peterson.

A. Yes.

MR. JOHNSON: May I ask in regard to this report of Dr. Stangeland? That is made to the Board of Administration, the library survey?

A. Yes.

Q. A report that we had here this morning?

A. A survey of the Public Library Commission. Dr. Stangeland made that survey at my request and at the request of the Board. That was the principal purpose for which he was engaged at the time.

Q. Has this been presented to the Board?

A. Yes.

A. It has been presented to the Board and read word for word.

Q. How many were present when it was read?

A. At least three members of the Board, constituting a quorum.

Q. (Mr. Burkhart) Was that a regular called meeting of the Board?

A. Yes.

MR. McLAUGHLIN: How often do you meet?

A. We are supposed to be in a sense in session all the time. We do not have any regular days of meeting. Matters come up and we go into a session.

Q. You have what you might call a regular session, a session of the Board?

A. No, no regular date is specified.

Q. Whenever you expect to take up any business you are supposed to have the whole Board together?

A. No, a quorum is supposed to be present. Just in regard to that, it has been very difficult, as every member of the Board will testify, to get a meeting of the full Board and most of the time, as Mr. Muir can testify, if he is asked to, that we have had the hardest job in the world, men and women to act on pressing business.

MR. McLAUGHLIN: Don't you think that if you had a regular specified date it would help?

A. That is a matter of opinion. You recognize, as I said in the beginning, that if we could only have some definite time in the month when it would be understood that important matters, such as the hiring of heads of institutions, questions of policy concerning the Board and other things of that character, could be taken up and suggested at that time that the first Tuesday in the month be recognized as that time. One trouble has been that when the first Tuesday came we may be at Grand Forks, Grafton, Minot or some other place because we have to visit these institutions and we cannot always time ourselves as we would like to. Matters of urgency come up; we have complaints, for instance, against the head of the Blind School that he is half-starving the children; perhaps when we get up there, something comes up at the University, so it is very hard to have any specified time. It is understood by all members of the Board that when the Board is in town there is likely to be a meeting between the hours of ten in the morning and five at night.

MR. O'CONNOR: You never would hold a meeting without making a record.

A. Such has always been done.

MR. O'CONNOR: I would like to call Miss Nielson.

MR. WALKER: Do you solemnly swear that the evidence relative to the matters that come before this committee to be the truth, the whole truth and nothing but the truth, so help me God.

MISS NIELSON: I do.

MR. O'CONNOR: I want to say in fairness, that I do not think that Mr. Totten nor Miss Nielson knew that I was going to call on them and I suppose that they are both dumbfounded.

Q. Were you present, Miss Nielson, to straighten up a point, when the matter was brought up to employ an educational expert?

A. I was not.

Q. Were you present at any board meeting when the name of Dr. Stangeland was brought up?

A. The only meeting that I was at was the matter of his salary; that was the first intimation that I had as to who he was, I believe.

Q. Was that after his employment and at the time that they were discussing his salary?

A. Yes.

Q. Were you present at the meeting when Miss Peterson was employed?

A. I was not.

Q. When did you first learn that Miss Peterson was employed?

A. I asked Mr. Totten as chairman of the board.

Q. When was that?

A. I do not remember the exact date.

Q. That was the first information officially that she had been employed?

A. Yes.

Q. Had she been here then?

A. She stated since the 17th of November, so I presume she was here. I had not seen her until the other day when we had a meeting of this committee.

Q. You as a member of this Board of Administration have the supervision of the Library Commission?

The Board of Administration has supervision of the Library Commission.

Q. Do you know anything about the ordering of the books referred to by Mr. Burtness?

A. I do not except the conversation that I had with Mr. Totten last Tuesday afternoon when I came into the gathering. Mr. Totten said it was not a meeting; four members were there and the secretary also.

Q. With reference to the meetings, you have been notified, have you, of all meetings?

A. I imagine not. I do not know when the board is meeting always. I was out of town attending the teachers' institute in October. I asked my deputy if any message was left at the office. He said there was not. I was where I could have been summoned if any important questions came up, or were going to be.

Q. Now, if you should miss a meeting, when you are out of town, Miss Nielson, you have access to the minutes of the meetings?

A. I have had no minutes since the 7th of August. I sent in a written request that all members be furnished copies of all the minutes, also that a definite date be set so that I could meet with the board, but, as Mr. Totten explained, it is owing to Mr. Lessman's rush of work.

Q. That you have not seen, or had furnished you copies of these minutes since August 7th?

A. Yes.

WEHE: I will state here that this statement Mr. Totten made in regard to Mr. Liessman is very pertinent if this discussion stands.

MR. O'CONNOR: Has the librarian, Miss Peterson, consulted you as a member of the Board of Administration with reference to any of her work?

A. No.

Q. Has Dr. Stangeland?

A. No.

Q. As far as their activities go, you know nothing about them?

A. I do not.

Q. Nor the books that they order?

A. I do not.

Q. MR. JOHNSON: Miss Nielson, I should like to ask if this report of Dr. Stangeland's, has it been brought to your notice before?

A. It was handed me at the committee meeting this morning. I have forgotten which day. Day before yesterday. Several copies came out that afternoon.

Mr. J—Is that when it was first presented to you?

A. It was; I did not know about it.

Q. Was it accepted at that meeting?

MR. WALKER: If I might be permitted. I found out some way by accident that there had been a survey made and then I asked Mr. Liessman if they had the report; the report was still with the printers and I asked him if he could give me any idea when that would be ready; they tried to get it ready the next day and you recall that we deferred the meeting until 5 o'clock; it was so that the state printer might get that out; he said he would try and have the proof read in a hurry; I think that clears that up.

MR. JOHNSON: Do I understand that that report was printed before it was presented to the Board?

MISS NIELSON: I do not know anything about it, I never saw it until day before yesterday.

Mr. J—May I ask you, Mr. Totten, in regard to that?

Mr. T—Certainly.

Mr. J—Was this report printed before it was received by the Board.

Mr. T—Certainly not; the board passed on it and O.K.'ed it before it was given to the printer, but all members weren't present, through no fault of ours.

Miss N—I would like to ask Mr. Totten why I was not notified.

Mr. T—I presumed you were; that is the secretary's work.

Miss N—I was not notified.

Mr. J—I am not acquainted with any of these periodicals; I would like to ask you, Miss Nielson, your idea of them; like to have you read them over and comment on them separately.

Miss N—As to what?

Mr. J—As to your idea of, perhaps I am asking too much, to review each one of these magazines, but I know that these have been criticized and I would like to have the idea of some of you who know something about these publications.

Miss N—Some of these magazines are familiar to me. I know of the nature of many.

Mr. J—Would you object to them?

Miss N—Yes, I would. I consider them radical magazines as a whole. There are some that would be alright, but in this entire list of magazines the radical literature predominates and this is no time when we want to encourage that in our country.

MR. TOTTEN: Might I be permitted to ask a question: Is it not a fact that our magazines have been and are being ordered and are coming to the library each week?

A. (Miss Nielson) I presume there are others ordered in the past administration.

Mr. T—Then, that would not mean that any coming to the library would be termed of both characters?

Miss N—I do not say so.

MR. JOHNSON: Miss Nielson, my idea of the magazines and Mr. Totten's idea of the magazines and your idea of the magazines as to which were radical are different and yet honest.

Miss Nielson: I presume that is true.

Mr. J—Is there any one magazine here that you would consider harmful?

Miss N—I consider any magazine that stirs up trouble and helps to make more apparent the feeling of unrest in this world is harmful at this time; we are in a period of reconstruction after a great world struggle and instead of dividing classes, it seems to me we should have more brotherly love in this world and I would not put anything about the I. W. W.'s and anarchism for the public to read.

Mr. J—And you think some of them are harmful?

Miss N—I do. Typical journals of the various nonconformist groups, etc., as given in the report.

MR. TOTTEN: That is a recommendation, is it not, Miss Nielson?

MISS NIELSON: Yes.

MR. TOTTEN: These are recommended by Dr. Stangeland in making this report. The Board does not need to accept his recommendations in full, do they?

Miss N—I would like to know if they did.

Mr. T—They accepted the report, but not to any extent all the suggestions. That is the survey that we are reading, so it is attached to the report.

MR. O'CONNOR: The records show that it is all turned over to the library.

MISS NIELSON: I would like to say that I am interested in the position of the librarian, why it is her right to select the reading for our people.

MR. McLAUGHLIN: I think the board has given her too much leeway. I think it is a reflection on the board, as no one outside of this committee knows that she has all that authority.

MR. TOTTEN: That has always been the custom.

(Calling Mr. Burtness)

MR. O'CONNOR: On your examination, Mr. Burtness, heretofore, you were asked how you came to state that you said in your speech that Mr. Stangeland was the librarian and you made some comment about having seen it somewhere.

MR. BURTNESS: I believe I did; I had seen it in the press of the state and also believed that I had seen it in the official directory of the state. As to the whole I was not dead certain that I had seen it. So, this afternoon I looked for a directory and procured one and found Mr. Stangeland's name listed under the Board of Administration as librarian.

MR. WEHE: We moved that that be stricken out of the records. We have already ruled on that.

MR. WALKER: I think Mr. Burtness' remarks may be left in the records.

MR. BURTNESS: I would like to supplement my testimony very briefly with reference to the contentions that might be made by anyone to the effect that this book was not a part of the traveling library of the state. I understand that that claim has been made, or is being made at least among members of the legislature. As Miss Peterson has stated, I had no conversation with her except such conversation as was required to get the books until after I had made the talk on House Bill No. 28. A recess was taken of the House shortly after that talk and a number of men naturally commenced to ask questions. I do not recall the individuals except one, Mr. Sherman. And he wanted to know, among other things, whether this list which I had given was an exclusive list of a particular library or whether it was supplementary to the traveling library. I told him I did not know. I told him how the books were found. He



suggested that we go down and find out. We did and as we did there were several others there at the same time, several came in, in fact, during the conversation. I am not sure who they were. I am fairly certain that Mr. Weld of Wells was one of them and that we then talked to Miss Peterson about these books. She managed to call me down and wanted to know why I had not talked with her, etc. And then I asked her, and I think Mr. Sherman asked, a number of questions there as to whether these books were actually supposed to be within one particular case and constituted the books comprising one traveling library. She said, "Certainly not, they are part of the traveling library," but that they had not had time as yet to catalog them. She says that if they belonged to a particular box they would have the numbers of that box on the card. So far they have not been designed to any box. And among other things I asked whether it was the intent to designate them to any particular box or by whom they were to be used. "No," she did not think they were to be designated to any particular box, for instance, if this sort, if the request came from an organization for a box on social questions that this and a bunch of these books would be gathered together in response to that request. And she did not seem to be clear as to whether anyone of these books would ever be designated to any particular box, that is, as if she had not made up her mind. She said that she had not had time to catalog them. Of course, there were other things said there. As I recall, Mr. Sherman asked if these are supplementing the traveling library instead of constituting a traveling library, and she replied, "Certainly, that is true." There was never any suggestion made by Miss Peterson that any one of these books were not a part of the traveling library nor was any suggestion made by her that the so-called reference books were part of the traveling library; in fact, she stated then that in among the reference books which had been there a number of years were some books by Ellen Key and I think by some of the other authors of the list of books that I had referred to.

MR. BURKHART: May I ask a question, Mr. Burtness:

Mr. Burtness, if you had had this conversation which you had with Miss Peterson after your speech, before your speech, would you have made the same statements?

MR. BURTNESS: I would say I would have made the same statement insofar as the ultimate facts which I related are concerned. My manner of presentation would have in all probably been different because the inferences which I draw from the facts as I had found them might to some degree been modified but I would have made them in order to call the facts to the attention of the House in the same way.

MR. BURKHART: Your duty as you looked at it?

MR. BURTNESS: Because I think it is one of the things that concerns the welfare of the people of this state and which I think demands either an amendment or a repeal of the present board of administration law.

## MESSAGE FROM THE SENATE

SENATE CHAMBER,

Bismarck, N. D.

Dec. 10, 1919.

Mr. Speaker: I have the honor to return the following bills:

## House Bill No. 4.

"A Bill for an Act to amend and re-enact Section 3471 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Section 1 of Chapter 13 of the Laws of the Special Session of the State of North Dakota for the year 1918; amending and re-enacting Section 3473 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted Section 3 of Chapter 13 of the Laws of the Special Session of the State of North Dakota for the year 1918; and amending and re-enacting Section 3481 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Section 9, Chapter 13 of the Laws of the Special Session of the State of North Dakota for the year 1918 and as amended and re-enacted by Section 1 of Chapter 177 of the Laws of North Dakota for the year 1919, relating to the issuance of bonds and warrants to procure seed grain and feed for needy inhabitants; making an appropriation therefor; and repealing all acts and parts of acts in conflict therewith."

## House Bill No. 9.

"A Bill for an Act to appropriate thirty-two thousand three hundred dollars for the operation of the Motor Vehicle Registration Department, being additional to that already appropriated for salary of Registrar, clerk hire, special agents, traveling expenses, printing and 1921 license tags."

## House Bill No. 38.

"A Bill for an Act appropriating the sum of \$5,000.00 to provide for clerk hire, furniture and fixtures, and other necessary items of office expenses for the State Publication and Printing Commission, and the office of the State Printer."

## House Bill No. 56.

"A Bill for an Act amending and re-enacting Section 7 of Chapter 108 of the Laws of North Dakota for the year 1919, relating to the care of samples of milk and cream and for obtaining official tests of butter fat; making an appropriation therefor and repealing all acts and parts of acts in conflict therewith, and declaring an emergency."

## House Bill No. 58.

"A Bill for an Act making appropriation for the salary of the Secretary and members of the State Highway Commission, for clerk hire and other assistance of the Commission,

postage, office supplies, furniture and fixtures, printing, miscellaneous and traveling expenses of the Commission, amending and re-enacting Section 1 of Chapter 42 of the Laws of North Dakota for the year 1919; repealing all acts and parts of acts in conflict therewith; and declaring an emergency."

House Bill No. 60.

"A Bill for an Act, etc."

Which the Senate has passed unchanged.

Very respectfully,

W. J. PRATER,  
Secretary.

SENATE CHAMBER

Bismarck, N. D.

Dec. 10, 1919.

Mr. Speaker: I have the honor to return House Bill No. 7.

"A Bill for an Act to amend and re-enact Sections 2, 3, 4, 5 and 6 of Chapter 6 of the Session Laws of the State of North Dakota for the year 1919, relating to the licensing and inspection of pool halls, billiard rooms, ball and pin alleys, dance halls, theaters, moving picture shows, taxicab stands, and placed where soft drinks are sold."

Which the Senate has amended as follows:

In Section 6, as amended in the House, strike out the words "State Treasurer shall" and insert in lieu thereof the words "State Sheriff may."

Very respectfully,

W. J. PRATER,  
Secretary.

SENATE CHAMBER

Bismarck, N. D.

Dec. 10, 1919.

Mr. Speaker: I have the honor to return House Bill No. 55.

"A Bill for an Act making an appropriation for maintenance, improvements, repairs and equipments for the Institution of the Feeble Minded at Grafton, North Dakota; amending and re-enacting Section 1 of Chapter 32 of the Laws of North Dakota for the year 1919; repealing all acts and parts of acts in conflict therewith and declaring an emergency."

Which the Senate has amended as follows:

Strike out line 31 of the Printed Bill and insert in lieu thereof the following: "Refectory building \$45,000.00 and \$90,000.00." Change total by striking out the figures "\$128,065" and inserting in lieu thereof the figures "\$210,565."

Very respectfully,

W. J. PRATER,  
Secretary.

## SENATE CHAMBER

Bismarck, N. D.  
Dec. 10, 1919.

Mr. Speaker: I have the honor to return House Bill No. 16.

"A Bill for an Act to amend and re-enact Chapter 199 of the Session Laws of 1919 of the State of North Dakota, relating to the consolidation of schools and transportation of pupils."

Which the Senate has amended as follows:

Strike out everything after the word "Bill" and insert in lieu thereof the following:

For an Act to amend and re-enact Section 1190 of the Compiled Laws of North Dakota for 1913, as amended by Chapter 199 of the Session Laws for 1919, relating to the consolidation of schools and transportation of pupils and providing for a board of arbitration."

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. (Amendment.) That Section 1190 of the Compiled Laws for 1913, as amended by Chapter 199 of the Session Laws for 1919 be amended and re-enacted to read as follows:

Section 1190. (Consolidation of Schools and Transportation of Pupils.) The district school board may call, and if petitioned by one-third of the voters in the district shall call an election to determine the question:

(1) "To consolidate two or more schools or the territory usually served by two or more schools and select a site and provide a suitable building," or

(2) "To select a school already established and, if necessary, make suitable additions thereto to accommodate the pupils of the schools to be vacated."

Said election shall be conducted, both as to notices and as to manner of canvassing the votes, in the same manner as the annual school elections. If a majority of the votes cast at such an election are in favor of either proposal, then the board shall carry out the decision of the district within four months thereafter. In the event of carrying out either proposal prior to or after the passage of this Act, it shall be the duty of the board to provide for the transportation of the pupils at public expense to and from the consolidated school, except to those pupils living less than one and one-half miles from such school; and it shall also be the duty of the board, if

deemed expedient, to move to the sites selected school houses already built or to sell such school houses. Provided, that transportation may be furnished either by the use of public conveyances or by allowing to each family as compensation a sum of not less than twenty cents nor more than one dollar and fifty cents per school day of attendance, such compensation to be equitably based upon the distance traveled and the number of children transported. Provided, further, that the sum total of expense to a district for transportation shall not be greater where the family system of payment is used than would be the case under a system of public conveyance. Provided, also, that in case a patron is dissatisfied with the arrangement made by the school board with regard to the transportation of his children, he may apply to the school Board for a board of arbitration consisting of one selected by the patron, one selected by the school board and another chosen by the two already selected; the school district to pay all costs thereof; said cost not to exceed three dollars per diem per member of said arbitration board. The decision of said arbitration board shall be final and binding on the board.

Section 2. (Emergency.) This Act is hereby declared to be an emergency measure and shall be in effect and be in operation on and after its passage and approval.

Very respectfully,

W. J. PRATER,  
Secretary.

SENATE CHAMBER,  
Bismarck, N. D.

Dec. 10, 1919.

Mr. Speaker: I have the honor to return House Bill No. 44, "A Bill for an Act to amend and re-enact sub-divisions Numbers 3, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 23, 25, 33, 38, 39, 40, 41, 42, 45 and 46; and repealing sub-divisions Numbers 19, 24, and 26 of Chapter 16, of the Session Laws of North Dakota for the year 1919, relating to the General Budget Appropriation; repealing all acts and parts of acts in conflict therewith; and declaring an emergency."

Which the Senate has amended as follows:

In SECTION 1. strike out the figures, "\$2,051,333.02," and insert in lieu thereof. the figures, "\$2,054,833.02."

Sub-division No. 7.

After the word, "Postage," strike out the figures, "100" and "200," and insert in lieu thereof the figures, "500" and "1000."

After the item, "Bookkeeper and Warrant Writer," insert the following: "Stenographer \$1,200 \$2,400."

Strike out that part of the Sub-division reading "Items not included above, (Expense for printing and compiling reports of the State Board of Equalization) 200 400."

In the total, strike out the figures, "\$23,400," and insert in lieu thereof the figures, "\$26,200."

## Sub-division No. 8.

After the word, "Postage," strike out the figures, "250" and "500," and insert in lieu thereof the figures, "500" and "1,000."

In the total, strike out the figures, "\$40,250," and insert in lieu thereof the figures, "\$40,750."

## Sub-division No. 11.

In the item, "Salary Assistant Attorneys General," strike out the figures, "6,000" and "12,000," and insert in lieu thereof the figures, "9,250" and "15,250."

After the word, "Postage," strike out the figures, "150" and "300," and insert in lieu thereof the figures, "250" and "500."

In the total, strike out the figures, "\$30,235.53," and insert in lieu thereof the figures, "\$33,685.53."

## Sub-division No. 6.

After the word, "Postage," strike out the figures, "1,500" and "3,000," and insert in lieu thereof the figures, "2,750" and "5,500."

After the words, "Printing and Lithographing," strike out the figures, "1,500" and "3,000," and insert in lieu thereof the figures "2,000" and "4,000."

In the total, strike out the figures, "\$33,700," and insert in lieu thereof the figures, "\$37,200."

## Sub-division No. 18.

After the word, "Postage," strike out the figures, "300," and "600," and insert in lieu thereof the figures, "750" and "1,500."

After the item, "Postage," insert the following: "Expense for printing and compiling reports of the State Board of Equalization \$200 \$400."

After the item, "Emergency Fund to be used only in complying with the new laws, other than the regular budget," strike out the figures, "10,000" and "20,000," and insert in lieu thereof the figures, "17,500" and "35,000."

## Sub-division No. 25.

After the words, "Traveling Expense-Services and expenses of agents of Live Stock Sanitary Board," strike out the figures "6,000" and "12,000," and insert in lieu thereof the figures, "9,000" and "18,000."

In the total, strike out the figures, "\$22,110," and insert in lieu thereof, the figures, "\$28,110."

## Sub-division No. 46.

After the words, "Mileage and per Diem," strike out the figures "51,000" and insert in lieu thereof the figures, "80,000."

Make the items, "Printing," and "Miscellaneous Expenses and supplies" one item.

Strike out after the word, "Printing," the figures, "25,000," and after the words, "Miscellaneous expenses and supplies,"

the figures, "32,000," and insert after the new item, "Printing, Miscellaneous Expenses and Supplies," the figures, "34,000."

Very respectfully,

W. J. PRATER,  
Secretary.

MR. BURTNESSE. House Bill No. 28 being up for consideration I desire to make a few remarks on this bill, and I ask that the same be taken down by the reporter and made a part of the record. I talked on this matter somewhat a few days ago, and some of the remarks which I make will be a resume of the statements made at that time which were not taken down by the reporter, and other remarks will be made supplementary thereto.

This bill is one which establishes a board of Supervisors, whose duty it should be to manage the penal and charitable institutions of the State. It, among other things, provides for the repeal of the present Board of Administration law, the law which was passed by this Assembly last winter. It further provides for a board of education which shall be appointed and which is to assume the duties the old Board of Education had. The Board of Supervisors, if this bill is passed, is to consist of five elected officers of this state, with the Governor at its head. I might say that I for one care not particularly who those five officers are, so long as they are five of the elected officers of the state. They, as I have already said would have charge of the penal and charitable and educational institutions of the state, outside of the common schools and the high schools of the state. I feel that there are many reasons why this bill should pass. I feel that the present Board of Administration Law has not the sanction and approval of the people of this state, and that the work done by the present Board of Administration is not satisfactory to the people of the state. That is why I am urging its repeal now. To some who might say that the board of administration measure which passed last year received the approval of the people at the election held on June 26th. I want to say that that approval was gained and obtained through misrepresentations of fact as to what the law actually was. This bill, or rather the Board of Administration Bill, was introduced in the Senate on February 1st, as shown by the Journal of the Senate on page 175. On February 21st it was reported with amendments, later re-referred to the committee, and it was reported back on February 26th. Throughout that entire time protest came into this house and the Senate, I have checked some of the protests received in the Senate as shown by the Senate Journal found on pages, 178, 278, 303, 331, 383, and 562. I have not checked the protests in the House, but there are many of them as shown in the Journal. At any rate I think it will be conceded by everyone that due to the protests that came in from the people throughout the entire state, there was adopted as a part of the bill as it was re-written, section 3 which reads as follows:

"The powers and duties of the State Superintendent of Public Instruction as heretofore provided by law shall be subject to the supervision and control of the Board of Administra-

tion, only in so far, as such powers and duties were by law subject to the supervision and control of any or all of the Boards mentioned in section 5 of this Act."

This was part of the Act put in upon the demand of the people of the state as we heard it in the Legislative Assembly last winter. Now, what happened. Let us find out whether that provision in the bill was put in there for a purpose or not. Everyone of you within the sound of my voice knows that the speakers who went out on behalf of the so-called Non-Partisan League told the people,—and this includes the President of that organization—that this bill did not take any powers away from the Superintendent of Public Instruction, and to prove that assertion they read paragraph 9 of that act and they said that instead of taking any powers away, it added to the powers of Miss Nielson, and I hold in my hand a pamphlet which ought to be familiar to most of you. "Facts About North Dakota's New Laws" a League pamphlet, sent out as a supplement to the League newspapers prior to the referendum election. On page 26 of that pamphlet I read the following:

"The utter absurdity and falsity of the assertions that Senate Bill 134 'is an attempt to legislate Miss Minnie out of office' is proved by the fact that Miss Nielson herself, with the commissioner of agriculture and labor, is made a member of the Board of Administration; so, that instead of being 'legislated out of office,' the law actually gives her vastly increased powers. She is the first superintendent of public instruction in the history of North Dakota who has had a voice in the management of the Agricultural College, the State University, Normal Schools and the State Penitentiary and State insane Asylum as well.

"Moreover, section 9 of the Board of Administration law specifically provides that her present powers SHALL NOT BE INTERFERRED WITH OR LIMITED IN ANY MANNER. In view of these facts it is difficult to see how any honest person who has read the law in question can maintain that this act was passed to 'legislate Miss Minnie Nielsen out of office'."

Those are matters that the voters of this state had a right to rely on as they went to the polls. I have here to present to

you another piece of evidence which is even more striking. I hold in my hand an official ballot of the referendum election. The second portion of that ballot is the referendum of Senate Bill No. 134, the Board of Administration law, and down about the middle of that title, as it was submitted to the people at that time, we find this provision: "Powers and duties of the Superintendent of Public Instruction shall not be abridged; see section 9 of this law."

That is a statement which was put on that ballot and which as I now recall it is not found even in the bill's title, and I am informed by Mr. Hall and Mr. Duffy that the man who was responsible for putting in that provision is no less a person than the Chief Executive of this state. The proof



for the ballot was prepared by the Secretary of State's office, and was submitted to the Governor, and the only suggestion that the Governor made to the Secretary of State for correction or improvement of the ballot was to insert this provision, "Powers and Duties of the Superintendent of Public Instruction shall not be abridged, see section 9 of the law." At any rate that provision was put on the ballot, and we can't find in the entire ballot any other provision referring specifically to any other section, of any other law that was submitted to the people at that time. Surely then, in view of these facts, the men who went to vote had a right to rely on all of these things, and to rely upon the title itself and upon the provision that they saw before them on the ballot. And now, what do we see today? We see that the supreme court has construed that bill,—and I do not say that they have construed it incorrectly—they have construed the bill and said that a general provision of that kind cannot operate and do away with specific provisions found otherwise in the bill. And so, gentlemen, either one of two things happened; either the administration officials of the state from the very beginning attempted to fool the public, or else they were mistaken as to what the law was. But in either case the people were deceived, for the people voted to retain all of the powers that the Superintendent of Public Instruction had had, theretofore. That is what they believed they were voting for. And I do say that there are some people who knew beforehand that that power would never be given to them. Upon that proposition I have the statement of Miss Nielsen herself who tells me that before the lawsuit was started, Mr. Totten the Chairman of the Board of Administration insisted that that board should prescribe the course of study for the public school system of the state, and she said, "that wasn't true, that the office of the Superintendent of Public Instruction always had that right before, and that under section 9 she retained it," and he said, "no, that isn't so" and she said, "then this bill does take away some of my powers" and he replied, "undoubtedly so, Miss Nielsen" and then she said "but you told the public before election that it didn't" and then he replied, "but you didn't believe it, did you?" And remember that was said not after the decision of the Supreme Court of this State but before it. And so, that is one reason why I am here today urging upon you to give to the people the kind of law that they want, to give to the Superintendent of Public Instruction the same rights, and the same duties and the same powers that that official had before the Board of Administration bill was actually passed.

Now, there are many other reasons why I feel that the Board of Administration law has not operated in the manner that the people want in this state. I mentioned some of them a few days ago. Every statement of fact which I submitted on the floor of this house the other day regarding the books I found in the library has been substantiated. That they were found there is certain. Perhaps different inferences have been or can be drawn from the facts, and I want to spend a few minutes on some of those inferences now.

It is undisputed that the Board of Administration is responsible for the appointment of Mr. Stangeland, and Miss Peterson as the librarian for this state, the library downstairs.

It is undisputed that those people were appointed by Mr. Totten as Chairman of the Board of Administration, and that Mr. Stangeland has made a survey for that library, and I think it is true that he has made a survey of a number of other libraries of this State. At any rate, the work he has done is included in a report which has been adopted by the Board of Administration which is being printed as part of their general report, and is found at about pages 115 to 140 of that report. And let's see what Mr. Stangeland says about the traveling library in this state.

I will read from page 118.

"The traveling library system, has been growing, as a glance at the commission's last report indicates; but it seems to the writer that in this field there has been a most deplorable lack of vision and a striking failure to make effective use of an opportunity to satisfy real social needs."

On the next page he says:

"The writer appreciates the fact always that his opinion may be disputed; but a careful examination of the traveling libraries intended for adults as well as children in regions without library facilities has disappointed him." Again:

"Selections for our traveling libraries seem to have been made either in entire ignorance of the existence of real books, or else, as an easy method merely chosen from lists sent out by publishers and announcing their latest titles." Again,

"In a sense these traveling libraries of 'literature' consist very largely of books of obscure respectability and pronounced mediocrity or inferiority." Again at page 123 we find:

"The traveling library system as this survey indicates, calls for two improvements in particular: (1) a more competent selection of books; (2) more funds, etc. \* \* \* \* The first point is one the validity of which may be disputed. However, it would seem that the greater the ability and social vision and knowledge of literary values possessed by the librarian in charge of this work, the better the results for the people of this state may reasonably be expected to become. The problem is not one merely of 'good intentions.' Those heretofore in charge of this work had certainly been persons of good intentions and respectability; but there has been a lamentable inability to grasp a wonderful opportunity, nevertheless."

And further towards the end of the report at page 139 we find some recommendations: "(b) that the state librarian, who would be in charge of the united libraries, should have supervising authority over all public libraries of the state, and aid them in every way possible."

"(d) That library extension or field work, by traveling organizers and advisors as well as in traveling libraries, should be extended far beyond anything heretofore done or contemplated in this State, recognizing such work as one of greatest

potentiality in the educational field."

And so this man who occupies this position as an educational expert, makes these recommendations that are adopted by the Board of Administration. We find him making this recommendation and the board adopting the report, and we find it printed. What more do we find? We find 22 books at least that I read you the list of the other day, and if you have noticed a copy of the invoice bill that was circulated around here dated Nov. 8th, 1919, you will find therein among others eighteen books which were not included on my list but I take it are books which are intended to give a larger social vision. Each and every book of which with one exception was admitted by the librarian in charge to be part of the traveling library of this state. And I believe that the words "traveling library" of this state should not need a great deal of explanation on the part of any one individual. I also find this: That in September, Mr. Stangeland, the "educational expert" and Mr. McDonald, the "Educational Advisor"—I don't know what the difference is between their duties—investigated the library at the state penitentiary, and within a few days thereafter a box of books was sent out there. If any of you are interested in the names of the books I will give them to you but I will not read them now. I have one or two of them with me. For instance, here's "History of the Great American Fortunes" that is one of them, and in it we find this, on page 296, Vol. 1:

"This is the status of the Field fortune now. Let the Field striplings bless their destiny that they lived in no medieval age, when each baron had to defend his possessions by his strong right arm successfully, or be compelled to relinquish. This age is one when Little Lord Fauntleroy's can own armies of profit producers, without being distracted from their toys. Whatever defense is needed is supplied by society, with its governments and its judges, its super-serviceable band of lawyers, and its armed forces. Two delicate children are upheld in the enormous possessions and vast power, while millions of fellow beings are suffered to remain in destitution."

An attempt apparently to instill poison into the minds of the prisoners sent there by the judges of this land, by the courts of the land that they have not fairly dealt with. Among them also I found this book included in that bunch sent there—"Karl Marx Life and Works." I am not here to criticise all of the books sent out there. Many of them were good, but I don't believe that the people of this state desire that literature should be sent out to be used by those prisoners such as included in some of these books that were sent out. And I have it from good authority that Mr. Stangeland was down in the Mayville Normal Library and made some sort of a survey of that institution. By the way, when I mention Mayville it rather reminds me of one of the "splendid" appointments that some people would say has been made by our present Board of Administration down there in that institution and that appointment is one of the reasons why I am asking for the passage of this bill, and the repeal of the Board of Administration measure, and I refer to the appoint-

ment Madame Signe Lund in charge of the Music department, a woman who down there has presented to the members of the faculty of that institution, and I can give you the names of two of them if you want them, a petition for the release from prison of Kate Richards O'Hare, and it is rather significant that my attention was called to an "Appeal to Reason" here today and I saw on that "Appeal to Reason" the fact that the man who wrote "Profits of Religion" a most damnable book that I will take time to quote from, written by Upton Sinclair occupying two pages of that copy of "Appeal to Reason" and we find that the candidates of the publishers mentioned for President and Vice President of the United States respectively, are Eugene V. Debs and Kate Richards O'Hare. No wonder that on her mailing list are Signe Lund and Mr. Stangeland.

I have referred to "Profits of Religion." I don't know whether some of the Educators of this State who damned me for calling attention to the fact that these books have been paid for by the public money in this state know what is in these books or not. I don't know whether Ministers of the Gospel know or not, but I want to send the word out to them now and I am going to get it to them by reading something from it right now.

On page 22: "So builds itself up, in a thousand complex and complicated forms, the Priestly Lie. There are a score of great religions in the world, each with scores or hundreds of sects, each with its priestly orders, its complicated creed and ritual, its heavens and hells. Each has its thousands or millions or hundreds of millions of "True Believers;" each damns all the others, with more or less heartiness—and each is a mighty fortress of Graft."

"There will be few readers of this book who have not been brought up under the spell of some one of the systems of Supernaturalism; who have not been taught to speak with respect of some particular priestly order, to thrill with awe at some particular sacred rite, to seek respite from earthly woes in some particular ceremonial spell. These things are woven into our very fibre in childhood; they are sanctified by memories of joys and griefs, they are confused with spiritual struggle they become part of all that is most vital in our lives. The reader who wishes to emancipate himself from their thrall will do well to begin with a study of the beliefs and practices of other sects than his own,—a field where he is free to observe and examine without fear of sacrilege."

On pages 27 and 28 is found something so sacrilegious and so terrible that I wouldn't read it in this House or at any other place. I will say particularly to those of you who are Catholics do not fail to read pages 27 and 28 under the heading "Salve Regina." On page 73 we find this gem:

"And of course, in buying the English Government, these new prices have bought the English Church. Skeptics and men of the world as they are, they know that they must have a Religion. They have read the story of the French Revolution, and the shadow of the guillotine is always over their

thoughts; they see the giant of labor, restless in his torment, groping as in a nightmare for the throat of his enemy. Who can blind the eyes of this giant, who can chain him to his couch of slumber? There is but one agent without rival—the Keeper of the Holy Secrets, the deputy of the Almighty Awfulness, the Giver and Withholder of Eternal Life. Tremble, slave! Fall down and bow your forehead in the dust! I can see in my memory the sight that thrilled my childhood—my grim old Bishop, clad in his gorgeous ceremonial robes, stretching out his hands over the head of the new priest and pronouncing that most deadly of all the Christian curses: "Whose sins thou dost forgive they are forgiven; and whose sins thou dost retain, they are retained!"

On page 105 is an awful article on Charity, condemning the church, and its work in such terms that words fail me absolutely to say what I really feel about it. On page 162 there is a criticism of another church, and he says, quoting first another author: "The Lutheran Reformation had been most truly religious and creative when it embraced the whole of human life and enlisted the enthusiasm of all ideal men and movements. When it became "religious" in the narrow sense, it grew scholastic and spiny, quarrelsome, and impotent to awaken high enthusiasms and noble life." And then the author takes up the line and says: "As a result of Luther's treason to humanity, his church became the state church of Prussia, and Bible-worship, and Devil-terror played their part, along with the Mass and the Confessional, in building up the Junker dream.

(Objection was here made to Mr. Burtness continuing on account of having already spoken more than 20 minutes, but upon Mr. Harris yielding his time to Mr. Burtness The Speaker allowed him to continue.)

MR. MILLER objected to the Speaker reading printed matter not having the consent of the House.

MR. O'CONNOR moved that the Speaker be permitted to read what he wants to read, which motion prevailed.

MR. BURTNESS. I thank you gentlemen for the courtesy and privilege extended. There are many quotations which I should like to read, but I will read but one or two additional. I quote from page 227 of this same book, under the heading, Birth Control.

"I assert that the control of our thinking on ethical questions by minds enslaved to tradition and priestcraft is an unmitigated curse to the race. The armory of science is full of weapons which might be used to slay the monsters of disease and vice,—but these weapons are not allowed to be employed, sometimes not even to be mentioned. \* \* \* \* \* There exists a simple, entirely harmless, and practically costless method of preventing conception which would enable us to check the blind and futile fecundity of nature, and to multiply as Gods instead of as animals. Consider the festering mass of misery in the slums of our great cities; consider the

millions of terrified, poverty-hounded women, bearing one half-nurtured infant after another, struggling desperately to feed and care for them, and seeing them drop into the grave as fast as they are born,—until finally the mother, worn out with the Sisyphean labor, gives up and follows her misbegotten offspring. Consider how many women, in their agony and despair, make use of the methods of the primitive savage to escape from nature's curse of fecundity. Dr. William J. Robinson has estimated that in the United States alone there are a million abortions every year; and consider that all this hideous mass of suffering,—a bloody European war going on continually, unheeded by any newspaper correspondent—might be avoided by the use of a simple sterilizing formula, which we are not permitted to give! The Federation of Catholic Societies have placed a law upon the statute books of the Nation, and of all the states as well; the whole power of police and courts and jails is at the service of religious bigots, and a young girl is sent to prison and forcibly fed with a tube through the nose for telling poverty-ridden slum-women how to keep from becoming pregnant."

At the bottom of page 273 you find this:

"All this is grotesque; but it is what happens to religions in a world of commercial competition. It happens not merely to Christian Science and New Thought religions, Mazdazman and Zionist, Holy Roller and Mormon religions, but the Catholic and Episcopalian, Presbyterian and Methodist and Baptist religions. For you see, when you are with the wolves you must howl with them; when you are competing with fakirs, you must fake. The ordinary Christian will read the claims of the New Thought fakirs with contempt; but have I not shown the Catholic Church publishing long lists of money-miracles? Have I not shown the Church of God Society, our exclusive and aristocratic Protestant Episcopal Communion, pretending to call rain and to banish pestilence, to protect crops and win wars and heal those who are "sick in estate"—that is, who are in business trouble?"

I resent the suggestion that this book is an attack of one church against another. Not at all. It condemns them all equally without exception. On page 282 I quote the following:

"From that time on Christianity has been what I have shown in this book, the chief of the enemies of social progress. From the days of Constantine to the days of Bismarck and Mark Hanna Christ and Ceaser have been one, and the church has been the shield and armor of predatory economic might. With only one qualification to be noted; that the church has never been able to suppress entirely the memory of her proletarian founder." And I believe that the thing that made me saddest as I read it, more than any other part of the book, is one little sentence found on the next to the last page of the book in which the author says this: "I get letters from the readers of my books; nearly always they are young people, so I feel like the father of a large family."

I wish I could take the time to quote the same statements

that I quoted on the Floor of this House from "Love and Ethics" wherein the author stated in substance that the institutions that we believe in should be set aside and wherein she preaches the doctrine of free love. I furthermore won't take time to quote from Meyer's History of the Supreme Court, but I want to say that the book is one in which the author condemns every President from Washington down to the present time as being corrupt and appointing equally corrupt men to the position of judges on the Supreme Court; that it condemns every Chief Justice that we ever had from Chief Justice Jay to our present Chief Justice White, and I want again to say that remarks or statements of that kind when made from books or from the platform, wherever they are made, are not remarks that will tend to cause us to honor our institutions or our country or its flag. And I want to say these things right now because I want you to understand that I don't believe that just because the present board of Administration has taken out one link in the entire chain—that they have destroyed the system. Not at all. It is there, and it can't be destroyed absolutely until you kill the present bill, so long as at least as the man who now dominates that Board remains upon it, for he does not deny that he favored the presence of these books in our traveling library. He made the statement at a board meeting according to a written statement signed by one of the members of that board, to the other members which statement I shall be glad to place in the record, if you want it and I know too that he while on the Board of Regents, he together with Mr. Muir, wanted to appoint as President of our State University Frederick C. Howe who has proved himself in the later days as disloyal to our nation, as the protector of anarchists and disloyalists from Emma Goldman down. And I want to say that if it hadn't been for the reports that have gone out from this city during the past few days and for the facts as they have been divulged here, within a short time the man who was elected as President would be deposed. There is no question of these things.

There are so many other things I would like to call your attention to, so many other abuses under the law and so many violations of its spirit, that I would like to call your attention to, but I am not going to take the time now. I could talk to you a couple of hours if I should have the time and the opportunity, and I have the proofs to substantiate my contentions and much of it will be substantiated by the records of the Board of Administration itself if they are brought out to the light of day. At any rate, I do urge upon you that you put back into the hands of the Superintendent of Public Instruction the duties and powers taken away from that official. You can do it by passing this bill. I also urge that we ought to put our stamp of disapproval upon the kind of politics that was used with the people of this state in getting their approval of the law by misstatements not only upon the stump and in the press, but upon the ballot as well, and I know no better way in which you can show that disapproval, and your disapproval of such damnable literature as has found its way into the traveling libraries of this state, including such books as the one from which I read here today, than to pass the bill which is now before you.

MR. MADDOCK. I want to say that I want to agree perfectly with the sentiments expressed by the gentleman from Grand Forks in regard to the condemnation of those books upon the public. I understand also that his fear was expressed that there was such an attempt to put those books in the library and sent to the schools and the general public. I believe his remarks are not in line with those he made the other day when this subject was brought up and the investigating committee was appointed. At that time it was my impression it was his claim that those books were for distribution in the circulating library. The report of that committee does not seem to bear that out. I do not believe he would want to place me in position to condemn those books being in reference libraries. I believe that is customary, but I also would condemn anybody or any attempt to put those in the circulating libraries and get them out before the schools of the state. We are not in sympathy with that kind of stuff, as the extracts read by the gentleman. There isn't hardly a man in here who would approve those books by sending them out in the circulating libraries, and in this Committee report they have not attempted to place the blame on anybody. I think there is a sentiment throughout the State that somebody is to blame and I wish that the committee had pointed out wherein that blame rested so that we could get this thing all cleaned up and be done with it forever, and lay at rest the insinuations that have flowed from this charge that has been brought here, in trying to connect such matters with the present plans and purposes of the administration. The press reports that have gone out on this matter are incorrect and absolutely misleading, and we all know that the Non-Partisan League and the present government of the state is putting out an industrial program before the people of the state, and there has been the suggestion by the people who make these charges that it has been contaminated in some way, and in some way connected with that rot from the volume of Free Love discussions which had no connection absolutely with our economic program. And I wish the committee could separate those two issues, and show that there has been no conjunction between these two matters in the state. There has been an inference that there has been an attempt on the part of the state administration to foist those books upon the public. I absolutely know in my own mind that the chief executive of this state, Governor Frazier, is not responsible through his appointments or in any other way for those books being in there unless he has been badly deceived and I feel also certain that in this committee report when it is dissected and determined who the blame lies on any state official that the Governor of this state would do his best to have that person removed and to stop any attempt to put that kind of literature before the people



of this state. I want to read you something out of the Independent, the official organ of the I. V. A. in its issue of Dec. 4th. There is a long article in there on Bolshevism, and at the conclusion we have a statement in regard to the Chief Clerk of this House, and they quote him as saying, "I am a Bolshevik and I don't care who knows it." I know the Chief Clerk and have never heard him express such statements.

The same members are here today and the gentleman who introduced House Bill 28 of this session to abolish the present Board of Administration is the same gentleman who introduced that Free Love bill of last session.

It seems that the official organ of the I. V. A. knew that something of this kind would occur in regard to this book charge and investigation. The remarks from the gentleman from Grand Forks in reading extracts from those books is an attempt to make us believe that we have to pass House Bill 28 in order to get rid of that stuff is so absurd that no one would contend for that proposition for a single moment. If it is necessary in order to stop such stuff I for one, speaking for myself personally and not for any other member of this House, would be willing to stop the entire program, the whole Industrial Program if necessary to keep such stuff from the schools and public. But it is not necessary. I am for the indefinite postponement of House Bill 28.

**MR. BURTNESS.** The gentleman from Mountrail has asked me as to whether I know if the Profits of Religion, for instance, is a book which is to be sent out in the circulating libraries of the State.

**MR. MADDOCK.** I would like to ask the gentleman if he made that statement that that book was sent out.

**MR. BURTNESS.** I have made the statement a number of times that it was purchased for the purpose of being sent out. I have never made the statement that it has actually been in circulation any place throughout the state, and to make my statement very plain I will amplify it very briefly by referring to a conversation which I had with the librarian in the presence of several members of the House, and I think any of them will substantiate my position as to the statements made by the librarian in that regard. The books that were on the list which I gave in the other day, the list of 22, of those books practically every one of them were ordered to be "pocketed" for the traveling library and, for instance, the book that has been referred to by the gentleman from Mountrail has the traveling library card in it. From that point I concluded and inferred without any hesitation that they were intended to be circulated throughout the State. I asked the librarian in charge, Miss Peterson, and she said that they were part of the traveling library, and were to be sent out to the public within the state whenever there was any kind of a request for books

covering questions of that sort. She said, up to that moment they had not had time to complete the cataloguing of these books, they were new books that hadn't been completely catalogued. She called attention to the fact that the card did not have upon it the number of any particular traveling library box, but she said if, for instance, a request came in to the library from some place thruout the state, as for instance a community club, for some books dealing with social problems, she as the librarian, would choose from among those books and send out some of them to fill that request. I think that answers the question that Mr. Maddock asked, but if there is anything further along that line, I shall be glad to answer. It has never been denied that they were for circulation in that way.

**MR. MADDOCK.** It is hard to gather just what the gentleman means by his answer. I understand that the gentleman said that they were not circulated, but that it was the intention of the librarian to circulate those?

**MR. BURTNESS.** I say now that they were intended for circulation in the traveling libraries. I hadn't stated that they were as yet circulated, but that they were there and are there now for circulation in the traveling library.

**MR. MADDOCK.** Those particular books are all the books you have mentioned.

**MR. BURTNESS.** All with the possible exception of one As to the other there has been some quibbling on the part of the librarian, and the one I refer to, Helen Key's Love and Ethics she told me positively in the first instance that that was part of the traveling library of this state. I don't recall whether she testified on that particular question or not before the committee. The record should show. At any rate, the assistant librarian, Miss Layne, who works under Miss Peterson, testified that it was intended as a part of the traveling library. But that is the only exception that I recall, although the statement was made that all of the books in the library can of course, on special request, be sent out whether they form part of the traveling library or not.

**MR. MADDOCK.** As I understand it, the gentleman testified before that committee. The impression left by his testimony does not correspond with his statements here. Evidently if he had about three hours more time to explain his inconsistencies we could get at the meat of the matter.

**MR. MURTHA.** I don't think the gentleman from Mountrail quite understands the situation. The books to which Mr. Burtness objected came into the library in the Capitol about November 19th, and they have just been indexed, and they haven't had time to send them out. The committee report says that none of those books have actually been sent out, but I took it that the only reason that they haven't been sent out is because they haven't been in the library long enough.

CRIES of previous question. A viva voce vote is taken.

The Speaker declares the previous question carried.

**THE SPEAKER.** The question now is on the acceptance or rejection of the committee's report on House Bill No. 28. The motion is that the report for the indefinite postponement of the bill be accepted.

The question being on the adoption of the committees report to indefinitely postpone House Bill No. 28. Ayes 68, nays 38, absent and not voting 7.

**Ayes:** Arnold, Alberts, Bailey, Brady, Brostuen, Bratsburg, Bryans, Bjerke, Burkhart, Byrne, Caddell, Donner, Eckert, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hardt, Harding, Hoare, Ivers, Johnson of Dickey, Johnson of Steele, Kamrath, Kelder, Kell, Kellogg, Keltzman, Larson of Ransom, Larson of Stutsman, Larkin, Lazier, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McLarty, McManus, Miller, Moen, Nathan of Sheridan, Nathan of Logan, Nesvig, O'Brien, O'Connor of Pembina, Olson of Barnes, Opland, Paterson, Prater, Randall, Riba, Reauld, Sherman, Strain, Strom, Wadson, Walker, Weld of Wells, Whipple, Wog, Yeater, Mr. Speaker.

**Nays:** Bollinger, Burtness, Carr, Dungan, Durkee, Engen, Hammond, Hanson, Harris, Herbert, Humphreys, Johnson of Cass, Johnson of Pembina, Johnston, Kelly, Koller, Kunkel, Larson of Pierce, Lowe, McGauvran, McLaughlin, Mikkelson, Murtha, Ness, Nims, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olsgard, Petterson, Pleasance, Reid, Robinson, Roquette, Rusch, Severson, Turner, Twichell.

**Absent and not voting:** Cleven, Hemmi, Klein, Krueger, Reishus, Uglum, Weld of Kidder.

Which motion prevailed.

**MR. MADDOCK:** In voting for the indefinite postponement of House Bill 28 I want to explain my vote, and express my absolute confidence in the Governor of this state in removing any official from the Board of Administration or any other appointive position when it is shown to him that there is any attempt to bring any of this free love stuff into our schools and homes. I have that absolute confidence in Lynn J. Frazier to do that. And of that committee report convinces him, I have every confidence that he will take immediate action. And if the gentleman from Grand Forks was sincere in bringing this matter up, and I believe he is sincere, I want to assure him that any time he will make an attempt to keep such stuff from our homes and schools I am with him to a fare-you-well.

**MR. NESVIG:** I want to explain my vote. I am glad today that I can be on the majority side and not be a supporter when a man comes to the rescue of a man when it comes to introducing free lovers bills for political purposes. I want to explain my vote in support of this bill in behalf of a Board of Administration, because I have lived in Traill

County, and know the change that has taken place in that county that the same has met with the approval from the people of that county that believe in good morals and Christianity.

MR. TWICHELL: My county voted against the Administration Bill as did Mr. Nesvig's, and I will have to disagree with him in this case, and vote against the bill.

MR. SPEAKER: I wish to explain my vote. I wish to state one reason for sustaining the indefinite postponement of this bill, is that beneath this bill, some place and manner, it might be pertaining to some free love clause unseen by this farmers' Legislature, and my reason for being suspicious of this bill is because it was introduced by the gentleman that we have heard so much about throughout the state. I vote aye.

Mr. Walker moved that this Assembly recommend that a complete survey of all the contents of the library be made as speedily as possible, and furnish to a committee to be appointed by the Speaker consisting of three, two from the majority and one from the minority. That said report be submitted to educational and literary authorities of the United States, with the request that they advise as to the propriety of any or all of such books being needed in the State Library and the conditions under which such books should be retained in such library. Which motion prevailed.

THE SPEAKER: I will appoint on that committee Mr. Nesvig, Mr. Johnson and Mr. Sherman.

#### MOTIONS AND RESOLUTIONS

The Speaker called Mr. Miller to the chair.

Mr. Twichell moved that further consideration of the controversy between Mr. Herbert and Mr. Hardt be indefinitely postponed, which motion prevailed.

#### MESSAGE FROM THE SENATE

SENATE CHAMBER,  
Bismarck, N. D.  
Dec. 10, 1919.

Mr. Speaker: I have the honor to transmit the following concurrent resolution:

#### CONCURRENT RESOLUTION

Introduced by Mr. Hardt.

WHEREAS, The permanent journals of the House and Senate for this Special Session of the Sixteenth Legislative Assembly will be comparatively small and

WHEREAS, The binding required by law for said journals is of such quality and it would seem of greater expense than necessary for the binding of the journals for this Special Session of the Sixteenth Legislative Assembly on account of brevity of said journals.

THEREFORE, BE IT RESOLVED, By the Senate of the State of North Dakota, the House of Representatives, concurring, therein, that the permanent journals of this Special Session of the Sixteenth Legislative Assembly be wire-stitched and paper-bound, quality and weight of cover paper to be similar to that now used for printing of departmental reports, with the exception that fifty of the said volumes of the journals of the Senate and House of Representatives be bound in half-sheet binding, to be used for purposes of distribution to the various state officials entitled to the same and to the permanent public libraries of the state.

Total number of Journals to be one thousand five hundred. Which the Senate adopted and your favorable consideration is respectfully requested.

Very respectfully,

W. J. PRATER.

Secretary.

#### A JOINT RESOLUTION

Introduced by Mr. Drown.

Authorizing and empowering the Railroad Commissioners to investigate the price of gasoline in this State and the alleged discrimination of the Standard Oil Company against residents of this state.

**Be it resolved by the Senate of the State of North Dakota, the House of Representatives concurring therein, that**

WHEREAS, the Standard Oil Company of Indiana is alleged to be engaged in discriminating against residents of the State of North Dakota in the sale of gasoline, and

WHEREAS, the said Standard Oil Company is alleged to be charging an unfair price in this State for gasoline, therefore,

BE IT RESOLVED, that the Railroad Commissioners of this State be and they are hereby authorized and empowered to investigate the practices of the Standard Oil Company with reference to discrimination against residents of this state in the matter of fixing prices for gasoline, and that the Board of Railroad Commissioners report the results of such investigation to the next general session of the Legislative Assembly of this State.

Mr. Harding moved that the House do concur in the joint resolution which motion prevailed.

STATE OF NORTH DAKOTA  
OFFICE OF THE GOVERNOR  
BISMARCK

December 10, 1919.

## TO THE MEMBERS OF THE HOUSE:

You are hereby informed that I have approved and filed with the Secretary of State, House Bill No. 5, An Act Making an Appropriation for General Repairs and Improvements of the Executive Mansion.

Also House Bill No. 6, An Act to Repeal Chapter 207 of the Session Laws of North Dakota, 1919, relating to the Extension of the State Street Car Line and Providing for an Appropriation Therefor.

Also House Bill No. 49, A Joint Resolution Requesting the Supreme Court of the United States to advance the Case of John W. Scott, et al vs. Lynn J. Frazier, et al on the Calendar.

Also House Bill No. 21, An Act to Amend and Re-enact Sections 8 and 13 of Chapter 97 of the Laws of 1917 as amended by Section 2 of Chapter 99 of the laws of 1919, relating to the incorporation of Co-operative Associations, the voting powers thereof, and apportionment of earnings.

Also House Bill No. 36, An Act to Amend and Re-enact Section 1 of Chapter 152 of the Session Laws of 1915, relating to the Emergency Commission and membership thereof.

Also House Bill No. 51, An Act Requiring the Board of Railroad Commissioners to Devote each his entire time to his respective office, and to increase the Compensation thereof.

Respectfully

Lynn J. Frazier.

## MESSAGE FROM THE SENATE

SENATE CHAMBER,

Bismarck, N. D.

Dec. 10, 1919.

Mr. Speaker: I have the honor to return herewith the following bills:

House Bill No. 17, "A Bill for an Act, providing for the appointment of Tax Supervisor's fees, their salaries and term of office and defining their powers and duties and repealing Chapter 219 of the Laws of North Dakota for the year 1919." Which the Senate has passed unchanged.

Very respectfully,

W. J. PRATER.

Secretary.

## SENATE CHAMBER

Bismarck, N. D.

Dec. 10, 1919.

Mr. Speaker: I have the honor to return herewith the following bill:

House Bill No. 57, "A Bill for an Act making appropriation for the maintenance, improvements and repairs, new buildings, equipments and miscellaneous expenses of the North Dakota Reform School; amending and re-enacting Section 1 of Chapter 57 of the Laws of North Dakota for the year 1919; repealing all acts and parts of acts in conflict therewith; and declaring an emergency."

In line 37 of Section 1 of the Printed Bill, strike out the words, "Main Buildings," and insert in lieu thereof the words, "Little Boys' Building;" in line 38 of the same Section, strike out the words, "and chapel;" after lines 37, 38, 39, and 40 of the same Section, strike out the figures, "100,000," and insert in lieu thereof the figures, "110,000;" on page 3 of the Printed Bill, in Section 1 of SECTION 1, line 65, strike out the figures, "\$208,960," and insert in lieu thereof the figures, "\$218,960."

## THIRD READING OF SENATE BILLS

Mr. Twichell moved that the committee who acted in the matter of the book investigation in the library be requested to bring in a report and find as to who is responsible for those books being in the library, which motion was voted on and declared lost by the Speaker.

Senate Bill No. 5, "A Bill for an Act to amend and re-enact Chapter 182 of the 1919 Session Laws to provide for the taxing and licensing of motor vehicles, the creation of a Motor Vehicle Registration Department of the State Highway Commission and the appointment of a Registrar as head of the same, defining his duties and compensation; establishing the method of distributing the fees received therefrom; fixing penalties for the violation of this act and providing an appropriation for administering the same and for the use of the State Highway Commission; and repealing Chapter 156 of the Laws of North Dakota, 1917, and all acts and parts of acts in conflict therewith."

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 57, nays 45, absent and not voting 11.

Nays—Bjerke, Dungan, Durkee, Engen, Fredrickson, Hall, Bryans, Bollinger, Burtness, Burkhart, Byrne, Caddell, Carr, Donner, Eckert, Ferguson, Gunhus, Haines, Hardt, Harding, Harris, Herbert, Ivers, Johnson of Dickey, Johnson of Steele, Kamrath, Kelder, Kell, Koller, Larkin, Maddock of Mountrail,

Malone, Martin of Slope, Maxwell, McDonnell, Moen, Murtha, Nesvig, O'Brien, O'Connor of Pembina, O'Connor of Grand Forks, Olson of Ward, Olson of Barnes, Opland, Pleasance Prater, Robinson, Roquette, Sherman, Strain, Strom, Turner, Walker, Weld of Wells, Whipple, Wog, Yeater.

Nayes—Bjerke, Dungan, Durkee, Engen, Fredrickson, Hall, Hanson, Hoare, Humphreys, Johnson of Cass, Johnson of Pembina, Johnston, Kellogg, Kelly, Keitzman, Larson of Ransom, Larson of Stutsman, Larson of Pierce, Lazier, Lowe, Maddock of Benson, Magnuson, Marshall, Martin of Bottineau, McGauvran, McLarty, McLaughlin, McManus, Mikkelson, Miller, Nathan of Sheridan, Nathan of Logan, Ness, Nims, Olsgard, Patterson, Petterson, Randall, Riba, Reid, Renault, Rusch, Severson, Twichell, Wadson, Mr. Speaker.

Absent and not voting—Cleven, Hammond, Hemmi, Klein, Krueger, Kunkel, Mikkelson, Olsen of Ramsey, Reishus, Uglum, Weld of Kidder.

So the bill passed and the title was agreed to.

MR. BURKHART: I wish to explain my vote. I originally made up my mind I wouldn't vote for this bill. Since I studied the situation in Bismarck I have concluded that I am very much in favor of building this bridge. I feel that the public, not only of Bismarck and Burleigh and Morton Counties but the people from practically all parts of the State would use such a bridge to great advantage. I have heard a great many complaints in my own township and county about not having a bridge across the Missouri River. It is that which prompts me to vote for this bill as much as anything else. I am not in favor of taking it out of the automobile registration fund for this reason, that I feel it will handicap the townships and the county in their road work on their road making proposition, but nevertheless I am going to take a shot at it and vote for it. I would add further that it is my understanding that if we do not in some way secure this money, we will lose some \$350,000 appropriated by the Federal Government for this purpose.

MR. CADDELL. I wish to explain my vote. I think it is generally agreed that practically all the members are in favor of a bridge. Some think we ought to put it off, and some to take it out of the automobile fund. But I think that the bridge should be built right now if there is any possible way to do it, and as to the constitutionality of it I am not in position to say. It can't be considered a local proposition. It is a national proposition. One of the best highways in the country goes across this state, and as it is said the chain is no stronger than its weakest link, and the weakest link is right here at the Missouri River. I am very much in favor of a bridge because I have an old Arabian saddle horse and I used to swim him across the river, and he is getting old for swimming very much and I am in favor of this bridge.

MR. HAINES. I am in favor of a direct taxation proposition but I am not in favor of taking it out of the automobile fund. I vote aye.



MR. HOARE. The reason I vote no on this measure is because the taxpayers of my locality would not approve of my voting for this measure. I believe in the bridge, but not in the way of going about it, and therefore I vote no.

MR. JOHNSON of Steele. I have always been in favor of improvements of roads and bridges. This is a special session called for special purposes of business and oratory, and I shall vote no because I think it can come up at a proper time when we can act on it.

MR. JOHNSON of Pembina. It isn't very often that my dear namesake and I vote the same way. I agree with the gentleman from Cass (Mr. Twichell), I am in favor of the bridge but I do not think this is the proper way to do, and I think it should be by direct taxation, therefore I vote No.

MR. MILLER. I would be glad to favor this bill under certain conditions, but neither my constituents nor myself are in favor of voting for this bill under these conditions, and I vote "no."

MR. PATTERSON. I don't want it understood that I am opposing the State of North Dakota progressing or doing its part to help the nation progress. But in view of the fact that this Extraordinary Session was called, having financial obligations on ourselves, I don't deem it proper to vote for the establishment of the bridge at this time.

MR. TURNER. I have several reasons, Mr. Speaker for explaining my vote. First that this state is 30 years of age, second that we on the west side of the river have always done our part by taxation in building up the rest of the State. We have one fourth of the total area of the state lying west of this Big Missouri River. We have about 150,000 people. I will have to admit that we have received a few small appropriations from this Assembly but we have contributed through all these years to the upbuilding of this state and we are going to continue to do so because we glory in the institutions of this state but we think that we should now receive something for that support which we have so gladly given. The National Government says to this state it will pay 50 per cent of the total cost if the bridge is built. The two counties, Burleigh and Morton have said they will pay a sixth of its cost. We are asking the State to appropriate only one third of the cost and thereby bring into the State approximately \$350,000. This bridge will take care of a great traffic that is going across the state, and will be one of the best publications of our state that has ever been heard of. I am informed that over 10,000 automobiles went over this river last year, from all over the United States and Canada. Its building will give employment to a large number of laboring men, and will benefit people all the way

along the road, to Montana, and Idaho, and Oregon and British Columbia, and will advertise our state clear to California, this great link in the National Parks Highway. Everyone is pleased to see people come this way instead of going down through Nebraska. We have something that we want to show them, and if we can get them to invest their money here or settle down here, it will be a big benefit to them and to us. The bridge across the Little Missouri was built by popular subscription. There is now no reason why North Dakota cannot do her part and come across and help build this bridge across that great river. I vote "aye."

MR. TWICHELL. I want to vote for this appropriation. I am not going to vote for it in this form, but as soon as this bill is voted on, I will move to have the Senate Bill 33 called back and amended to its original form which is for a direct appropriation of \$225,000 from the general fund. I believe that can be done. I am going at this time to vote against the bill.

MR. O'CONNOR. I wish to explain my vote. In 1919 in the Regular Session, we passed Senate Bill 201 known as chapter 73 of the Session laws, which law provides: (Mr. O'Connor here read the law mentioned.) The Section 2 of that law provides that plans shall be drawn approved by the State Engineer and submitted to the Federal Government if necessary. As I understand the situation the counties of Burleigh and Morton have taken the necessary steps to act under the law and have done so in good faith and have spent a great many thousands of dollars in making the preliminary survey and are taking the necessary steps to bond themselves to make the necessary appropriations to build this bridge, and that the Federal Government has offered to pay 50 per cent of the cost of construction. Probably the county from which I come will derive the least direct benefit from this bridge, as we are about as far away from it as we could possibly be. I believe that in voting for this bill I am interpreting properly the views of my constituency both in the City and in the Country in Grand Forks County. We can't build locally in North Dakota. If the western part of the state prospers, or any county in the State prospers, we prosper by it, and if we can help to make more prosperous any part of this great state, our people have never yet refused to do it. I believe this is as much the building up the general prosperity, one of the links in this great highway, as anything we can do. We are going to do our part, and I vote "aye."

MR. ARNOLD. I wish to explain my vote. We have appropriated money here to-day appropriating money to send some

one to a drainage commission, and that is always-being done in one matter or another. I can't see why people will get up now and deny us the right to have this bridge. I have figured out that it will not cost to exceed 30 cents per person in the state to build this bridge, for the State's share, and I vote "aye."

#### REPORTS OF STANDING COMMITTEES

The committee on State Affairs to whom was referred Senate Bill No. 27.

"A Bill for an Act to amend and re-enact Section 1 of Chapter 224, Laws of North Dakota, 1919, relating to the limitation of tax levies."

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

WALTER MADDOCK,  
Chairman.

Mr. Maddock moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on State Affairs made the following report:

Mr. Speaker: Your committee on State Affairs to whom was referred Senate Bill No. 12.

"A Bill for an Act to amend and re-enact Sections 7, 8 and 9, and Sub-section (e) of Section 13 of Chapter 224, Session Laws of North Dakota, 1919, relating to income taxes."

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

WALTER MADDOCK,  
Chairman.

Mr. Maddock moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on State Affairs made the following report:

Mr. Speaker: Your committee on State Affairs to whom was referred Senate Bill No. 10.

"A Bill for an Act to amend and re-enact Section 1 and Section 2 of Chapter 227, Laws of North Dakota, 1919, relating to the taxation of petroleum products or by-products."

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

WALTER MADDOCK,  
Chairman.

Mr. Maddock moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on State Affairs made the following report:

Mr. Speaker: Your committee on State Affairs to whom was referred Senate Bill No. 32.

"A Bill for an Act to amend and re-enact Section 2144 of the Compiled Laws of North Dakota for the year 1913, relating to the assessment of express, telegraph and telephone companies, freight and car equipment companies, and to impose a gross earnings tax on freight line and car equipment companies, and repealing all acts and parts of acts in conflict herewith."

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

WALTER MADDOCK,

Chairman.

Mr. Maddock moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on State Affairs made the following report:

Mr. Speaker: Your committee on State Affairs to whom was referred Senate Bill No. 36.

"A Bill for an Act providing for the distraint of property for the payment of delinquent taxes due to the state."

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

WALTER MADDOCK,

Chairman.

Mr. Maddock moved that the report be adopted, which motion prevailed and the report was adopted.

#### CONSIDERATION OF MESSAGES FROM THE SENATE.

The Speaker called Mr. Patterson to the chair.

Mr. Strom moved that the House do concur in the Senate amendment to House Bill No. 44.

Moved that further consideration of House Bill No. 44 be postponed until tomorrow December 11th, it being the first business to come at that time, which motion prevailed.

Mr. Bjerke moved that the House recess until 10 o'clock tomorrow which motion prevailed and the House recessed.

SEVENTEENTH DAY AFTER RECESS AND EIGHTEEN  
DAY.

The House assembled pursuant to recess taken the Speaker presiding.

## CONSIDERATION OF MESSAGE FROM THE SENATE.

Mr. Strom moved that the House do concur in the Senate amendment to House Bill 44 which motion prevailed.

The question being on Senate amendment to House Bill No. 44. "A Bill for an Act to amend and re-enact Sub-divisions Number 7, Number 8, Number 11, Number 18 and Number 33. of Chapter 16 of the Session Laws of 1919, relating to the General Budget Appropriation."

The roll was called and there were ayes 75, nays 12, absent and not voting 26.

Ayes: Alberts, Bailey, Brady, Brostuen, Bratsburg, Bryans, Bjerke, Burtness, Burkhart, Donner, Dungan, Eckert, Ferguson, Fredrickson, Haines, Hall, Hanson, Hardt, Harding, Herbert, Hoare, Humphreys, Ivers, Johnson of Steele, Kamrath, Kelder, Kellogg, Keitzman, Koller, Larson of Ransom, Larson of Stutsman, Larson of Pierce, Larkin, Lazier, Lowe, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Maxwell, McDonnell, McGauvran, McLarty, McManus, Miller, Moen, Murtha, Nathan of Sheridan, Nathan of Logan, Nesvig, Nims, O'Brien, O'Connor of Pembina, Olson of Ward, Olson of Barnes, Opland, Patterson, Pleasance, Prater, Randall, Riba, Reid, Rouquette, Sherman, Strain, Strom, Turner, Wadeson, Walker, Weld of Wells, Whipple, Wog, Yeater, Mr. Speaker.

Nays: Durkee, Engen, Hammond, Johnson of Cass, Johnson of Pembina, Johnston, Mikkelson, Ness, Olsgard, Petterson, Severson, Twichell.

Absent and not voting: Arnold, Bollinger, Byrne, Caddell, Carr, Cleven, Gunhus, Harris, Hemmi, Johnson of Dickey, Kell, Kelly, Klein, Krueger, Kunkel, Martin of Bottineau, McLaughlin, O'Connor of Grand Forks, Olson of Ramsey, Reishus, Renauld, Robinson, Rusch, Uglum, Weld of Kidder.

So the bill passed and the title was agreed to.

Mr. Harding moved that the House do concur in the Senate amendment on House Bill No. 7 which motion prevailed.

The question being on Senate amendment to House Bill No. 7. "A Bill for an Act to repeal Chapter 6 of the Session Laws of 1919, relating to the licensing and inspection of pool and billiard rooms, ball and pin alleys, dance halls, theaters, moving picture shows, taxicab stands and places where soft drinks are sold; providing fees therefor, inspectors, office help and supplies; defining the powers and duties; and repealing all Acts and parts of Acts in conflict therewith."

The roll was called and there were ayes 68, nays 25, absent and not voting 20.

Ayes: Arnold, Alberts, Bailey, Brady, Brostuen, Bratsburg, Bryans, Bollinger, Bjerke, Burkhart, Donner, Dungan, Durkee, Eckert, Ferguson, Fredrickson, Haines, Hall, Hardt, Harding, Herbert, Hoare, Ivers, Johnson of Steele, Kamrath, Kelder, Kellogg, Keitzman, Larson of Ransom, Larson of Stutsman, Larson of Pierce, Larkin, Lazier, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marsnall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McLarty, McManus, Mikkelsen, Miller, Moen, Nathan of Sheridan, Nathan of Logan, Nesvig, O'Brien, O'Connor of Pembina, Olson of Barnes, Opland, Patterson, Prater, Randall, Riba, Sherman, Strain Strom, Wadson, Walker, Weld of Wells, Whipple, Wog, Yeater, Mr. Speaker.

Nays: Burtness, Carr, Engen, Hammond, Hanson, Humphreys, Johnson of Cass, Johnson of Pembina, Johnston, Koller, Lowe, McGauvran, Murtha, Ness, Nims, Olson of Ward, Ols-gard, Petterson, Pleasance, Reid, Robinson, Rouquette, Sever-son, Turner, Twichell.

Absent and not voting: Byrne, Caddell, Clevon, Guhus, Harris, Hemmi, Johnson of Dickey, Kell, Kelly, Klein, Krue-ger, Kunkel, McLaughlin, O'Connor of Grand Forks, Olse, Ramsey, Reishus, Renauld, Rusch, Uglum, Weld of Kidder.

So the bill passed and the title was agreed to.

The amendment was concurred in.

Mr. Maddock of Benson moved that the House do not concur on House Bill No. 55, which motion prevailed.

Mr. Johnson of Steele moved that the Speaker appoint a committee to confer with a like committee from the Senate which motion prevailed.

Mr. Maddock moved that the House concur in Senate amend-ment on House Bill No. 57, which motion prevailed.

The question being on Senate amendment to House Bill No. 57. "A Bill for an Act making appropriations for the mainten-ance, improvements and repairs, new buildings, equipments and miscellaneous expenses of the North Dakota Reform School; amending and re-enacting Section 1 of Chapter 57 of the Laws of North Dakota for the year 1919; repealing all acts and parts of acts in conflict therewith; and declaring an emergency."

The roll was called and there were ayes 92, nays 1, absent and not voting 20.

Ayes: Arnold, Alberts, Bailey, Brady, Brostuen, Bratsburg, Bryans, Bollinger, Bjerke, Burtness, Burkhart, Carr, Donner, Dungan, Durkee, Eckert, Engen, Ferguson, Fredrickson, Haines, Hall, Hammond, Hanson, Hardt, Harding, Herbert, Hoare, Humphreys, Ivers, Johnson of Steele, Johnson of Cass, Johnson of Pembina, Johnston, Kamrath, Kelder, Kellogg, Keitzman, Koller, Larson of Ransom, Larson of Stutsman, Larson of Pierce, Larkin, Lazier, Lowe, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McGauvran, McLarty, McManus, Mikkelson, Miller, Moen, Nathan of Sheridan, Nathan of Logan, Ness, Nesvig, Nims, O'Brien, O'Connor of Pembina, Olson of Ward, Olson of Barnes, Olgard, Opland, Patterson, Pettersson, Pleasance, Prater, Randall, Riba, Reid, Robinson, Rquette, Severson, Sherman, Strain, Strom, Turner, Twichell, Wadeson, Walker, Weld of Wells, Whipple, Wog, Yeater, Mr. Speaker.

Nays: Murtha.

Absent and not voting: Bryne, Caddell, Clevon, Gunhus, Harris, Hemmi, Johnson of Dickey, Kell, Kelly, Klein, Krueger, Kunkel, McLaughlin, O'Connor of Grand Forks, Olsen of Ramsey, Reishus, Renauld, Rusch, Uglum, Weld of Kiddle.

So the bill passed and the title was agreed to.

The amendment was concurred in.

Mr. Strom moved that the House do concur in the Senate amendment on House Bill No. 9 which motion prevailed.

Mr. Nathan of Sheridan moved that the House do not concur in the Senate amendment on House Bill No. 16 which motion prevailed.

House bill was referred to a conference committee.

### THIRD READING OF SENATE BILLS.

Senate Bill No. 3. "A Bill for an Act"

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 103, nays 0, absent and not voting 10.

Ayes: Alberts, Bailey, Brady, Brostuen, Bratsburg, Bryans, Bollinger, Bjerke, Burtness, Burkhart, Byrne, Caddell, Carr, Donner, Durkee, Eckert, Engen, Ferguson, Fredrickson, Haines, Hall, Hammond, Hanson, Hardt, Harris, Herbert, Hoare, Humphreys, Ivers, Johnson of Dickey, Johnson of Steele, Johnson of Cass, Johnson of Pembina, Johnston, Kamrath, Kelder, Kell, Kellogg, Kelly, Keitzman, Koller, Kunkel, Larson of Ransom, Larson of Stutsman, Larson of Pierce, Larkin, Lazier, Lowe, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McGauvran, McLarty, McLaughlin, McManus, Mikkelson, Miller, Moen, Murtha, Nathan of Sheridan, Nathan of Loman, Ness,

Nesvig, Nims, O'Brien, O'Connor of Pembina, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olson of Barnes, Olsgard, Opland, Patterson, Petterson, Pleasance, Prater, Randall, Riba, Reid, Renauld, Robinson, Roquette, Rusch, Severson, Sherman, Strain, Strom, Turner, Twichell, Wadeson, Walker, Weld of Wells, Whipple, Wog, Yeater, Mr. Speaker.

Absent and not voting: Arnold, Cleven, Dungan, Hemmi, Klein, Krueger, Reishus, Uglum, Weld of Kidder.

So the bill passed and the title was agreed to.

Emergency declared passed.

Senate Bill No. 9. "A Bill for an Act to amend and re-enact Article 16 of Chapter 11, Compiled Laws of North Dakota, 1913, relating to absent voters."

Was read the third time.

The question being on the final passage of the bill, the roll was called and there were ayes 63, nays 40, absent and not voting 10.

Ayes: Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bjerke, Burkhardt, Byrne, Caddell, Ferguson, Gunhus, Haines, Hall, Hardt, Harding, Hoare, Ivers, Johnson of Dickey, Johnson of Steele, Kamrath, Kelder, Kell, Kellogg, Keitzman, Larson of Ransom, Larson of Stutsman, Larkin, Lazier, Mad dock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McLarty, McManus, Miller, Moen, Nathan of Sheridan, Nesvig, O'Brien, O'Connor of Pembina, Olson of Barnes, Opland, Patterson, Prater, Randall, Riba, Renauld, Sherman, Strain, Strom, Wadeson, Walker, Weld of Wells, Whipple, Wog, Yeater, Mr. Speaker.

Nays: Bollinger, Burtness, Carr, Donner, Dungan, Durkee, Engen, Fredrickson, Hammond, Hanson, Harris, Herbert, Humphreys, Johnson of Cass, Johnson of Pembina, Johnston, Kelly, Koller, Larson of Pierce, Lowe, McGauvran, McLaughlin, Mikkelson, Murtha, Nathan of Logan, Ness, Nims, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olsgard, Petterson, Pleasance, Reid, Robinson, Rouquette, Rusch, Severson, Turner, Twichell.

Absent and not voting: Cleven, Eckert, Hemmi, Klein, Krueger, Kunkel, Maddock of Mountrail, Reishus, Uglum, Weld of Kidder.

So the bill passed and the title was agreed to.

HARDING—Moved to previous question, which motion prevailed.

JOHNSON, of Pembina—I vote "no" for the reason that I consider this law un-American, un-Democratic, unwise, and a vicious measure and contrary to the Australian system of ballot.

O'CONNOR, of Grand Forks—I wish to explain my vote. As one of those interested in good government I have always advocated laws which would make for the purity of election. Those who are not in favor of good government and fear the



will of the people are not interested in the purity of election. The Australian ballot system was instituted to protect the voter and to permit a free express of opinion. We have changed the Australian ballot system, so as to permit certain persons who expect to be absent from the state or county on election day to vote an "absent voter's ballot." This permitted certain people to vote who otherwise would not be able to express an opinion at the polls. There was great objection made in extending this privilege on the theory that it was a violation of the fundamental principles of the Australian system as we have it. Before this innovation the voter appeared. He could be identified, challengers were present and could challenge his vote and a judge was present to pass upon the question of his right to vote.

Our election laws make it an offense punishable by fine and imprisonment for anyone to electioneer on election day, or to bring people to the polls to vote. These provisions were placed in the law so as not to unduly influence the voters and not to disturb their judgment. There is not sufficient safe-guards in this bill and the step is not very great to dispense with the voting precinct, certain election officials, judges, clerks and challengers, and just have each voter mark a ballot and mail it to some official. We do not want this destruction of the Australian ballot system.

I am afraid gentlemen, that those who pass this law will regret it because it is a two sided sword and if it works in your favor at one election it may destroy you at another election. It is more important to protect the people in their voting than how they vote because if you give them the safe-guards and the secrecy of the ballot uninfluenced by fear or favor, the result will be wholesome.

The passage of this bill will mean that many new avenues of fraud will be opened up and unscrupulous politicians will take advantage of it. Our entire system rests upon the purity of our election and if you destroy the fundamental principles of the Australian ballot system you have struck a serious blow at representative government.

I am opposed to having anyone dictate to others how they shall vote because dictation destroys the great fundamental principle of the Australian system. I vote "No."

STROM—I am certainly amazed at the ignorance of the lawyers of this House. They have heard this bill read at least two times, and they ought to know what it contains. It does not change the present election law except in respect to the women. That is all the change there is in it, and any one of you can go up to the desk and read it. I vote "Aye."

TWICHELL—I vote "No" for the same reason that Mr. Strom does.

Senate Bill No. 10. "A Bill for an Act to amend and reenact Section 1 and Section 2 of Chapter 227, Laws of North Dakota, 1919, relating to the taxation of petroleum products or by-products."

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 104, nays 0, absent and not voting 9.

Ayes: Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bollinger, Bjerke, Burtness, Burkhart, Byrne, Caddell, Carr, Donner, Dungan, Durkee, Eckert, Engen, Ferguson, Fredrickson, Gunhus, Haines, Hammond, Hall, Hanson, Hardt, Harding, Harris, Herbert, Hoare, Humphreys, Ivers, Johnson of Dickey, Johnson of Steele, Johnson of Cass, Johnson of Pembina, Johnston, Kamrath, Kelder, Kell, Kellogg, Kelly, Keitzman, Koller, Larson of Ransom, Larson of Stutsman, Larson of Pierce, Larkin, Lazier, Lowe, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McGauvran, McLarty, McLaughlin, McManus, Mikkelson, Miller, Moen, Murtha, Nathan of Sheridan, Nathan of Logan, Ness, Nesvig, Nims, O'Brien, O'Connor of Pembina, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olson of Barnes, Olsgard, Opland, Patterson, Petterson, Pleasance, Prater, Randall, Riba, Reid, Renauld, Robinson, Roquette, Rusch, Severson, Sherman, Strain, Strom, Turner, Twichell, Wadeson, Walker, Weld of Wells, Whipple, Wog, Yeater, Mr. Speaker.

Absent and not voting: Arnold, Clevon, Hemmi, Klein, Krueger, Kunkel, Reishus, Uglum, Weld of Kidder.

So the bill passed and the title was agreed to.

Emergency passed.

Senate Bill No. 12. "A Bill for an Act to amend Sections 7, 8 and 9, and Sub-section (e) of Section 13 of Chapter 224, Session Laws of North Dakota, 1919, relating to income taxes."

Was read the third time.

The question being on the final passage of the bill, as amended, the roll call was called and there were ayes, 103, absent 1, absent and not voting 9.

Ayes: Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bollinger, Bjerke, Burtness, Burkhart, Byrne, Caddell, Carr, Donner, Dungan, Durkee, Eckert, Engen, Ferguson, Frederickson, Gunhus, Haines, Hall, Hammond, Hanson, Hardt, Harding, Harris, Hoare, Humphreys, Ivers, Johnson of Dickey, Johnson of Steele, Johnson of Cass, Johnson of Pembina, Johnston, Kamrath, Kelder, Kell, Kellogg, Kelly, Keitzman, Koller, Larson of Ransom, Larson of Stutsman, Larson of Pierce, Larkin, Lazier, Lowe, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McGauvran, McLarty, McLaughlin, McManus, Mikkelson, Miller, Moen, Murtha, Nathan of Sheridan, Nathan of Logan, Ness, Nesvig, Nims, O'Brien, O'Connor of Pembina, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olson of Barnes, Olsgard, Opland, Patterson, Petterson, Pleasance, Prater, Randall, Riba, Reid, Renauld, Robinson, Roquette, Rusch, Severson, Sherman, Strain, Strom, Turner, Twichell, Wadeson, Walker, Weld, of Wells, Whipple, Wog, Yeater, Mr. Speaker.

Absent and not voting: Arnold, Clevon, Hemmi, Klein, Krueger, Kunkel, Reishus, Uglum, Weld of Kidder.

So the bill passed and the title was agreed to.

Emergency declared passed.

### HOUSE ROLL CALL

Senate Bill No. 32.

"A Bill for an Act to amend and re-enact Section 2144 of the Compiled Laws of North Dakota for the year 1913, relating to the assessment of express, telegraph and telephone companies, freight line and car equipment companies, and to impose a gross earnings tax on freight line and car equipment companies, and repealing all acts and parts of acts in conflict therewith."

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 88, nays 14, absent and not voting 11.

Ayes: Arnold, Alberts, Bailey, Brostuen, Bratsberg, Bryans, Bollinger, Bjerke, Burkhart, Byrne, Caddell, Carr, Donner, Durkee, Eckert, Engen, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hammond, Hanson, Hardt, Harding, Hoare, Humphreys, Ivers, Johnson of Dickey, Johnson of Steele, Johnson of Cass, Johnson of Pembina, Johnston, Kamrath, Kelder, Kell, Kellogg, Keitzman, Koller, Larson of Ransom, Larson of Stutsman, Larson of Pierce, Larkin, Lazier, Lowe, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McGauvran, McLarty, McLaughlin, McManus, Mikkelson, Miller, Moen, Murtha, Nathan of Sheridan, Nathan of Logan, Ness, Nesvig, Nims, O'Brien, O'Connor of Pembina, Opland, Patterson, Pleasance, Prater, Randall, Riba, Renauld, Robinson, Severson, Sherman, Strain, Strom, Wade-son, Walker, Weld of Wells, Whipple, Wog, Yeater.

Nays: Burtness, Dungan, Kelly, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olson of Barnes, Olsgard, Petterson, Reid, Turner, Twichell, Mr. Speaker.

Absent and not voting: Brady, Cleven, Harris, Hemmi, Herbert, Klein, Krueger, Kunkel, Reishus, Uglum, Weld of Kidder.

So the bill passed and the title was agreed to.

### HOUSE ROLL CALL

Senate Bill No. 33.

"A Bill for an Act to appropriate \$225,000.00 for the purpose of aiding in the construction of a bridge across the Missouri River from Burleigh County to Morton County within the State of North Dakota, under the provisions of Chapter 73 of the Laws passed at the Sixteenth Session of the Legislative Assembly of the State of North Dakota, approved March 5, 1919."

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 96, nays 8, absent and not voting 9.

**Ayes:** Arnold, Alberts, Bailey, Brady, Brostuer, Bratsberg, Bryans, Bollinger, Bjerke, Burtness, Burkhart, Byrne, Caddell, Carr, Donner, Durkee, Engen, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hammond, Hanson, Hardt, Harding, Harris, Herbert, Humphreys, Ivers, Johnson of Dickey, Johnson of Steele, Johnson of Cass, Johnson of Pembina, Kamrath, Kelder, Kell, Kellogg, Kelly, Keitzman, Koller, Krueger, Kunkel, Larson of Ransom, Larson of Stutsman, Larson of Pierce, Larkin, Lowe, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McLarty, McLaughlin, Mikelson, Miller, Moen, Murtha, Ness, Nesvig, Nims, O'Brien, O'Connor of Pembina, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olson of Barnes, Olsgard, Opland, Patterson, Petterson, Pleasance, Prater, Randall, Riba, Reid, Robinson, Roquette, Rusch, Severson, Sherman, Strain, Strom, Turner, Twichell, Wadeson, Walker, Weid of Wells, Whipple, Wog, Yeater.

**Nays:** Dungan, Hoare, Lazier, McGauvran, McManus, Nathan of Sheridan, Renauld, Mr. Speaker.

**Absent and not voting:** Clevon, Eckert, Hemmi, Johnston, Klein, Nathan of Logan, Reishus, Uglum, Weid of Kidder.

So the bill passed and the title was agreed to.

Emergency carried.

MR. O'CONNOR of Grand Forks. For the same reasons I gave for voting on Senate Bill No. 5, I vote Aye.

MR. SPEAKER. I am opposed to counterfeit bills. A bill that starts out to regulate the motor cycle law and winds up with an appropriation of \$130,000 a year indefinitely, I am opposed to that sort of legislation, and I vote No.

The Speaker called Mr. Johnson of Steele to the Chair.

#### HOUSE ROLL CALL

Senate Bill No. 34.

"A Bill for an Act to amend and re-enact Section 12 of Chapter 150 of the Laws of North Dakota for the year 1919, being an act declaring the purpose of the State of North Dakota to engage in the enterprise of providing homes for residents of this state and to that end to establish a business system operated by the state under the name of the Home Building Association of North Dakota; defining the scope and manner of its operation and the powers and duties of the persons charged with its management; making an appropriation therefor; and providing that the Association may retain the title to property when more than twenty per cent has been paid thereon and give the buyer a contract for a deed 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 70, nays 28, absent and not voting 15.

**Ayes:** Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bjerke, Burtness, Burkhart, Byrne, Caddell, Donner, Fer-

guson, Fredrickson, Gunhus, Haines, Hall, Harding, Harris, Hoare, Ivers, Johnson of Dickey, Johnson of Steele, Kamrath, Kelder, Kell, Kellogg, Keitzman, Larson of Ransom, Larson of Stutsman, Larkin, Lazier, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McLarty, McManus, Miller, Moen, Nathan of Sheridan, Nesvig, O'Brien, O'Connor of Pembina, O'Connor of Grand Forks, Olson of Ward, Olson of Barnes, Opland, Patterson, Pleasance, Prater, Randall, Riba, Renauld, Sherman, Strain, Strom, Turner, Wadeson, Walker, Weld of Wells, Whipple, Wog, Yeater, Mr. Speaker.

Nays: Bollinger, Carr, Dungan, Engen, Hammond, Hanson, Herbert, Humphreys, Johnson of Cass, Johnson of Pembina, Johnston, Kelly, Larson of Pierce, Lowe, McGauvran, Mikkelson, Nathan of Logan, Ness, Nims, Petterson, Reid, Robinson, Roquette, Rusch, Severson, Twichell.

Absent and not voting: Arnold, Cleven, Durkee, Eckert, Hardt, Hemmi, Klein, Krueger, Kunkel, McLaughlin, Murtha, Olsen of Ramsey, Reishus, Uglum, Weld of Kidder.

So the bill passed and the title was agreed to.

Emergency carried.

#### HOUSE ROLL CALL

Senate Bill No. 16.

"A Bill for an Act to amend and re-enact Sections 625, 626 and 627 of the Compiled Laws of North Dakota for the year 1913 as amended by Chapter 252 of the Session Laws of 1917."

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 102, nays 0, absent and not voting 11.

Ayes: Arnold, Alberts, Bailey, Brady, Brostuen, Bryans, Bollinger, Bjerke, Burtness, Burkhart, Byrne, Caddell, Carr, Donner, Dungan, Durkee, Engen, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hammond, Hason, Hardt, Harding, Harris, Herbert, Hoare, Humphreys, Ivers, Johnson of Dickey, Johnson of Steele, Johnson of Cass, Johnson of Pembina, Johnston, Kamrath, Kelder, Kell, Kellogg, Kelly, Keitzman, Koller, Kunkel, Larson of Ransom, Larson of Stutsman, Larson of Pierce, Larkin, Lazier, Lowe, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McGauvran, McLarty, McLaughlin, McManus, Mikkelson, Miller, Moen, Nathan of Sheridan, Nathan of Logan, Ness, Nesvig, Nims, O'Brien, O'Connor of Pembina, O'Connor of Grand Forks, Olson of Ramsey, Olson of Ward, Olson of Barnes, Olsgard, Opland, Patterson, Petterson, Pleasance, Prater, Randall, Riba, Reid, Renauld, Robinson, Rusch, Severson, Sherman, Strain, Strom, Turner, Twichell, Wadeson, Walker, Weld of wells, Whipple, Wog, Yeater, Mr. Speaker.

Absent and not voting: Bratsberg, Cleven, Eckert, Hemmi, Klein, Krueger, Murtha, Reishus, Roquette, Uglum, Weld of Kidder.

So the bill passed and the title was agreed to.  
Emergency carried.

#### HOUSE ROLL CALL

Senate Bill No. 23.

"A Bill for an Act to amend and re-enact Sections 1445 and 1446 of the Session Laws of 1917 for North Dakota relating to Apportionment of State Aid Funds for Rural Schools, their inspection and administration, and to repeal all acts and parts of acts in conflict therewith."

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 107, nay, 0, absent and not voting 11.

Ayes: Arnold, Alberts, Bailey, Brady, Brostuen, Bryans, Bollinger, Bjerke, Burtness, Burkhart, Byrne, Caddell, Carr, Donner, Dungan, Durkee, Eckert, Engen, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hammond, Hanson, Harding, Harris, Herbert, Hoare, Humphreys, Ivers, Johnson of Dickey, Johnson of Steele, Johnson of Cass, Johnson of Pembina, Johnston, Kamrath, Kelder, Kell, Kellogg, Kelly, Keitzman, Koller, Kunkel, Larson of Ransom, Larson of Stutsman, Larson of Pierce, Larkin, Lazier, Lowe, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McGauvran, McLarty, McLaughlin, McManus, Mikkelson, Miller, Moen, Nathan of Sheridan, Nathan of Logan, Ness, Nims, O'Brien, O'Connor of Pembina, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olson of Barnes, Olsgard, Opland, Patterson, Petterson, Pleasance, Prater, Randall, Riba, Reid, Renauld, Robinson, Rusch, Severson, Sherman, Strain, Strom, Turner, Twichell, Wadeson, Walker, Weld of Wells, Weld of Kidder, Whipple, Wog, Yeater, Mr. Speaker.

Absent and not voting: Bratsberg, Cleven, Hardt, Eckert, Hemmi, Klein, Krueger, Murtha, Nesvig, Reishus, Roquette, Uglum.

So the bill passed and the title was agreed to.

Emergency carried.

#### HOUSE ROLL CALL

Senate Bill No. 27.

"A Bill for an Act to amend and re-enact Section 1 of Chapter 214, Laws of North Dakota, 1919, relating to the limitation of tax levies."

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 100, nays 0, absent and not voting 13.

Ayes: Arnold, Alberts, Bailey, Brady, Bryans, Bollinger, Bjerke, Burtness, Burkhart, Caddell, Carr, Donner, Dungan, Durkee, Eckert, Engen, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hanson, Hardt, Harding, Herbert, Hoare, Humphreys, Ivers, Johnson of Dickey, Johnson of Steele,

Johnson of Cass, Johnson of Pembina, Johnston, Kamrath, Kelder, Kell, Kellogg, Kelly, Keitzman, Koller, Kunkel, Larson of Ransom, Larson of Stutsman, Larson of Pierce, Larkin, Lazier, Lowe, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McGauvran, McLarty, McLaughlin, McManus, Mikkelson, Miller, Moen, Murtha, Nathan of Sheridan, Nathan of Logan, Ness, Nesvig, Nims, O'Brien, O'Connor of Pembina, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olson of Barnes, Olsgard, Opland, Patterson, Petterson, Pleasance, Prater, Randall, Riba, Reid, Renauld, Robinson, Rusch, Severson, Sherman, Strain, Strom, Turner, Twichell, Wadeson, Walker, Weld of Wells, Whipple, Wog, Yeater. Mr. Speaker.

Absent and not voting: Brostuens, Bratsberg, Byrne, Clevon, Hammond, Harris, Hemmi, Klein, Krueger, Reishus, Roquette, Uglum, Weld of Kidder.

So the bill passed and the title was agreed to.

Emergency carried.

#### HOUSE ROLL CALL

Senate Bill No. 30.

"A Bill for an Act for the purpose of encouraging and promoting the dairy industry of the State; authorizing counties to issue bonds and with the proceeds to purchase dairy cows for needy farmers; authorizing the formation of Dairy Associations; and making appropriation 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 58, nays 42, absent and not voting 13.

Ayes: Arnold, Alberts, Bailey, Brady, Brostuens, Bratsberg, Bryans, Bjerke, Burkhart, Byrne, Caddell, Gunhus, Haines, Hall, Hardt, Harding, Hoare, Ivers, Johnson of Dickey, Johnson of Steele, Johnson of Pembina, Kamrath, Kelder, Kell, Kellogg, Keitzman, Larson of Ransom, Larson of Stutsman, Larkin, Lazier, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Maxwell, McDonnell, McLarty, McManus, Moen, Nesvig, O'Brien, O'Connor of Pembina, Olson of Barnes, Opland, Patterson, Pleasance, Prater, Riba, Strain, Strom, Turner, Walker, Weld of Wells, Wog, Yeater, Mr. Speaker.

Nays: Burtness, Carr, Donner, Dungan, Durkee, Engen, Ferguson, Fredrickson, Hammond, Harris, Herbert, Humphreys, Johnson of Cass, Johnston, Kelly, Koller, Kunkel, Larson of Pierce, Lowe, McGauvran, McLaughlin, Mikkelson, Miller, Murtha, Nathan of Sheridan, Nathan of Logan, Ness, Nims, Olsen of Ramsey, Olson of Ward, Olsgard, Petterson, Randall, Reid, Renauld, Robinson, Roquette, Rusch, Severson, Sherman, Twichell, Wadeson.

Absent and not voting: Bollinger, Clevon, Eckert, Hanson, Hemmi, Klein, Krueger, Martin of Bottineau, O'Connor of Grand Forks, Reishus, Uglum, Weld of Kidder, Whipple.

So the bill passed and the title was agreed to.

MR. HERBERT. On Senate Bill No. 30 I wish to make a few remarks and have them taken down by the reporter. My reasons for wanting my remarks taken down is this. This bill has been introduced by the Senator of Dunn County, and the chances are that that Senator will go back to Dunn County and say that Herbert is knocking the farmers, and I merely want this in the record to show that Herbert is not knocking the farmers. I am going through this bill and try to show you that this bill should not be passed. Now, if you will turn to the journal of Dec. 5th, you will find the amendments to the original bill. One of the first objections is this. It says the original bill. One of the first objections is this. It says that 50 freeholders can petition the county commissioners and get them to issue bonds. Gentlemen, I am against anything like that. I believe it should take more than fifty freeholders. I believe it should take no less than one-third of the voters. The counties affected by this bill are most of them practically bonded to the limit. We will probably have to bond again and go the limit if we have not done so already. This bill gives fifty freeholders a chance to get the county commissioners to issue the bonds, and it gives any ten men a chance to form an association to buy dairy cows. My contention is that any man that wants to buy dairy cows can buy them in the western counties of the state. My experience is that we don't want any more cows. What we want is rain, and some feed, so that we can feed some of the cows we already have. I myself sold three cows this fall, as good dairy cows as the dairy commissioner could buy for me. I did not sell those cows because I needed the money, but because we didn't have any feed, and you can see that the cows are being shipped out and going down the line day after day because we haven't got the feed. The cows and the horses are starving to death now. We don't need any more dairy cows there at this time. This bill shouldn't be introduced at this time. Had the bill been introduced a year from now, provided we had a good crop this year, well and good. But in the first place it gives the dairy commissioner a raise in salary of another thousand dollars. There is an emergency clause attached. If you pass this bill, gentlemen, you can't put it in force in less than a year, because we haven't got the feed for the cows and it can't be bought for them. The bill provides that any man that takes these cows must plant at least five acres of corn for every cow he gets. Any man that avails himself of this law will take all five cows, and that means 25 acres of corn. How many of us fellows in the western part of the state have got the equipment for taking care of 25 acres of corn?? You have got to have a corn planter, a corn binder, a corn cultivator, and a corn plow or cultivator, and if you get those things you are in debt another \$500, and when you get the corn cut to take care of it properly you have got to have a silo which means \$300 more. And if you pass this bill you are going to hang a millstone on our necks. We are just hanging on by our eyebrows and our nerve now. If you pass this bill the country will be flooded with creamery promoters and silo sellers, and I am going to ask you men from the eastern part of the state not to put us in debt but to save us farmers from this debt.



MR. BURTNESS. How are you going to take care of these cows and re-breed them and try to raise calves? I don't see any provision in the bill for procuring bulls.

MR. ARNOLD: I wish to say in reply to the gentleman from Dunn that his contention about people buying these cows, they are still able to buy. It is true that the bankers are very lenient with men that are going into the stock business. This bill practically provides that a man must be almost a pauper to make application to join this association of ten men, because it says, provided he can't get the cows any other way. We have many farmers in the western part of the state, and I can prove this assertion by the inspectors of the North Dakota Banking and its Land Department, many farmers have sold off all their cows, or almost all of them because they haven't any feed. And the gentleman from Dunn contends that we must have more feed, and I will agree with him there, but in regard to the statement he made about farmers, about it costing them \$500 to start up in the stock business, I will have to correct the gentleman. In regard to buying corn binders, three of us neighbors own a corn binder together. Some men have corn planters, and lend them to other fellows that haven't. The same thing is true with corn cultivators. I happen to have a cultivator, and my neighbor used it and I borrowed his planter in return. One reason for there being so little and poor corn fodder is on account of the cut worms that have attacked our county in the last two seasons, and the farmers are beginning to understand how to grapple with that. Almost every farmer in my part of the state is raising from 20 to 40 acres of corn already. That is, they have tried to raise it, but have failed through this cut worm scourge. As I started to say, many farmers have sold their herds off for less than the herds were mortgaged for on account of the decline in prices through the rushing of the cattle to the markets. So they are started on another year with a deficit. This cow bill, as we call it, will be a material help to these farmers that are starting out next year with a deficit. The creamery promoters' proposition is a little out of line. It may be that the gentleman from Dunn has been roped in by creamery promoters, but in the southwest part of the state, where we have access to the centralized co-operatively owned creameries owned by the farmers at Aberdeën, South Dakota, 99 out of every 100 farmers are sending in to that corporation, and are so satisfied with the success of its operation and success that locally owned co-operative creameries are not a success. As to the increase in salary, I would be glad to support the amendment to cut down this increase of one thousand dollars, but I vote "aye" on the bill.

MR. BRANTSBERG: I wish to explain my vote. The quicker we get out of the idea of raising wheat and wheat and other small grains, the better off we will be and the corn should be planted. I have seen two countries grow up, Minnesota and South Dakota, and North Dakota, but we had to get away from the small grain farming, and we can't farm more than we can handle. That is the purpose of this provision making it compulsory to put in some corn. So far as machinery is concerned, you can get along without

all kinds of machinery. If we get a dry year you can use a disk. You don't need a corn planter, you can use the disk. You don't need a corn binder, you can use your grain binder. We can get along a year or two without silos. Therefore it ought to be made compulsory to attend to milk cows. I vote "aye".

MR. CADDELL. The farmers of the western part of the state are not drouth-stricken. Under this bill, if a man is not in position to take care of them, they are not compelled to give it to him. In the 25 years I have farmed in the western part of the State, I have found that if a man had 25 acres of fodder, there would be no question they could not all have feed. I vote "aye".

MR. HARDING: Inasmuch as the gentleman from Dunn made the statement that the passage of this bill would hang a stone around his neck, I vote "Aye".

MR. HERBERT: In view of the fact that I stated my position on the bill, I just wish to say that I vote "no" on this bill on general principles.

MR. HOARE: I believe the amendment offered by the gentleman from Cass (Mr. Twichell) should be placed on the table. I don't believe in raising the salary, but I can't vote against the bill, and I vote "aye" with this protest against raising of the salary.

MR. KELL: I vote "aye" on this measure on general principles.

MR. MILLER: I have talked with twelve or fifteen men since this voting started, and I have only seen two who knew of that increase in salary being in the bill. I am going to vote "no" on this bill, and I shall move for a reconsideration of the vote after the amendment is obtained. I vote "no".

MR. NESS: I wish to explain my vote. I am getting pretty well informed down here this morning on the way to farm in the western part of the state, and of course I am not going to give advice. I don't know anything about this diversified farming, without any cows or seed or feed, and having the state buy pedigreed stock at the expense of the state after the farmers have sold all their own stock because of not having feed to keep them alive. I therefore vote "no".

MR. SHERMAN: I believe in the merits of the bill, but I vote "no" so in case this bill is lost, I may be able to move for a reconsideration.

THE SPEAKER: As I understand it, this \$1,000 appropriation for wages is to permit the Dairy Commissioner to buy bells for those cows, and I vote "aye".

#### MOTIONS AND RESOLUTIONS

Mr. Nesvig moved that all members write out their explanation of votes and hand them in at the desk, which motion was lost.

Mr. Harding moved that the motion of Mr. Arnold in regards to reconsideration of the vote by which Senate Bill No. 5 passed, be stricken from the record, which motion prevailed.

Senate Bill No. 36, "A Bill for an Act providing for the distraint of property for the payment of delinquent taxes due to the State."

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, 73; nays, 28; absent and not voting, 12.

Ayes—Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bjerke, Burkhart, Byrne, Caddell, Donner, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hammond, Hardt, Harding, Harris, Herbert, Hoare, Humphreys, Ivers, Johnson of Dickey, Johnson of Steele, Kamrath, Kelder, Kell, Kellogg, Keitzman, Koller, Larson of Ransom, Larson of Stutsman, Larson of Pierce, Larkin, Lazier, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McLarty, McManus, Miller, Moen, Nathan of Sheridan, Nesvig, O'Brien, O'Connor of Pembina, Olson of Barnes, Opland, Patterson, Pleasance, Prater, Randall, Riba, Renault, Sherman, Strain, Strom, Wadson, Walker, Weld of Wells, Whipple, Wog, Yeater, Mr. Speaker.

Nays: Burtness, Carr, Dungan, Durkee, Engen, Johnson of Cass, Johnson of Pembina, Johnston, Kelly, Kunkel, Lowe, McGauvran, McLaughlin, Mikkelson, Murtha, Nathan of Logan, Ness, Nims, Olsen of Ramsey, Olson of Ward, Olgard, Pettersen, Reid, Robinson, Roquette, Rusch, Severson, Twichell.

Absent and not voting—Bollinger, Cleven, Eckert, Hanson, Hemmi, Klein, Krueger, O'Connor of Grand Forks, Reishus, Turner, Uglum, Weld of Kidder.

So the bill passed and the title was agreed to.

MR. BURTNESS: Mr. Twichell has asked for an explanation of the purposes of this bill from the committee or from some other member of the House, and no explanation is forthcoming. I can't see that the bill adds anything in particular to the laws which we already have, and without any explanation I feel that we are simply making our present laws ambiguous, and that it will serve no good purpose, and will simply complicate the present laws. For that reason I vote "no".

MR. KELLY: I want to explain my vote. After hearing the lengthy explanation from the committee as requested by Mr. Twichell, I shall vote "no".

MR. TWICHELL: There is no use for the enactment of such a law. Those duties prescribed are all duties of officials elected or appointed and drawing salaries for doing that work. The only thing I can see in this bill is that it gives the State Sheriff something to do instead of the present officers elected for that purpose, and that is the only excuse for it. I vote "no".

## MESSAGE FROM THE SENATE

SENATE CHAMBER,  
Bismarck, North Dakota,  
December 11, 1919.

Mr. Speaker: I have the honor to inform you that the Senate has not concurred in the House amendments to Senate Bill No. 3 and the President has appointed Senators Drown, Church and Mostad as a conference committee.

Very respectfully,

W. J. PRATER,  
Secretary.

SENATE CHAMBER,  
Bismarck, North Dakota,  
December 11, 1919.

Mr. Speaker: I have the honor to inform you that the Senate concurred in the House amendment to Senate Bill No. 23.

Very respectfully,

W. J. PRATER,  
Secretary.

The Speaker appointed as a conference committee on House Bill No. 16, John Nathan, Alberts and Hoare.

On conference committee on House Bill No. 55, Maddock of Benson, Johnson of Steele, and Burns of McHenry.

On conference committee on Senate Bill No. 3, Bryans, McManus and Hall.

## HOUSE ROLL CALL

Senate Bill No. 42, "A Bill for an Act to appropriate funds to be placed at the disposal of the State Emergency Commission and to be used as provided by Chapters 26 and 152 of the Session Laws of North Dakota for 1915 in the amount of \$25,000."

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, 63; nays, 37; absent and not voting, 13.

Ayes—Arnold, Alberts, Bailey, Brady, Bratsberg, Bryans, Bjerke, Burkhart, Byrne, Caddell, Ferguson, Fredrickson, Haines, Hall, Hardt, Harding, Hoare, Ivers, Johnson of Dickey, Johnson of Steele, Johnson of Cass, Kamrath, Kelder, Kell, Kellogg, Keitzman, Larson of Ransom, Larson of Stutsman, Larkin, Lazier, Maddock of Mountrail, Maddock of Benson, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McLarty, McManus, Miller, Moen, Nathan of Sheridan, Nesvig, O'Brien, O'Connor of Pembina, Olson of Barnes, Opland, Patterson, Prater, Randall, Riba, Renauld, Sherman, Strain, Strom, Wadson, Walker, Weld of Wells, Whipple, Wog, Yeater, Mr. Speaker.

Nays—Bollinger, Burtness, Carr, Donner, Dungan, Durkee, Engen, Hammond, Hanson, Herbert, Johnson of Pembina,

Johnston, Kelly, Koller, Kunkel, Larson of Pierce, Lowe, McGauvran, McLaughlin, Mikkelson, Murtha, Nathan of Logan, Ness, Nims, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olsgard, Petterson, Pleasance, Reid, Robinson, Roquette, Rusch, Severson, Turner, Twichell.

Absent and not voting—Brostuen, Cleven, Eckert, Gunhus, Harris, Hemmi, Humphreys, Klein, Krueger, Malone, Reishus, Uglum, Weld of Kidder.

So the bill passed and the title was agreed to.

MR. BURTNESS: In voting on Senate Bill No. 42, the gentleman from Cass (Mr. Twichell) has asked or called attention of the House to the fact that this bill has been amended so that it makes an appropriation of \$75,000 for the use of the Emergency Commission, and that a few months ago this Assembly appropriated \$40,000 for that Committee's use. The question has been asked by him as to why more money is needed, and whether the \$40,000 has been expended or not, and if it hasn't been spent, what it has been used for, and what now is the occasion to require \$75,000 more. The answer to that question is a motion to move the previous question. No information has been given. I therefore vote "no".

MR. JOHNSON of Pembina. I wish to say for myself that I can't see why any man entrusted with the affairs of the State is so liberal as to vote for this bill. I am not quite that liberal, and therefore I vote "no".

MR. O'CONNOR of Grand Forks: Mr. Speaker, just a few months ago at the Regular Session of this Assembly, Senate Bill No. 55, which appears as Chap. 21 of the Laws of 1919, found on page 48, we appropriated \$40,000 for the State Contingency fund. The vote on that measure is found on page 754 of the House Journal, and at that time I was reported as voting "aye". The bill now calls for an additional \$75,000 without any explanation before the House as to where the \$40,000 went that we voted, and it seems we should be entitled to some information. We have received none. I therefore vote "no".

The Speaker called Mr. Harding to the Chair.

Senate Bill No. 48, "Concurrent Resolution amending and re-enacting Chapter 91 of the Session Laws of 1919, being a concurrent resolution to amend Section 183 of Article 12 of the Constitution of North Dakota, providing for the debt limit of any county, township, city, town, school district and any other political sub-division."

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, 102; nays, 0; absent and not voting, 11.

Ayes—Arnold, Alberts, Bailey, Brady, Bratsberg, Bryans, Bollinger, Bjerke, Burtness, Burkhart, Byrne, Caddell, Carr, Donner, Dungan, Durkee, Engen, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hammond, Hanson, Hardt, Harding, Herbert, Hoare, Humphreys, Ivers, Johnson of Dickey, Johnson of Steele, Johnson of Cass, Johnson of Pembina, Johns-

ton, Kamrath, Kelder, Kell, Kellogg, Kelly, Keitzman, Koller, Kunkel, Larson of Ransom, Larson of Stutsman, Larson of Pierce, Larkin, Lazier, Lowe, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McGauvran, McLarty, McLaughlin, McManus, Mikkelson, Miller, Moen, Murtha, Nathan of Sheridan, Nathan of Logan, Ness, Nesvig, Nims, O'Brien, O'Connor of Pembina, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olson of Barnes, Olsgard, Opland, Patterson, Pleasance, Prater, Randall, Riba, Reid, Renauld, Robinson, Roquette, Rusch, Severson, Sherman, Strain, Strom, Turner, Twichell, Wadeson, Walker, Weld of Wells, Whipple, Wog, Yeater, Mr. Speaker.

Absent and not voting—Brostuen, Cleven, Eckert, Harris, Hemmi, Klein, Krueger, Petterson, Reishus, Uglum, Weld of Kidder.

So the bill passed and the title was agreed to.

MR. O'CONNOR of Grand Forks: On Senate Bill No. 48, without expressing any opinion on the merits of this concurrent resolution, I am going to vote "aye", because by voting "aye" we merely send it to the people of the State, after passing it by the next Legislative Assembly of the State, for their approval or rejection.

MR. WALKER moved that a committee of three be appointed to take the payroll to the State Auditor to get the pay checks for the members and clerks, which motion prevailed, and the Speaker appointed as such committee Messrs. Bjerke, Harding and Nesvig.

MR. O'CONNOR moved that the report of the State Library Committee which was sent in yesterday, be printed just previous in the Journal to the testimony that was taken, which motion prevailed.

Senate Bill No. 41, "A Bill for an Act to amend and re-enact Section 2223 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Chapter 233 of the Laws of North Dakota for the year 1919, relating to the redemption of land sold for taxes, and providing for the furnishing of notice of the expiration of the time for redemption upon all mortgagees and assignees of unsatisfied recorded mortgages."

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, 65; nays, 31; absent and not voting, 17.

Ayes—Arnold, Alberts, Bailey, Brady, Bratsberg, Bryans, Bjerke, Burkhart, Byrne, Caddell, Ferguson, Fredrickson, Haines, Hall, Hanson, Hardt, Harding, Hoare, Ivers, Johnson of Dickey, Johnson of Steele, Kamrath, Kelder, Kell, Kellogg, Keitzman, Larson of Ransom, Larson of Stutsman, Lazier, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McGauvran, McLarty, McManus, Moen, Nathan of Sheridan, Nesvig, O'Brien, O'Connor of Pembina, Olson of

Barnes, Opland, Patterson, Prater, Randall, Riba, Reid, Renauld, Sherman, Strain, Strom, Wadeson, Walker, Weld of Wells, Whipple, Wog, Yeater, Mr. Speaker.

Absent and not voting—Brostuen, Cleven, Eckert, Gunhus, Hemmi, Klein, Krueger, Larkin, Lowe, Miller, Nathan of Logan, O'Connor of Grand Forks, Reishus, Rusch, Uglum, Weld of Kidder.

So the bill passed and the title was agreed to.

Senate Bill No. 49, "A Bill for an Act to provide for the licensing of ferries; the collection of fees therefor and the disposition thereof; to provide penalties for the violation thereof; and to repeal Section 2062 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 129 of the laws passed at the 16th Session of the Legislative Assembly, being the Session Laws of 1919, Sections 2063, 2067, 2068 and 9777 of the Compiled Laws of the State of North Dakota for the year 1913, and all other Acts or parts of Acts in conflict with the provisions 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, 75; nays, 13; absent and not voting, 25.

Ayes—Arnold, Alberts, Bailley, Brady, Bratsberg, Bryans, Bjerke, Burtness, Burkhart, Byrne, Caddell, Carr, Donner, Haines, Hall, Hardt, Harding, Herbert, Ivers, Johnson of Dickey, Johnson of Cass, Kamrath, Kelder, Kell, Kellogg, Larson of Ransom, Lazier, Lowe, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McGauvran, McLarty, McLaughlin, McManus, Mikkelson, Miller, Moen, Nathan of Logan, Ness, Nesvig, Nibs, O'Brien, O'Connor of Pembina, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olson of Barnes, Opland, Patterson, Petterson, Pleasance, Prater, Randall, Riba, Reid, Renauld, Severson, Sherman, Strain, Strom, Turner, Wadeson, Walker, Weld of Wells, Whipple, Wog, Yeater, Mr. Speaker.

Nays—Bollinger, Dungan, Durkee, Hanson, Humphreys, Johnston, Kunkel, Larson of Pierce, Murtha, Olsgard, Roquette, Rusch, Twichell.

Absent and not voting—Brostuen, Cleven, Eckert, Engen, Ferguson, Fredrickson, Gunhus, Hammond, Harris, Hemmi, Hoare, Johnson of Steele, Johnson of Pembina, Kelly, Keitzman, Klein, Koller, Krueger, Larson of Stutsman, Larkin, Nathan of Sheridan, Reishus, Robinson, Uglum, Weld of Kidder.

So the bill passed and the title was agreed to.

#### MOTIONS AND RESOLUTIONS

Motion made by Mr. Walker that the House take a 15-minute recess, which motion prevailed and the House recessed.

#### AFTER RECESS

The House assembled pursuant to recess taken, the Speaker presiding.

## SIGNING OF BILLS

The Chief Clerk announced that the Speaker was about to sign:

## House Bill No. 4.

"A Bill for an Act to amend and re-enact Section 3471 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Section 1 of Chapter 13 of the Laws of the Special Session of the State of North Dakota for the year 1918; amending and re-enacting Section 3473 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Section 3 of Chapter 13 of the Laws of the Special Session of the State of North Dakota for the year 1918; and amending and re-enacting Section 3481 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Section 9, Chapter 13 of the Laws of the Special Session of the State of North Dakota for the year 1918 and as amended and re-enacted by Section 1 of Chapter 177 of the Laws of North Dakota for the year 1919, relating to the issuance of bonds and warrants to procure seed **grain and feed for needy inhabitants; making an appropriation therefor; and repealing all acts and parts of acts in conflict therewith.**"

Emergency on House Bill No. 4.

## House Bill No. 9.

"A Bill for an Act to appropriate Thirty-two thousand three hundred dollars for the operation of the Motor Vehicle Registration Department, being additional to that already appropriated for salary of Registrar, clerk hire, special agents, traveling expenses, printing, and 1921 license tags."

Emergency on House Bill No. 9.

## House Bill No. 17.

"A Bill for an Act to repeal Chapter 219 of the Laws of North Dakota for the year 1919, being the law creating the office of County Tax Supervisor and defining his powers and duties."

Emergency on House Bill No. 17.

## House Bill No. 38.

"A Bill for an Act appropriating the sum of \$6,000.00 to provide for clerk hire, furniture, and fixtures, and other necessary items of office expenses for the State Publication and Printing Commission, and the office of the State Printer."

Emergency on House Bill No. 38.

## House Bill No. 56.

"A Bill for an Act amending and re-enacting Section 7 of Chapter 108 of the Laws of North Dakota for the year 1919, relating to the care of samples of milk and cream and for obtaining official tests of butterfat; making an appropriation therefor and repealing all acts and parts of acts in conflict therewith, and declaring an emergency."

Emergency on House Bill No. 56.



House Bill No. 58.

"A Bill for an Act making appropriation for the salary of the Secretary and Members of the State Highway Commission, for the clerk hire and other assistance of the Commission, postage, office supplies, furniture and fixtures, printing, miscellaneous and traveling expenses of the Commission; amending and re-enacting Section 1 of Chapter 42 of the Law of North Dakota for the year 1919; repealing all acts and parts of acts in conflict therewith; and declaring an emergency."

Emergency on House Bill No. 58.

House Bill No. 60.

"A Bill for an Act, etc."

Emergency on House Bill No. 60.

### THIRD READING OF SENATE BILLS

#### HOUSE ROLL CALL

Senate Bill No. 50.

Introduced by Mr. Prater.

"A Bill for an Act repealing statutes imposing certain restrictions upon foreign corporations."

"A Bill for an Act authorizing the Board of Railroad Commissioners to investigate trade and commerce, profiteering, hoarding and speculation in food, clothing and shelter, in cooperation with the Federal Trade Commission."

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, 73, nays, 5, absent and not voting, 35.

Ayes: Arnold, Bailey, Brady, Brostuen, Bryans, Burtness, Burkhardt, Byrne, Caddell, Carr, Donner, Engen, Ferguson, Haines, Hall, Hammond, Hanson, Hardt, Harding, Herbert, Hoare, Humphreys, Johnson of Cass, Johnson of Pembina, Johnston, Kamrath, Kelder, Kellogg, Kelly, Koller, Larson of Ransom, Larson of Stutsman, Larson of Pierce, Larkin, Lazier, Lowe, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McLarty, McLaughlin, McManus, Kikkelson, Moen, Murtha, Nathan of Logan, O'Brien, O'Connor of Pembina, O'Connor of Grand Forks, Olson of Barnes, Petterson, Pleasance, Prater, Randall, Riba, Reid, Renauld, Robinson, Sherman, Strain, Strom, Turner, Twichell, Walker, Weld of Wells, Whipple, Yeater, Mr. Speaker.

Nays: Durkee, Harris, McGauvran, Ness, Olsgard.

Absent and not voting: Alberts, Bratsberg, Bollinger, Bjerke, Cleven, Dungan, Eckert, Fredrickson, Gunhus, Hemmi, Ivers, Johnson of Dickey, Johnson of Steele, Kell, Keitzman, Klein, Krueger, Kunkel, McDonnell, Miller, Nathan of Sheridan, Nesvig, Nims, Olsen of Ramsey, Olson of Ward, Opland, Patterson, Reishus, Roquette, Rusch, Severson, Uglum, Wadson, Weld of Kidder, Wog.

So the bill passed and the title was agreed to.

Emergency carried.

The Speaker appoints Fay Harding, John R. Maddock and Mr. Nesvig in pursuance to H. B. 48.

MESSAGE FROM THE SENATE

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
December 11, 1919.

Mr. Speaker: I have the honor to transmit the following concurrent resolution:

Which the Senate adopted and your favorable consideration is respectfully requested.

Very respectfully,

W. J. PRATER,  
Secretary.

THIRD READING OF SENATE BILLS

Senate Bill No. 51.

"A Bill for an Act to amend and re-enact Sections 3, 5, 9, 11, 12, 13, 16, 17, 23 and 24 of Chapter 160, Session Laws of 1919, Regular Session, establishing a system of Hail Insurance and Hail Insurance Department in the office of the Commissioner of Insurance."

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, 94, nays, 5, absent and not voting, 14.

Ayes: Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bollinger, Bjerke, Burtness, Burkhart, Byrne, Cadwell, Carr, Durkee, Engen, Ferguson, Haines, Hall, Hammond, Hanson, Hardt, Harding, Harris, Herbert, Hoare, Humphreys, Ivers, Johnson of Dickey, Johnson of Steele, Johnson of Cass, Johnston, Kamrath, Kelder, Kell, Kellogg, Keitzman, Koller, Kunkel, Larson of Ransom, Larson of Stutsman, Larson of Pierce, Larkin, Lazier, Lowe, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McLarty, McLaughlin, McManus, Miller, Moen, Murtha, Nathan of Logan, Ness, Nesvig, Nims, O'Brien, O'Connor of Pembina, O'Connor, of Grand Forks, Olson, of Ward, Olson of Barnes, Opland, Patterson, Petterson, Pleasance, Prater, Randall, Riba, Reid, Renauld, Robinson, Roquette, Rusch, Severson, Sherman, Strain, Strom, Turner, Twichell, Wadson, Walker, Weld of Wells, Whipple, Wog, Yeater, Mr. Speaker.

Nays: Kelly, McGauvran, Mikkelson, Olsen of Ramsey, Olsgard.

Absent and not voting: Cleven, Donner, Dungan, Eckert, Fredrickson, Gunhus, Hemmi, Johnson of Pembina, Klein, Krueger, Nathan of Sheridan, Reishus, Uglum, Weld of Kidder.

So the bill passed and the title was agreed to.

Emergency carried.

## Senate Bill No. 53.

"A Bill for an Act to amend and re-enact Section 1341 of the Compiled Laws of North Dakota for 1913, providing for the bonding of school districts for the building of school houses when warrants have been issued."

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, 104, nays, none, absent and not voting 9.

Ayes: Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bollinger, Bjerke, Burtness, Burkhart, Byrne, Caddell, Carr, Donner, Dungan, Durkee, Engen, Ferguson, Fredrickson, Haines, Hall, Hammond, Hanson, Hardt, Harding, Harris, Herbert, Hoare, Humphreys, Ivers, Johnson of Dickey, Johnson of Steele, Johnson of Cass, Johnson of Pembina, Johnston, Kamrath, Kelder, Kell, Kellogg, Kelly, Keitzman, Koller, Kunkel, Larson of Ransom, Larson of Stutsman, Larson of Pierce, Larkin, Lazier, Lowe, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McGauvran, McLarty, McLaughlin, McManus, Mikkelson, Miller, Moen, Murtha, Nathan of Sheridan, Nathan of Logan, Ness, Nesvig, Nims, O'Brien, O'Connor of Pembina, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olson of Barnes, Ols-gard, Opland, Patterson, Petterson, Pleasance, Prater, Randall, Riba, Reid, Renauld, Robinson, Roquette, Rusch, Severson, Sherman, Strain, Strom, Turner, Twichell, Wadeson, Walker, Weld of Wells, Whipple, Wog, Yeater, Mr. Speaker.

Nays: None.

Absent and not voting: Cleven, Eckert, Gunhus, Hemmi, Klein, Krueger, Reishus, Uglum, Weld of Kidder.

So the bill passed and the title was agreed to.

Emergency carried.

## Senate Bill No. 55.

"A Bill for an Act to amend and re-enact Section 2095 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 229, Laws of North Dakota, 1917, as amended by Chapter 229, Laws of North Dakota, 1919, relating to revenue and taxation and fixing the situs of personal property for tax purposes."

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, 102, nays, 0, absent and not voting, 11.

Ayes: Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bollinger, Bjerke, Burtness, Burkhart, Byrne, Caddell, Donner, Dungan, Durkee, Engen, Ferguson, Fredrickson, Haines, Hall, Hammond, Hanson, Hardt, Harding, Herbert, Hoare, Humphreys, Ivers, Johnson of Dickey, Johnson of Steele, Johnson of Cass, Johnson of Pembina, Johnston, Kamrath, Kelder, Kell, Kellogg, Kelly, Keitzman, Koller, Kunkel, Larson of Ransom, Larson of Stutsman, Larson of Pierce,

Larkin, Lazier, Lowe, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McGauvran, McLarty, McLaughlin, McManus, Mikkelson, Miller, Moen, Murtha, Nathan of Sheridan, Nathan of Logan, Ness, Nesvig, Nims, O'Brien, O'Connor of Pembina, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olson of Barnes, Olsgard, Opland, Patterson, Petterson, Pleasance, Prater, Randall, Riba, Reid, Renauld, Robinson, Roquette, Rusch, Severson, Sherman, Strain, Strom, Turner, Twichell, Wadeson, Walker, Weld of Wells, Whipple, Wog, Yeater, Mr. Speaker.

Nays: None.

Absent and not voting: Carr, Cleven, Eckert, Gunhus, Harris, Hemmi, Klein, Krueger, Reishus, Uglum, Weld of Kidder.

So the bill passed and the title was agreed to.

Emergency carried.

Senate Bill No. 56.

"A Bill for an Act to amend and re-enact Chapter 216 of the Compiled Laws of North Dakota for the year 1919, relating to the tax of one mill on the dollar on taxable property for the school districts of the county."

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, 102, nays 1, absent and not voting, 10.

Ayes: Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bollinger, Bjerke, Burtness, Burkhart, Byrne, Cad-dell, Carr, Donnor, Dungan, Durkee, Engen, Ferguson, Fred-rickson, Haines, Hall, Hammond, Hanson, Hardt, Harding, Herbert, Hoare, Humphreys, Ivers, Johnson of Dickey, John-son of Steele, Johnson of Cass, Johnson of Pembina, Johnston, Kamrath, Kelder, Kell, Kellogg, Kelly, Keitzman, Koller, Kunkel, Larson of Ransom, Larson of Stutsman, Larson of Pierce, Larkin, Lazier, Lowe, Maddock of Mountrail, Mad-dock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McGauvran, Mc-Larty, McLaughlin, McManus, Mikkelson, Miller, Moen, Na-than of Sheridan, Nathan of Logan, Ness, Nesvig, Nims, O'Brien, O'Connor of Pembina, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olson of Barnes, Olsgard, Opland, Patterson, Petterson, Pleasance, Prater, Randall, Riba, Reid, Renauld, Robinson, Roquette, Rusch, Severson, Sher-man, Strain, Strom, Turner, Twichell, Wadeson, Walker, Weld of Wells, Whipple, Wog, Yeater, Mr. Speaker.

Nays: Murtha.

Absent and not voting: Cleven, Eckert, Gunhus, Harris, Hemmi, Klein, Krueger, Reishus, Uglum, Weld of Kidder.

So the bill passed and the title was agreed to.

Senate Bill No. 58.

"A Bill for an Act making appropriation for the salary of the Secretary and members of the State Highway Commis-sion, for the Clerk Hire and other assistance of the Com-

mission, postage, office supplies, furniture and fixtures, printing, miscellaneous and traveling expenses of the Commission; amending and re-enacting Section 1 of Chapter 42 of the Laws of North Dakota for the year 1919; repealing all acts and parts of acts in conflict therewith; and declaring an emergency."

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, 65, nays 36, absent and not voting, 12.

Ayes: Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bjerke, Burkhart, Byrne, Caddell, Donner, Durkee, Ferguson, Fredrickson, Haines, Hall, Hardt, Harding, Hoare, Ivers, Johnson of Dickey, Johnson of Steele, Kamrath, Kelder, Kell, Kellogg, Keitzman, Larson of Ransom, Larson of Stutsman, Larkin, Lazier, Maddock of Mountrail, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McLarty, McManus, Miller, Moen, Nathan of Sheridan, Nesvig, O'Brien, O'Connor of Pembina, Olson of Barnes, Opland, Patterson, Prater, Randall, Riba, Renauld, Sherman, Strain, Strom, Wadeson, Walker, Weld of Wells, Whipple, Wog, Yeater, Mr. Speaker.

Nays: Bollinger, Burtness, Carr, Dungan, Engen, Hammond, Hanson, Harris, Herbert, Humphreys, Johnson of Cass, Johnson of Pembina, Johnston, Kelly, Koller, Kunkel, Larson of Pierce, Lowe, McGauvran, McLaughlin, Mikkelson, Murtha, Ness, Nims, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olsgard, Petterson, Pleasance, Reid, Reishus, Robinson, Roquette, Severson, Twichell.

Absent and not voting: Cleven, Eckert, Gunhus, Hemmi, Klein, Krueger, Maddock of Benson, Nathan of Logan, Reishus, Rusch, Uglum, Weld of Kidder.

So the bill passed and the title was agreed to.

#### MOTIONS AND RESOLUTIONS

Mr. Burkhart moved that 1000 copies of the Journal containing the report of the Library committee and transcript of evidences be printed and that 5 copies be mailed to each member of the Legislature and the rest be mailed out as requested which motion prevailed.

Mr. Murtha moved that the House do now adjourn which motion prevailed and the House adjourned.

#### EIGHTEENTH DAY

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
December 11, 1919.

The House assembled pursuant to adjournment, the Speaker presiding.

Prayer by the Chaplain.

#### ROLL CALL

Present, 105, absent 8.

Present: Arnold, Alberts, Bailey, Brady, Brostuen, Bryans, Bollinger, Bjerke, Burtness, Burkhart, Byrne, Caddell, Carr, Donner, Dungan, Durkee, Engen, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hammond, Hanson, Hardt, Harding, Harris, Herbert, Hoare, Humphreys, Ivers, Johnson of Dickey, Johnson of Steele, Johnson of Cass, Johnson of Pembina, Johnston, Kamrath, Kelder, Kell, Kellogg, Kelly, Keitzman, Koller, Kunkel, Larson of Ransom, Larson of Stutsman, Larson of Pierce, Larkin, Lazier, Lowe, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McGauvran, McLarty, McLaughlin, McManus, Mikkelson, Miller, Moen, Murtha, Nathan of Sheridan, Nathan of Logan, Ness, Nesvig, Nims, O'Brien, O'Connor of Pembina, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olson of Barnes, Olsgard, Opland, Patterson, Petterson, Pleasance, Prater, Randall, Riba, Reid, Renauld, Robinson, Roquette, Rusch, Severson, Sherman, Strain, Strom, Turner, Twichell, Wadeson, Walker, Weld of Wells, Whipple, Wog, Yeater, Mr. Speaker.

Absent: Cleven, Eckert, Hemmi, Klein, Krueger, Reishus, Uglum, Weld of Kidder.

#### MESSAGE FROM THE SENATE

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
December 11, 1919.

Mr. Speaker: I have the honor to inform you that the Senate declines to return Senate Bill No. 30.

Very respectfully,

W. J. PRATER,  
Secretary.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
December 11, 1919.

Mr. Speaker: I have the honor to return House Bill No. 59, "A Bill for an Act remitting the amount of state taxes for the year 1919."

Which the Senate has amended as follows:

On line 8 of the engrossed bill, strike out the words "upon demand."

Very respectfully,

W. J. PRATER,  
Secretary.

#### MOTIONS AND RESOLUTIONS

BISMARCK, NORTH DAKOTA,  
December 10th, 1919.

#### TO THE SPEAKER:

Because of many conflicting statements from the floor of the House and because of the many false statements by the Nonpartisan League papers concerning House Bill 183 introduced by me in the last regular session, I feel it my duty to make the following statement:

On the last day for the introduction of bills, at the suggestion of a Christian Church woman I introduced a freak bill, as a joke only, and stand sponsor for same. The sug-

gestion came in these words as a postscript in a business letter: "Uncle Jim, I wish that you would get a law passed compelling the returning soldiers to stop long enough to get acquainted with us girls before going elsewhere." Free-lovism never entered my head and I challenge any one to produce a man within the bounds of the State that would spurn it more than I.

Every one in the House passed it as a good joke—even the blond from Trail,—and yet he stated in explaining his vote, on House Bill 28, that it was introduced for "political reasons," "Gag rule," "Rule of the Minority," etc.

There is an old saying that is applicable here: "Evil are those who think evil," and applies to the blond from Trail and his class. Did the voters from his District vote to prefix Hon. to his name, and have him come to Bismarck to "lie like a D— Horse Thief"? I think not.

I came here as a Republican and did stand and now stand for the original Economic League Program, and find that practically all the wise men managing said Nonpartisan League are and for many years have been radical socialist and to carry out the original Economic League Program to a successful conclusion they claimed that because of various interests being so closely "dove tailed" into the program so that it would be necessary to make a few radical changes, hence we find the will of the people abridged.

We have men elected by the people as heads of the different departments. Are they heads? No, our attorney general's official wings are clipped, Kositzky's official wings are clipped, and our School Superintendent of Public Institutions, has placed over her, a man as Director General, who has been prosecuting and persecuting her, and by some of the gang and for the purpose of extending Radical socialistic propaganda which includes free-lovism, atheism, and many other isms, which, to good Americans, are against decency, morality or good government.

The Department of Education was not originally included in the Non-Partisan League program and subsequent events, show a great wrong has been done this department and will be corrected only by the ballot.

I hold a membership certificate in the League, good till 1921 and believe that we were all caught with the same bait, Nonpartisan bait, with a radical socialist hook, we bit with our vote and they landed the offices of the State.

J. A. Harris.

#### RESOLUTION

Whereas, House Bill No. 183 introduced in the general assembly was introduced by Representative Harris as a joke and whereas it was generally regarded as a joke by the Speaker and members of the House,

Be it resolved that we condemn any and all attempts made by any person, association or organization to make political capital thereof.

Mr. Burtness moves its adoption.

On the adoption of Mr. Burtness' resolution.

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, 86, nays 10, absent and not voting, 17.

Ayes: Arnold, Brostuen, Bratsberg, Bryans, Bollinger, Bjerke, Burtness, Burkhardt, Byrne, Caddell, Carr, Donner, Durkee, Engen, Ferguson, Fredrickson, Haines, Hall, Hammond, Hanson, Hardt, Harding, Herbert, Hoare, Humphreys, Ivers, Johnson of Dickey, Johnson of Steele, Johnson of Cass, Johnson of Pembina, Johnston, Kamrath, Kelder, Kellogg, Kelly, Keitzman, Koller, Kunkel, Larson of Ransom, Larson of Stutsman, Larson of Pierce, Larkin, Lazier, Lowe, Maddock of Mountrail, Maddock of Benson, Magnuson, Marshall, Martin of Slope, Maxwell, McGauvran, McLarty, McLaughlin, Mikkelson, Miller, Moen, Murtha, Ness, Nesvig, Nims, O'Connor of Pembina, O'Connor of Grand Forks, Olson of Ward, Olson of Barnes, Olsgard, Opland, Patterson, Petterson, Pleasance, Prater, Randall, Reid, Renault, Robinson, Roquette, Rusch, Severson, Strain, Strom, Turner, Twichell, Wadeson, Yeater, Mr. Speaker.

Nays: Alberts, Bailey, Brady, Martin of Bottineau, McDonnell, Nathan of Sheridan, O'Brien, Riba, Whipple, Wog.

Absent and not voting: Cleven, Eckhert, Gunhus, Harris, Hemmi, Kell, Klein, Krueger, Malone, McManus, Nathan of Logan, Olsen of Ramsey, Reishus, Sherman, Uglum, Walker, Weld of Kidder.

So the bill passed and the title was agreed to.

#### REPORTS OF STANDING COMMITTEE

The committee on Enrollment and Engrossment made the following report:

Mr. Speaker: Your committee on Enrollment and Engrossment have examined the following bills:

House Bill No. 4, "A Bill for an Act to amend and re-enact Section 3471 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Section 1 of Chapter 13 of the Laws of the Special Session of the State of North Dakota for the year 1918; amending and re-enacting Section 3473 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Section 3 of Chapter 13 of the Laws of the Special Session of the State of North Dakota for the year 1918; and amending and re-enacting Section 3481 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Section 9, Chapter 13 of the Laws of the Special Session of the State of North Dakota for the year 1918 and as amended and re-enacted by Section 1 of Chapter 177 of the Laws of North Dakota for the year 1919, relating to the issuance of bonds and warrants to procure seed grain and feed for needy inhabitants; making an appropriation therefor; and repealing all Acts and parts of Acts in conflict therewith."

House Bill No. 9, "A Bill for an Act to appropriate Thirty-two thousand three hundred dollars for the operation of the Motor Vehicle Registration Department being additional to that already appropriated for salary of Registrar, clerk hire,



special agents, traveling expenses, printing, and 1921 license tags."

House Bill No. 17, "A Bill for an Act providing for the appointment of Tax Supervisor, fees, their salaries and term of office and defining their powers and duties and repealing Chapter 219 of the Law of North Dakota for the year 1919.

House Bill No. 44, "A Bill for an Act to amend and re-enact Sub-divisions Numbers 3, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 23, 25, 33, 38, 39, 40, 41, 42, 45 and 46; and repealing Sub-divisions Numbers 19, 24 and 26 of Chapter 16 of the Session Laws of North Dakota for the year 1919, relating to the General Budget Appropriation; repealing all acts and parts of acts in conflict therewith; and declaring an emergency."

And find the same correctly engrossed.

E. E. BRYANS,  
Acting Chairman.

Mr. Bryans moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Enrollment and Engrossment made the following report:

Mr. Speaker: Your committee on Enrollment and Engrossment have examined the following bills:

House Bill No. 38, "A Bill for an Act appropriating the sum of \$5,000.00 to provide for clerk hire, furniture and fixtures, and other necessary items of Office Expenses for the State Publication and Printing Commission, and the office of the State Printer."

House Bill No. 56, "A Bill for an Act amending and re-enacting Section 7 of Chapter 108 of the Laws of North Dakota for the year 1919, relating to the care of samples of milk and cream and for obtaining official tests of butter fat; making an appropriation therefor and repealing all acts and parts of acts in conflict therewith, and declaring an emergency."

House Bill No. 58, "A Bill for an Act making appropriation for the salary of the secretary and members of the State Highway Commission, for the clerk hire and other assistance of the commission, postage, office supplies, furniture and fixtures, printing, miscellaneous and traveling expenses of the Commission; amending and re-enacting Section 1 of Chapter 42 of the Laws of North Dakota for the year 1919; repealing all acts and parts of acts in conflict therewith; and declaring an emergency."

House Bill No. 60, "A Bill for an Act declaring and defining the time within which laws passed at any special session of the Legislative Assembly shall take effect."

And find the same correctly enrolled.

E. E. BRYANS,  
Acting Chairman.

Mr. Bryans moved that the report be adopted, which motion prevailed and the report was adopted.

## REPORTS OF SELECT COMMITTEES

The committee on Employment made the following report:

Mr. Speaker: Your committee on Employment presents herewith a resolution recommending the salaries to be paid employes, and duties and titles of office of such employees.

In view of the fact that the number of employees hired during this session of the Legislature is considerably less than in previous years; that many of the employees at this session are each doing the work, which in previous years was delegated to two or more employees, and the further fact that the cost of living has materially increased during recent years, we recommend the remuneration to be paid employees be in the amounts as given in the accompanying employment list.

We find that in several instances employees have been at work for one or more days previous to the time they were sworn in as shown in the Journal. In view of this fact we recommend that these employees be paid for the time they have worked as shown by the accompanying employment list. We further recommend that the accompanying employment list be considered the official employment list of the House and that the titles or designations given each employe be considered the official titles or designations of such employees. That the said sums be paid out of the Legislative Appropriation, being necessary Legislative expense.

G. PATTERSON,

Chairman,

J. C. MILLER,

J. A. HARRIS,

F. A. HOARE.

NAME	DESIGNATION	AM'T PER DAY
L. L. Stir, Speaker.....		\$2.00
Geo. A. Totten, Jr., Chief Clerk.....		6.00
Beecher Stair, Recorder and First Asst. Chief Clerk....		6.00
Jos. J. Maddock, Recorder and Second Asst. Chief Clerk..		6.00
Harry Rittgers, Recorder and Desk Stenographer .....		6.00
Olaf Ribb, Recorder and Bill Clerk.....		6.00
B. J. Monahan, Special Clerk and Sargent-at-arms.....		6.00
Ethel C. Maddock, Stenographer.....		6.00
Mrs. Vina Prater, Stenographer.....		6.00
Mrs. Terhorst, Stenographer.....		6.00
Mabel Lundwall, Stenographer.....		6.00
Cyrilla A. Behme, Stenographer.....		6.00
Myrtle Lindberg (extra work regular Session) 10 days....		5.00
H. A. Ball, Special Clerk and Doorkeeper.....		5.00
A. J. Hammer, Special Clerk and Gallery Doorkeeper....		5.00
Hugh King, Special Clerk and Postmaster.....		5.00
E. C. Heckenliable, Clerk State Affairs.....		5.00
J. P. Simon, Enrolling and Engrossing Clerk.....		6.00
J. D. Harris, Special Clerk to act as Clerk and Asst, Engr. and Eng. Clerk.....		6.00
H. R. Long, Journal Clerk.....		6.00
H. T. Peterson, (to Dec. 6), Special Clerk to act as Clerk and Bill Room Clerk.....		5.00
M. T. O'Connell, Mailing Clerk.....		5.00
Donald Voight, Journal Clerk.....		6.00
Beecher Malone, Committee Clerk.....		5.00
Martin Nelson, Special Clerk to act as Clerk Page and Messenger .....		4.00

G. I. Erickson, Chief Page and Messenger.....	5.00
Alfred P. Carlson, Clerk to act as Page and Messenger..	4.00
Hartley May, Clerk to act as Page and Messenger.....	4.00
Jerome Patterson, Page and Messenger.....	3.00
John Peck, Custodian.....	5.00
Paul Williams, Custodian.....	5.00
E. G. Brandt, Custodian.....	5.00
M. Coglan, Special Clerk to act as Assistant Bill Room Clerk .....	5.00

## HOUSE ROLL CALL

The question being on the report of the Employment Committee, the roll was called and there were ayes 106, nays 0, absent and not voting 7.

Ayes: Arnold, Alberts, Bailey, Brady, Bratsberg, Bryans, Bollinger, Bjerke, Burtness, Burkhart, Byrne, Caddell, Carr, Donner, Dungan, Durkee, Eckert, Engen, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hammond, Hanson, Hardt, Harding, Harris, Herbert, Hoare, Humphreys, Ivers, Johnson of Dickey, Johnson of Steele, Johnson of Cass, Johnson of Pembina, Johnston, Kamrath, Kelder, Kell, Kellogg, Kelly, Keitzman, Koller, Krueger, Kunkel, Larson of Ransom, Larson of Stutsman, Larson of Pierce, Larkin, Lazier, Lowe, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McGauvran, McLarty, McLaughlin, McManus, Mikkelson, Miller, Moen, Murtha, Nathan of Sheridan, Nathan of Logan, Ness, Nesvig, Nims, O'Brien, O'Connor of Pembina, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olson of Barnes, Olsgard, Opland, Patterson, Petterson, Pleasance, Prater, Randall, Riba, Reid, Renauld, Robinson, Roquette, Rusch, Severson, Sherman, Strain, Strom, Turner, Twichell, Wadeson, Walker, Weld of Wells, Whipple, Wog, Yeater, Mr. Speaker.

Absent and not voting: Brostuen, Cleven, Hemmi, Klein, Reishus, Uglum, Weld of Kidder.

Which report was adopted.

## MOTIONS AND RESOLUTIONS

## A CONCURRENT RESOLUTION

(Introduced by J. F. T. O'Connor.)

WHEREAS, the law imposes the duty upon the Secretary of the Senate and the Chief Clerk of the House at the close of every session, to prepare for the press and superintend the publication of the Journals of the proceedings of the respective Houses and to affix an index thereto,

THEREFORE BE IT RESOLVED, by the House of Representatives, the Senate concurring therein, that the Secretary of the Senate and the Chief Clerk of the House for such service shall be allowed seven days each at the salary provided by the law as set forth in Section 34 Compiled Laws of 1913; namely \$6.00 per day; and the Auditor is hereby instructed to draw his warrants on the State Treasurer in favor of each of said officers for said sum on proof being made that the record has been completed and the Journals indexed as above required.

BE IT FURTHER RESOLVED, that on account of the delay in printing the temporary copies of the House and Senate Journals, making it necessary for the Journal Clerk, Mr. H. R. Long, to remain over two days following the close of this session to read proofs, etc., that he be allowed pay for two days additional time in the amount of \$6.00 per day.

Mr. O'Connor moved the adoption of the above Resolution.

Was read the third time.

The question being on adoption of Concurrent Resolution, the roll was called and there were ayes 107, nays 0, absent and not voting 6.

Ayes: Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bollinger, Bjerke, Burtness, Burkhart, Byrne, Cad-dell, Carr, Donner, Dungan, Durkee, Engen, Ferguson, Fred-rickson, Gunhus, Haines, Hall, Hammond, Hanson, Hardt, Harding, Harris, Herbert, Hoare, Humphreys, Ivers, Johnson of Dickey, Johnson of Steele, Johnson of Cass, Johnson of Pembina, Johnston, Gamrath, Kelder, Kell, Kellogg, Kelly, Keitzman, Koller, Kunkel, Larson of Ransom, Larson of Stutsman, Larson of Pierce, Larkin, Lazier, Lowe, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Mar-shall, Martin of Slope, Martin of Bottineau, Maxwell, McDon-nell, McGauvran, McLarty, McLaughlin, McManus, Mikkell-son, Miller, Moen, Murtha, Nathan of Sheridan, Nathan of Logan, Ness, Nesvig, Nims, O'Brien, O'Connor of Pembina, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olson of Barnes, Olgard, Opland, Patterson, Petterson, Pleasance, Prater, Randall, Riba, Reid, Reishus, Renauld, Robinson, Roquette, Rusch, Severson, Sherman, Strain, Strom, Turner, Twichell, Wadeson, Walker, Weld of Wells, Whipple, Wog, Yeater, Mr. Speaker.

Absent and not voting: Cleven, Eckert, Hemmi, Klein, Krueger, Weld of Kidder.

Which resolution was adopted.

MR. O'CONNOR of Grand Forks moved that the Journal Clerk for the House for whose pay we have just provided, mail to each member of the House the copy of the last Journal, and if we do not receive the Journal of yesterday before the day is over, that he mail us a copy of that one also, so that we may have complete files of the same. Which motion prevailed.

Senate Bill No. 59.  
"A Bill for an Act, etc."

Was read the third time.

The question being on the Senate Amendment to Senate Bill No. 59, the roll was called and there were ayes 106, nays 0, absent and not voting 7.

Ayes: Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bollinger, Bjerke, Burtness, Burkhart, Byrne, Cad-dell, Carr, Donner, Dungan, Durkee, Engen, Ferguson, Fred-rickson, Gunhus, Haines, Hall, Hammond, Hanson, Hardt, Harding, Harris, Herbert, Hoare, Humphreys, Ivers, Johnson

of Dickey, Johnson of Steele, Johnson of Cass, Johnson of Pembina, Johnston, Kamrath, Kelder, Kell, Kellogg, Kelly, Keitzman, Koller, Kunkel, Larson of Ransom, Larson of Stutsman, Larson of Pierce, Larkin, Lazier, Lowe, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McGauvran, McLarty, McLaughlin, McManus, Mikkelson, Miller, Moen, Murtha, Nathan of Sheridan, Nathan of Logan, Ness, Nesvig, Nims, O'Brien, O'Connor of Pembina, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olson of Barnes, Olsgard, Opland, Patterson, Petterson, Pleasance, Prater, Randall, Riba, Reid, Reishus, Renauld, Robinson, Roquette, Rusch, Severson, Sherman, Strain, Strom, Turner, Twichell, Wadeson, Walker, Weld of Wells, Whipple, Wog, Yeater, Mr. Speaker.

Absent and not voting: Cleven, Eckert, Hemmi, Klein, Krueger, Uglum, Weld of Kidder.

Which amendment was concurred in.

Mr. Strom moved to concur in the Senate Bill No. 59 Amendment, and asked the unanimous consent of the House, which motion prevailed and a roll call was had.

House Bill No. 16.

"A Bill for an Act to amend and re-enact Chapter 199 of the Session Laws of 1919 of the State of North Dakota, relating to the consolidation of schools and transportation of pupils, and authorizing a board of arbitration."

The question being on the concurring in the Senate Amendment to House Bill No. 16 final passage of the bill, as amended, the roll was called and there were ayes 107, nays 0, absent and not voting 6.

Ayes: Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bollinger, Bjerke, Burtness, Burkhart, Byrne, Caddell, Carr, Donner, Dungan, Durkee, Engen, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hammond, Hanson, Hardt, Harding, Harris, Herbert, Hoare, Humphreys, Ivers, Johnson of Dickey, Johnson of Steele, Johnson of Cass, Johnson of Pembina, Johnston, Kamrath, Kelder, Kell, Kellogg, Kelly, Keitzman, Koller, Kunkel, Larson of Ransom, Larson of Stutsman, Larson of Pierce, Larkin, Lazier, Lowe, Maddock of Mountrail Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McGauvran, McLarty, McLaughlin, McManus, Mikkelson, Miller, Moen, Murtha, Nathan of Sheridan, Nathan of Logan, Ness, Nesvig, Nims, O'Brien, O'Connor of Pembina, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olson of Barnes, Olsgard, Opland, Patterson, Petterson, Pleasance, Prater, Randall, Riba, Reid, Reishus, Renauld, Robinson, Roquette, Rusch, Severson, Sherman, Strain, Strom, Turner, Twichell, Uglum, Wadeson, Walker, Weld of Wells, Whipple, Wog, Yeater, Mr. Speaker.

Absent and not voting: Cleven, Eckert, Hemmi, Klein, Krueger, Weld of Kidder.

Which amendment was concurred in.

Mr. Nathan of Sheridan moved that the House do concur in the Senate Amendment on House Bill No. 16, which motion prevailed.

#### REPORTS OF SELECT COMMITTEES

The Select Committee made the following report:

Mr. Speaker: Your Select Committee to whom was referred Senate Concurrent Resolutions, relative to printing Session Laws.

WHEREAS, It is important that the members of the House and Senate should be provided with a copy of the permanent bound Journals for this Special Session of the House and Senate;

BE IT THEREFORE Resolved by the Senate of the State of North Dakota, the House of Representatives concurring therein, that the Secretary of State be and is hereby authorized and directed to send to each member of the House and Senate, President and Secretary of the Senate and Chief Clerk of the House and to each district judge in the State, a copy of the joint House and Senate Journals and a copy of the Session Laws.

MR. J. F. T. O'CONNOR,  
Chairman.

Mr. O'Connor moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Nesvig moved that the House take a fifteen minute recess, which motion prevailed and the House recessed.

#### AFTER RECESS

The House assembled pursuant to recess taken, the Speaker presiding.

#### MESSAGE FROM THE SENATE

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
December 11, 1919.

Mr. Speaker: I have the honor to transmit the following concurrent resolution:

#### CONCURRENT RESOLUTION

(Introduced by Mr. McCarten.)

BE IT RESOLVED by the Senate, the House of Representatives concurring,

That twelve o'clock midnight of this Legislative Day be the time fixed for adjournment of the Special Session of the Legislative Assembly.

Which the Senate adopted and your favorable consideration is respectfully requested.

Very respectfully,

W. J. PRATER,  
Secretary.

#### MOTIONS AND RESOLUTIONS

Mr. Patterson moved that the House do concur in the Senate Concurrent Resolution.

The question being on Concurrent Resolution to adjourn, the roll was called and there were ayes 106, nays 0, absent and not voting 7.

Ayes: Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bollinger, Bjerke, Burtness, Burkhart, Byrne, Caddell, Carr, Donner, Dungan, Durkee, Engen, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hammond, Hanson, Hardt, Harding, Harris, Herbert, Hoare, Humphreys, Ivers, Johnson of Dickey, Johnson of Steele, Johnson of Cass, Johnson of Pembina, Johnston, Kamrath, Kelder, Kell, Kellogg, Kelly, Keitzman, Koller, Kunkel, Larson of Ransom, Larson of Stutsman, Larson of Pierce, Larkin, Lazier, Lowe, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McGauvran, Mcarty, McLaughlin, McManus, Mikkelson, Miller, Moen, Murtha, Nathan of Sheridan, Nathan of Logan, Ness, Nesvig, Nims, O'Brien, O'Connor of Pembina, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olson of Barnes, Olsgard, Opland, Patterson, Petterson, Pleasance, Prater, Randall, Riba, Reid, Reishus, Renauld, Robinson, Roquette, Rusch, Severson, Sherman, Strain, Strom, Turner, Twichell, Wadeson, Walker, Weld of Wells, Whipple, Wog, Yeater, Mr. Speaker.

Absent and not voting: Cleven, Eckert, Hemmi, Klein, Krueger, Uglum, Weld of Kidder.

Which resolution was adopted.

The Speaker called Mr. Johnson of Steele to the Chair.

Mr. O'Connor of Grand Forks moved that a call of the House be made which motion prevailed.

Mr. Patterson moved that the call of the House be suspended, which motion prevailed.

#### MOTIONS AND RESOLUTIONS A CONCURRENT RESOLUTION

Requesting the Resignation of William Langer from the Office of Attorney General:

WHEREAS, the said William Langer, because of his promises to support the program of the farmers of this state, was elected Attorney General and his campaign expenses paid by their post-dated checks, and

WHEREAS, the said William Langer, since his election has:

- (1) Betrayed the farmers of this state;
- (2) Declared their post-dated checks to be of no greater value than twenty-five cents on the dollar;
- (3) Unlawfully attempted to wreck the Scandinavian-American Bank and all other banks friendly to the farmers of this state;
- (4) Admitted under oath that he resorted to trickery and deception in his attempt to wreck the Scandinavian-American Bank;

(5) Stated under oath that he believed State Bank Examiner Lofthus to be dishonest and then stated that he was without any knowledge or information upon which to base such a belief;

(6) Published an interview in the public press charging the Governor of this State and the Judges of the Supreme Court with being crooks and conspirators;

(7) Encouraged expensive, trivial and meddling litigation among several departments of the state by advising Carl Kositzky to examine the Bank of North Dakota—when the law plainly provides that such examination shall be made by the State Bank Examiner—and advising the said Carl Kositzky to make an unlawful depletion of the state funds for political purposes, and advising the said Carl Kositzky that all warrants drawn on the Workmen's Compensation Fund should be drawn by said Kositzky—when the law definitely provides that warrants shall be drawn by the Workmen's Compensation Bureau—and also advising the State Treasurer to the same effect, contrary to law; and by permitting his assistants to express doubt as to the validity of the bonds issued by the state for the purpose of carrying out the industrial program. That all of said claims have been held illegal by actions in the state and federal courts.

(8) Attempted, during the recent referendum campaign, to defeat the laws passed by the farmers legislature, all of which laws had been approved by him during the session of the legislature. None of them had at any time during the session of the legislature been criticised by him, and the printing law which he was particularly active in opposing was drawn by him, and this bill met with his earnest and active support until it was amended in such a way as to deprive him of the power of selecting the legal publications provided for by the act.

(9) Aided and approved the circulation by the Independent Voters Association of a false and fictitious "Free Love Law," tending to disgrace the honor and virtue of every man and woman of this state, which they maliciously and falsely claimed was introduced with the approval of the farmers in the Legislative Body, but which was in reality introduced by a renegade and a traitor to the organized farmers, for the purpose of discrediting the Farmers' Organization and which law was promptly and effectually rejected and condemned by the Farmers' Organization as soon as it came to their knowledge;

(10) Secured an appropriation of \$99,000 from the Farmers' Legislature by stating that: "I will defend your laws until Hell freezes over," which money he is now squandering in an endeavor to defeat the laws passed by the Farmers' Legislature and approved by the majority vote of the people of this state;

(11) Neglected to properly represent the state in the Standard Oil Tax case, which the records of the Federal Court show was defended and won by attorneys employed by the Farmers' Organization of the state; has failed to recover the money due the state from various bonding companies notwithstanding the fact that the same has been pend-



ing for several years. Has permitted grain brokers to indulge in the practice of short weighing, without making any effort to prosecute. And brought a sham and fictitious action against the Elevator Trust for political purposes, which the parties interested in now admit to be a faked law suit;

(12) Collected \$36,000 under the pool hall license law and spent \$16,000 in making the collection by appointing political favorites to positions of profit for the purpose of building a personal political machine;

(13) Aided the Minneapolis Chamber of Commerce in opposing the laws of the Organized Farmers of this state;

(14) Sent his Deputy, Frank Packard, to the State of Montana for the purpose of making false and slanderous speeches about the program of the Farmers' Organization of North Dakota. Used his office to prosecute his political opponents and protect his political followers in their open and flagrant violation of law and order, and

WHEREAS, there is at the present time no method provided by law for the recall of an incompetent or unfaithful public servant, which condition, however, the Farmers' Legislature have endeavored to remedy by submitting to the electors of this state a constitutional provision for the recall of all appointive or elective officers of this state, which will be voted upon at the next general election,

THEREFORE, BE IT RESOLVED THAT WE, THE SENATE OF THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA, THE HOUSE REPRESENTATIVES CONCURRING THEREIN,

Do hereby request that the said William Langer immediately resign the office of Attorney General of the State of North Dakota.

Mr. Patterson moved that the House do concur in the resolution of condemnation of William Langer from the Senate and which is before the House for consideration.

MR. O'CONNOR of Grand Forks. I am not sure that this matter is before this House from a serious standpoint. However, I shall assume that it is, and shall address myself to the resolution. It is a resolution which contains many charges against the Attorney General of this State, and as I heard it hastily read, and not having had an opportunity to examine it, it contains some accusations which, if true, would subject an official of this state to be brought before the Senate for impeachment. The charges contained in the resolution are serious charges. It seems to me, Mr. Speaker, that we have arrived at the point in this Special Legislative Assembly, the same as we arrived at that point at the close of the regular session; it seems that it has now become the established custom and practice of this House of Representatives as controlled by the majority, to close their sessions with resolutions of condemnation either upon the entire minority as they did at the close of the last session, or upon some particular individual in the state who happens to hold a high office. This resolution requests the attorney general to resign. If the charges are true, Mr. Langer should be brought to trial under the procedure which is recognized

and approved by our constitution and by the statute law. That proceeding is one known as impeachment proceedings. The advantage of impeachment proceedings is that it gives the man who is charged an opportunity to defend himself against those charges. If there is one great principle in representative government which has been firmly established in our constitution, it is that any man who is charged with a crime, or a high misdemeanor or malfeasance in office, that he shall be given an opportunity to be heard. Of all the laws on the statute books that we have, there are no laws which are regarded with higher favor by our courts than those laws which give to any man accused of crime the full protection of the law. Any man who is brought before a bar of justice insists that that procedure be carried out, and I say to you gentlemen, this is not the proper procedure. The proper procedure is established by the constitution and the laws of this state. There is a proper way. You have the votes in your Senate so that you need not fear that it will be controlled, as you say by the minority, if you establish the charges. It seems to me, gentlemen of the majority, that this is mere child's play, for a splendid body of men to bring such a resolution before this House without a hearing to condemn a state official, to condemn a man who has been placed in one of the highest positions of power in this state, by the voters of this state. We are merely the servants of those voters. We are merely their agents. We are here to carry out their expressed wishes. They have not sent us here to pass such a resolution as is now before this House for consideration. I say in all frankness to you men of the majority, that this is one of the nearest approaches of all we have had to what is known as the tyranny of the majority. You men especially in the first session, pointed out to us that for years you had been rebelling against the tyranny of the majority, and now then, you having been placed in the position of the majority have the right to pass such a resolution; you have the right as has been stated on the floor to ignore every rule that this House has adopted; you have the right to force these things through by a majority vote in spite of the constitution, as has been the history of some of your acts. Gentlemen of the Assembly, there are two particular ways that a majority acts to reach a man high in public office. The first method is one that has already been established by the majority. Miss Minnie Neilson was elected to a high place in the government of this state, and her election was obnoxious to a majority of you in power. Miss Minnie Nielson came clothed with the statutory power that had been given to every predecessor who held that office. But after she had taken her oath of office, the majority proceeded themselves to strip her of all the powers that had been held by those who preceded her, to nullify her work in this great state, and that in defiance of the people of North Dakota. Miss Minnie Neilson in the record that is before the House, in the investigation made concerning the library, testifies that she has not even been privileged to see the minutes of the Board which has control of all the educational and penal institutions and has had since August 7th, 1919, and she also swears that she has never been notified of their meetings. If you can more completely nullify the powers of an elective official, I should like to know how you can do it. You have done it, and apparently you are satisfied with your work of

assassination. The second method of reaching a public official with whom you disagree, is to take from that public official all the appropriations that would carry out the work of that office. You have proceeded along the second line, and you done that successfully. You took from the attorney general \$60,000 that you men believed he should have to carry out the administration of justice in this state. You have reduced his office to incompetence. You have taken him from a position of power as far as you could go, and practically nullified his work in this state. And you have carried out the unheard of procedure of taking the office of the attorney general, a constitutional office charged with the administration of justice, and you have placed that power in the hands of the governor of this state, and by your laws you have permitted the governor to appoint lawyers to conduct the litigation on behalf of the state. You have carried this out not only in the instance of the attorney general but you have also carried it out against the state auditor, the secretary of state, and Miss Nielson. Therefore, any man that the voters of this state should elect to a high office, you deprive him of all of the powers of that office by refusing him the appropriations that he should have. That is your record, gentlemen of the majority, and I say this, that if it should further happen that a governor was elected in the next election who happened to be in opposition to you men, and that you controlled the Senate and the House, you would deprive that governor of every vestige of power, you would take from him every appointment that he can make now under the laws, you would demand from him the great military organization that you have given to this governor. And I wish you would. I tried to keep this governor from getting it. That will be the situation. I am pointing that out now, because when you go before the people of the state you must defend the record that you have made. You must go before the people of this state, and you must show them that the record you have made entitles you to be returned to power. And if the people feel that if they should so select a man as governor, but they would not dare elect a man into the legislature because he would come down here and nulify the work of that governor whom they have elected, I fear you cannot justify that position.

Those are the two ways of nullifying the powers of an official with whom you disagree. Those are the ordinary ways that the tyranny of a majority expresses itself. But in this Legislative Assembly we have reached the third position in what we call representative government by the tyranny of the majority. We have established a new chapter for those students and historians of governmental machinery. We have a third method of reaching these men, and that is we say to all classes you are permitted to go out and lie for us, but if you lie against us we will put you in the penitentiary. I said in the beginning that I do not know whether this resolution was serious or not, and I say that for several reasons. The thought strikes me somewhat as this. You have laid charges against your attorney general. It is necessary for that attorney general to go out throughout this state and to refute those charges. You have placed him in a splendid position, because he can go out and after he places before the people his answer to these charges, some of which are already in the record, he can then hold up in his hand the

bill which creates or which makes it a felony for him to tell a lie, and then you see under that bill he stands protected. If you men had studiedly designed to make William Langer the most powerful man in the State of North Dakota, you could not have done anything better than to pursue the course you have taken. The people of the state, when they elect a man to high office, they expect that man to function as the laws prescribe. I say to you again, that William Langer will rise from the ruins of those who would set the fires under him, the strongest figure in the State of North Dakota, because the public sentiment always burns towards a man when he is being crucified by any people. And that is what is being done here to the attorney general of this state. Gentlemen, it has never been done before, and I doubt if it will ever be done again. I am talking to you about the rights of the people. A man elected for two years—that is a brief space of time—and at the end of that time if he has not performed the official duties well, if he has misrepresented a majority of the people of the state, the people will take care of him. They will retire him from office. They will relegate him to the back part of the political arena where many men have gone if he has done the things you men say he has. Gentlemen, I do not believe that there is a majority of men in this House who want to pass the resolution that is before you. For nearly a week, or I believe more, I served on an important committee in this House. Mr. Walker was the chairman, Mr. Johnson of Steele and Mr. Burkhart and Mr. McLaughlin and myself were members. We labored seriously on that committee. Three men were from the majority and two from the minority. We spent probably more time on that investigation trying to get at the facts than was spent by any other committee of investigation in any matter in any session that I have sat in. We tried to reach and find out what the facts were, and the only place we differed was as to whether or not we should make any recommendations to this House, and finally we agreed that both sides would strike out all recommendations, present the facts to the House and if the House saw fit, they would take whatever steps they thought necessary. I was glad to conform to that advise. Then later, gentlemen, in the discussion of that report, the motion was made asking this committee to go out and fix the blame and bring back the names of those responsible. The House voted it down. They thought that was not a part of our work, that was part of the work of the governor if he saw fit to remove any man from that board. I assume that was your viewpoint, and so I say now for the same reasons that you refused that,—and that would merely have reached an appointive officer,—if there was any justification for this resolution you would have followed such a motion as that, but you turned it down. The House turned it down. And now, gentlemen, for the very reasons you refused to accept that motion, I will say because you want to protect someone who happened to be with the majority—I don't want to say that but if you pass this resolution that must be the conclusion, that you will pass a motion or resolution if it happens to strike someone with whom you disagree, but you refuse to place the blame on any man if he happens to be in favor with the majority. Is there anything fair, gentlemen, in that? William Langer holds his office by election. He holds his office the same as you men who sit in this Assembly,

only it is to a higher degree, first because his powers are greater, and secondly because his votes came from all over the great state of North Dakota while when we speak, I cannot speak for the people of North Dakota because I only represent a small district in this state, and when you men speak unless you take a different view and a different interpretation, you can speak only from the little district from which you come, and I say to you therefore, he holds his position from a higher source of power than we who now propose to condemn him. This is a Special Session of the Legislature. A number of times from the floor we have heard from both majority and minority that only those matters of urgent import should be considered. This was not one of the things we were called here for by the governor, and I believe it is without the sober judgment and thought and the splendid attitude that the men of the majority have always displayed.

Another one of the reasons I was not in favor of baring the name of the man who we believe was responsible for the book matter, was that I always, when it comes to the point of branding a man as unfit for a public servant, when I think of the consequences to himself and to his family and friends, and his position in life and how it will affect him forever afterwards, I always hesitate to act. That is why I hesitated for the same reasons I urged in that committee, I now urge against a resolution of this kind. Do not condemn a man without a hearing. If you do not want to impeach William Langer, I say appoint a joint committee, Senate and House, let William Langer come before them, and lay his testimony before them, and let it be taken. And let other testimony be introduced, and on that record submit his case to the people of the state. Isn't that fair? Isn't that what you men have already approved of here when you accepted the report of the Library case? And so I say to you, with all the sincerity of my soul, with the deepest feeling a man is capable of—and I am not here holding a brief for the attorney general because I have not even spoken to him, I have not had five words with him in six months, but I am standing here pleading for a man upon whom the doors of this House are closed and then you want to pass a resolution condemning him before the people of this state. I don't believe you want to do it. I don't believe you are going to mar the closing hours of this session by placing the resolution like that upon this Journal, and by passing such a resolution. I thank you.

Previous question was moved.

MR. O'CONNOR: Mr. Speaker, as I understand it, Mr. Speaker, I have ten minutes to close this debate under the rules of the House, and I assume the rules of the House are in effect.

BY THE SPEAKER: You have ten minutes to conclude. I just want to take a few minutes and reply to the gentleman from Williams, (Mr. Hoare). He stated that the attorney general should resign if these charges were true. And I heartily agree with him, but I insist that the charges be proved against him before this action is taken.

It is impossible to attempt a reply to the charges against Mr. Langer as I could only catch part of them as they were hurriedly read by the clerk from the desk. One of the

charges is Mr. Langer said that the farmers' post-dated checks were only worth about twenty-five cents on the dollar. Mr. Townley made this same statement before a committee of Congress in Washington.

Another charge is that Mr. Langer didn't prosecute faithfully the Standard Oil Case and in this House Journal is a complete refutation of that charge and you will be convinced if you read it. Another charge is that Mr. Langer has not enforced the Grain Grading Act. You gentlemen know that the Congress of the United States passed an Act which provides for the inspection, grading and weighing of all grains and our state law is practically nullified. This matter is now pending before Federal Judge Charles F. Amidon and has been for some months. Certainly we have not gotten so far in North Dakota that we are going to attempt to nullify the laws of the Federal Government. South Carolina tried nullification and you all know the result. I am pleading here for fairness and I am only asking you not to condemn the attorney general without a hearing.

The question being on adoption of the Concurrent Resolution relating to the resignation of William Langer, the roll was called and there were ayes 60, nays 44, absent and not voting, 9.

Ayes: Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bjereke, Burkhart, Byrne, Caddell, Ferguson, Fredrickson, Haines, Hall, Hardt, Harding, Hoare, Ivers, Johnson of Dickey, Johnson of Steele, Kamrath, Kelder, Kell, Kellogg, Keitzman, Larson of Stutsman, Larkin, Lazier, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McLarty, Miller, Moen, Nathan of Sheridan, Nesvig, O'Brien, O'Connor of Pembina, Olson of Barnes, Opland, Patterson, Prater, Riba, Renauld, Sherman, Strain, Strom, Walker, Weld of Wells, Whipple, Wog, Yeater, Mr. Speaker.

Nays: Bollinger, Burtness, Donner, Dungan, Durkee, Hammond, Hanson, Harris, Herbert, Humphreys, Johnson of Cass, Johnson of Pembina, Johnston, Kelly, Koller, Kunkel, Larson of Ransom, Larson of Pierce, Lowe, McGauvran, McLaughlin, McManus, Mikkelson, Murtha, Nathan of Logan, Ness, Nims, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olsgard, Petterson, Pleasance, Randall, Reid, Robinson, Roquette, Rusch, Severson, Turner, Twichell, Wadeson.

Absent and not voting: Cleven, Eckert, Gunhus, Hemmi, Klein, Krueger, Reishus, Uglum, Weld of Kidder.

Which adoption was carried.

MR. BURTNESS: I wish to explain my vote on this motion condemning Mr. Langer. Section 194 of the constitution of the State of North Dakota provides in substance, that the House of Representatives shall have the sole power of impeachment, and that the concurrence of a majority of all members elected shall be necessary to an impeachment. Section 195 provides in substance that impeachments shall be tried by the Senate and that when sitting for the purpose of impeachment the Senators shall take unto themselves further oath, namely to do justice according to the law and evidence. Section 196 prescribes the officials who are subject

to impeachment and such officials, includes not only the Governor but other state officials including the attorney general. This section also provides that such official shall be liable to impeachment for habitual drunkenness, crimes, corrupt conduct or malfeasance or misconduct in office, and provides the punishment to be meted out upon conviction. These are safeguards thrown around our state officials by the constitution of the state. An attempt is made by this resolution to demand the resignation of the attorney general, not upon any evidence that is submitted to this House or to this Assembly, but merely upon inferences or suggestions contained in a resolution which bears no weight as evidence, and which is not even sworn to. The resolution is in such shape that were it made by any man outside of the floor of this House, none of the people who will vote for it here now would dare to sign the same resolution for they would be subject to the civil and criminal law of the state. As I have stated, no evidence is submitted, no opportunity is given the attorney general to present his side of the case, and I for one am not ready to condemn any official without evidence, without a hearing, and I for one am not going to decide that a man has been guilty of malfeasance in office, as the gist of this resolution provides and recites, contrary to the provisions and safeguards prescribed by the constitution. I do not believe that we should here take the same step that should be taken only by the Senate in impeachment proceedings, and that we should not charge a man with being guilty of these offenses when we have not even taken the oath prescribed by the constitution in such cases as this, at least within the spirit of such case as this, namely, to decide the matter, to do justice according to the law and the evidence. I therefore vote No.

MR. LOWE: I vote against this resolution. I don't know if the charges contained in it are true and if this resolution is passed some time later we might say that we have been mistaken. I will vote against this resolution for the same reasons given by the editor of the North Dakota Leader in an editorial not so long ago. I will read just a few lines of this, and I want you gentlemen to remember that these words are just as true now as they were at the time they were written.

#### MURDER AT MINOT

The murder of two policemen at Minot last week by a gang of robbers who were so bold as to have established their "plant" close to that city should shame and silence those who have criticized Attorney General Langer for his raid and his employment there of a special officer—one of the men who was killed.

Conditions at Minot were such that extraordinary methods were necessary, and special vigilance is still very necessary, as last week's murders show. A lawless element had been entrenched there for years apparently with the consent of those in authority. Only with the co-operation of local authorities—which has been withheld—can Minot become safe and decent. The decent people of the state upheld the action of Attorney General Langer in making his now famous raid at Minot, and decent people will continue to uphold him till Minot is cleaned up and after. The most vigorous prosecution of the gang of murderers and the most diligent efforts

to prevent further lawlessness in Minot will meet with the hearty approval of the better class of people throughout the state. Those who accused Attorney General Langer of being high-handed must now admit that whatever methods were employed were fully justified with the conditions which had to be met. It is fortunate indeed that North Dakota has an attorney general who is absolutely fearless and who refuses to permit petty officials to foster and protect lawlessness. The farmers elected him to enforce the law, and that is what he is doing and will continue to do in spite of the criticism of corruptionists and criminals, including their accessories of the Kept Press.

There have been four murders in Minot since Mr. Langer made his raid a year ago. If he had not been hindered in his work, perhaps these blots might not now be on the name of Minot and North Dakota.

MR. MURTHA: I wish to vote no on this resolution. If the charges against the attorney general made in the resolution are true, he should be impeached and removed from office and he ought not to be permitted to resign. On the other hand if these charges are not true, then we ought not to pass this resolution. There is nothing before this body to show or indicate that the charges against the attorney general are in fact true. On the contrary, every man in this room knows that most of those charges against the attorney general are false, if not all of them. And I think Mr. Speaker that it is unfair in the highest degree to condemn the attorney general without giving him some sort of a hearing, and it seems to me Mr. Speaker, to be unbecoming this House to take such action as this, and this resolution is one calculated to bring this Legislature and the members of this House into contempt and ridicule before the public. I therefore vote no.

MR. TWICHELL: Mr. Speaker, I consider the introduction of this resolution into this House at this time is one of the most damnable things I ever heard of. It is even worse than the resolution introduced in the closing hours of the last night of the last session. That was an unheard of proceeding, and this is worse. This is an attempt to brand a man as unfit for office, and you men who are now branding him are the same men who named him and who elected him for that office which he holds. You are branding him as unfit for any office, and as a felon, without any trial, on charges that practically every man in this House knows are absolutely untrue. It is an attempt to put over something political, and I am going to say right now that the attitude of the people of this state is not such that they would look kindly on anything of this kind. I vote against the measure.

MR. WALKER: I wish to explain my vote. The attorney general I believe, has shown a degree of moral turpitude that unfits him for any position of trust. I vote aye.

#### SIGNING OF BILLS

The Chief Clerk announced that the Speaker was about to sign—

Senate Bill No. 5.

"A Bill for an Act to amend and re-enact Chapter 182 of the 1919 Session Laws to provide for the taxing and licens-



ing of motor vehicles, the creation of a Motor Vehicle Registration Department of the State Highway Commission and the appointment of a Registrar as head of the same, defining his duties and compensation; establishing the method of distributing the fees received therefrom; fixing penalties for the violation of this act and providing an appropriation for administering the same and for use of the State Highway Commission; and repealing Chapter 156 of the Laws of North Dakota, 1917, and all acts and parts of acts in conflict therewith."

Senate Bill No. 44.

"A Bill for an Act providing for the issuing of bonds of the State of North Dakota in a sum not exceeding two million dollars to be known as "Bonds of North Dakota Home Building Series"; prescribing the terms and stating the purposes thereof; providing for a tax and making other provisions for the payment thereof; making appropriations and other provisions for the payment of interest and principal of said bonds and to carry into effect the provisions of this act; and declaring this act to be an emergency measure."

House Bill No. 60.

"A Bill for an Act, etc."

And the Speaker signed the same in the presence of the House.

#### REPORTS OF SELECT COMMITTEE

The Conference Committee made the following report:

Mr. Speaker: Your committee on Conference to whom was referred Senate Bill No. 3.

"A Bill for an Act to amend and re-enact Section 2185 Compiled Laws of North Dakota for the year 1913, relating to real estate taxes due and delinquent and penalty and interest thereon."

Have had the same under consideration and recommend that the House does recind from their Amendment to Senate Bill No. 3.

House Committee,  
E. E. BRYANS, Chairman.  
JAMES McMANUS,  
KRISTIAN HALL.

Senate Committee,  
CHAS. E. DROWN,  
Chairman.  
THORWALD MOSTAD,  
W. J. CHURCH.

Mr. Twichell moved that the Speaker appoint another Conference Committee on Senate Bill No. 3, and notify the Senate that the House refuses to accept this report. Which motion prevailed and the Speaker appointed as such committee Representatives Carr, Ferguson and Strom.

Your committee to present to State Auditor the Pay Roll of the House Chamber beg leave to report the following:

"We went in body to the State Auditor's office to present

said pay roll and found the door to the State Auditor's office locked."

FAY HARDING, Chairman.  
OSCAR R. NESVIG,  
WM. BJERKE.

Mr. Patterson moved that the report be adopted, which motion prevailed.

#### PRESENTATION OF PETITIONS AND COMMUNICATIONS

State of North Dakota  
OFFICE OF THE GOVERNOR  
Bismarck

December 11, 1919.

To the Honorable Members of the House:  
Gentlemen:

You are hereby informed that I have approved and filed with the Secretary of State, House Bill No. 46, An Act to amend and re-enact Section 4 of Chapter 162 of the Session Laws of the State of North Dakota for 1919 relating to Workmen's Compensation Fund.

Also House Bill No. 42, An Act defining the word "precinct" as used in the Laws of the State of North Dakota, relating to elections and providing for the formation of voting districts and the designation of voting places within such voting districts.

Very respectfully,

LYNN J. FRAZIER,  
Governor.

Mr. O'Connor of Grand Forks moved that the House take a thirty minute recess, which motion prevailed and the House recessed.

#### AFTER RECESS

The House assembled pursuant to recess taken, the Speaker presiding.

#### PRESENTATION OF PETITIONS AND COMMUNICATIONS

December 11, 1919.

Hon. Geo. Totten, Jr.,  
Chief Clerk of the House.

There is a statement in today's issue of the Bismarck Tribune, attributed to Hon. Olgar Burtness, that I with Dr. Stangeland made a survey of the Penitentiary Library. This is untrue.

At no time have I made a survey or investigation of the library books there, neither have I made a recommendation concerning the kind of books to be placed in or taken from that library.

If necessary affidavits can be secured to show my statement to be correct. It is asked that this be published in the Journal of the House.

Respectfully,

N. C. MACDONALD.

## MESSAGE FROM THE SENATE

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,

December 11, 1919.

Mr. Speaker: I have the honor to inform you that the Senate has concurred in the House amendment to Senate concurrent resolution relating to publishing and mailing copies of Permanent Journals.

Very respectfully,

W. J. PRATER,  
Secretary.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,

December 11, 1919.

Mr. Speaker: I have the honor to inform you that the Senate has concurred in the House Concurrent Resolution regarding correcting and indexing Journals.

Very respectfully,

W. J. PRATER,  
Secretary.

## SIGNING OF BILLS

The Chief Clerk announced that the Speaker was about to sign.

Senate Bill No. 10.

"A Bill for an Act to amend and re-enact Section 1 and Section 2 of Chapter 227, Laws of North Dakota, 1919, relating to the taxation of petroleum products or by-products."

Emergency on Senate Bill No. 10.

Senate Bill No. 16.

"A Bill for an Act to amend and re-enact Sections 625, 626 and 627 of the Compiled Laws of North Dakota for the year 1913 as amended by Chapter 252 of the Session Laws of 1917."

Emergency on Senate Bill No. 16.

Senate Bill No. 33.

"A Bill for an Act to appropriate \$225,000.00 for the purpose of aiding in the construction of a bridge across the Missouri River from Burleigh County to Morton County within the State of North Dakota, under the provisions of Chapter 73 of the Laws passed at the Sixteenth Session of the Legislative Assembly of the State of North Dakota, approved March 5, 1919."

Emergency on Senate Bill No. 33.

Senate Bill No. 34.

"A Bill for an Act to amend and re-enact Section 12 of Chapter 150 of the Laws of North Dakota for the year 1919, being an Act declaring the purpose of the State of North Dakota to engage in the enterprise of providing homes for residents of this State and to that end to establish a business system operated by the State under the name of the Home Building Association of North Dakota; defining the scope and manner of its operation and the powers and duties of the persons charged with its management; making an appropriation therefor; and providing that the Association may retain the title to property when more than twenty per cent has

been paid thereon and give the buyer a contract for a deed therefor."

Emergency on Senate Bill No. 34.

And the Speaker signed the same in the presence of the House.

#### REPORT OF SELECT COMMITTEE

The Conference Committee on House Bill No. 55 made the following report:

Mr. Speaker: Your Conference Committee to whom was referred House Bill No. 55.

House Bill No. 55.

"A Bill for an Act making an appropriation for maintenance, improvements, repairs and equipments for the Institution of the Feeble Minded at Grafton, North Dakota; amending and re-enacting Section 1 of Chapter 32 of the Laws of North Dakota for the year 1919; repealing all acts and parts of acts in conflict therewith and declaring an emergency."

Have had the same under consideration and recommend that the Senate recede from their amendment.

For the Senate,

WALTER WELFORD,  
THOMAS PENDRAY,  
OLE ETTESTAD.

For the House,

JOHN R. MADDOCK,  
S. W. JOHNSON,  
ROBERT BYRNE.

Mr. Wog moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. Twichell moved that House Bill No. 11 be recalled from the committee to which it was referred.

A roll call was demanded.

#### HOUSE ROLL CALL

The question being on the motion to recall House Bill No. 11 from the Elections Committee, the roll was called and there were ayes 43, nays 60, absent and not voting 10.

Ayes: Arnold, Bollinger, Burtness, Carr, Donner, Dungan, Durkee, Egen, Hammond, Hanson, Harris, Herbert, Humphreys, Johnson of Cass, Johnson of Pembina, Johnston, Kelly, Koller, Kunkel, Larson of Pierce, Lowe, Maddock of Mountrail, McGauvran, McLaughlin, Mikkelson, Murtha, Nathan of Logan, Ness, Nims, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olsgard, Petterson, Pleasance, Reid, Robinson, Roquette, Rusch, Severson, Turner, Twichell, Wadeson.

Nays: Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bjerke, Burkhart, Byrne, Caddell, Ferguson, Fredrickson, Haines, Hall, Hardt, Harding, Ivers, Johnson of Dickey, Johnson of Steele, Kamrath, Kelder, Kell, Kellogg, Keitzman, Larson of Ransom, Larson of Stutsman, Larkin, Lazier; Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McLarty, McManus, Mil-

ler, Moen, Nathan of Sheridan, Nesvig, O'Brien, O'Connor of Pembina, Olson of Barnes, Opland, Patterson, Prater, Randall, Riba, Renauld, Sherman, Strain, Strom, Walker, Weld of Wells, Whipple, Wog, Yeater, Mr. Speaker.

Absent and not voting: Cleven, Eckert, Gunhus, Hemmi, Hoare, Klein, Krueger, Reishus, Uglum, Weld of Kidder.

Which motion was lost.

MR. ARNOLD: In explanation of my vote, will say that I am not ashamed to go on record as against such a bill. The record of North Dakota in the Red Cross and Liberty Loan drives refutes the accusation that the inhabitants are disloyal. I would not be one to deny the gentleman of Richland the courtesy of seeing this House Bill No. 11 die a decent death on the floor of the House.

I have in my possession medals and certificates commending my loyalty as chairman of the township Liberty Loan Committee.

I do not need to wave a U. S. flag to establish my Americanism. My conduct with and toward my fellow man is sufficient.

Mr. Bjerke: If I was a bull or a turkey gobbler, I would vote for this bill, because those are the only things that gets very much excited when they see a red rag. I will vote against it.

Mr. Burkhardt: I wish to explain my vote. I think that is as far as it will get. It has gone out through this state, not by the Nonpartisan League but by the opposition to the Nonpartisan League, that the Nonpartisan League is disloyal and that it is anarchistic and all that sort of dope. This bill in my opinion is a bill introduced here to try and put the Nonpartisan League in a boat. I want to say that I am not afraid of any such thing. I want to say to you here now Gentlemen of the House, that I believe that I respect that old flag up there as much as any man in the State of North Dakota, and I don't believe any man in my county thinks any different about me, and I have not found one man in my constituency who criticized me for voting against that bill last year, and I don't believe there is any need for any such bill in this state. We are not anarchistic or revolutionary, and therefore I vote no, because I don't consider it is worth while to take the time in this House on such a proposition.

Mr. Hanson: I wish to explain my vote. I think this is a timely bill, and I understand that some of our border states have got similar laws, and I vote "aye." This law will not hurt any loyal citizen of our state if it becomes a law, and therefore I vote "aye."

Mr. Harding: I want to explain my vote. There is an old saying that birds of a feather flock together. The only person I ever seen or heard of flaunting the red flag in the air is Mr. Kositzky. I vote "no."

Mr. Maddock (of Mountrail) I vote "aye" on this motion not because there is any demand for the red flag or anything of the kind, but simply because it isn't the usual procedure to let a bill die in the committee.

Mr. Moen. I wish to explain my vote. I claim to be an American citizen. Not only that but a loyal one, and the flag of the United States is my flag, and I have never seen a red flag, in my life, and I think this can't be anything but political propaganda. I have heard so much about free love, socialism and other isms, and I think it belongs to the same stuff, and I shall vote "no."

Mr. Nathan (of Sheridan). I wish to explain my vote. I wish to vote "no" for the simple reason that there is a red Flame going over the State of North Dakota, and I am afraid they will want to use the red flag after a while.

Mr. O'Connor (Of Grand Forks). I can't see any reasonable objection to recalling this bill, and I don't believe there is any real objection to passing the bill. I am neither a bull nor a turkey, but I am an American citizen, and this bill, as I understand it, prohibits the flag of anarchy, and I believe we should recall this bill and put it on our statute books. I vote "aye."

Mr. Patterson. Mr. Speaker. I was born and raised in the United States. I expect to spend the rest of my time here. I must admit I have saw the red flag used, but the only place I ever saw it used was along the railroad where there was a washout or a bridge dynamited or something of that kind. I don't feel at this time, while theres a lot of bombs being exploded and one thing and another, and maybe some little washouts, but I don't believe it is so as but what the progress of the State of North Dakota will go along without hanging out any red flag. I vote "no."

Mr. Petterson: I vote "aye." This same thing happened last Session as is happening now. It is no matter to me what happens to this bill, but I don't think this is a bill that should be played football with. If you want to play football with me and my friend here, that is all right, you can do that. But we have heard remarks that this is propaganda. There was no such intention. The bill has nothing in it of the kind, and nothing but what any true loyal citizen can vote for without fear or favor. And many men would like to go on record against a red flag. When you go on record in this way against protecting our flag, it is nothing less than a crime, and I vote "aye."

Mr. Randall: I wish to explain my vote. I was an orphan when I was three years old, and have been mingling with all classes of laboring people, and I was taught to love the flag of my country and no other idea has ever come into my head but to support my country under any conditions. I have been in lumber camps in northern Wisconsin, and have been in the mines, and I never heard one man that had an influence over anyone say a insulting word about our country. I have heard a few say something like that but they were of degraded sort and nobody paid any attention to them. I believe this is an insult at this time to our people. If it was needed, I would be willing to vote for this. I don't believe exactly in the condition the bill is in, but to expedite matters, I will vote "no."

Mr. Riba: I want to explain my vote. I have noticed displayed a red flag published in this city of Bismarck, which is

contrary to our National Flag, and I don't see any reason why I should support this flag bill. I vote "no."

The Speaker: I wish to explain my vote. I was born under this flag close to fifty years ago, and I have been in three-fourths of the States in the United States, and before I came to North Dakota to settle on a farm with the farmers of this state I was a coal digger, and during all of my life I never saw any man carrying the red flag or the black flag without it was a railroad man that was intending to flag a train. And I have heard of one man in this state that undoubtedly was carrying a red flag in Bismarck, and he pulled it out of his hip pocket and says, there's what the Nonpartisan Leaguer stands for. Now I have figured and thought over this bill time and again, that this would be one of the most dangerous bills to put on the statute books of North Dakota. We have a few men in this state that are equal in some acts to the I. W. W. In Westhope, North Dakota, when this Body was in session one year ago, there was a businessman that was friendly and was a supporter of the Nonpartisan League, and some un-American not deserving of the protection of the Stars and Stripes, while this man was asleep, in the hours of the night, crawled out and on top of his building and on the flag pole hung up the red flag. With such a law as that and such men as that in that town, they could go and have that man pulled and fined and thrown into jail for exposing the red flag, and I feel assured that if there are any anarchists that attempt to carry a black flag in the State of North Dakota, that the Nonpartisans and the anti-Nonpartisans will forget about non-Partisanship and take care of any such class of men by hand if they can't do it any other way. I vote "no."

Mr. Weld (of Wells): I wish to explain my vote. I do not believe in so-called "repressive" laws. I do not think we should enact them unless it is absolutely necessary. I believe that in a country like this and in this state the high moral character and patriotism of our people is amply sufficient to take care of any such matter as this. No red flag outrage would be tolerated for a moment in any part of North Dakota. I know we can trust the people for that, and to pass such a repressive measure is to admit there is something wrong when that is not true. Repressive measures for which some countries in Europe were famous did not prevent the great war and Europe's present condition of anarchy. Such laws never do prevent crimes, and should only be passed when there is no other way of dealing with them. I vote "no."

Mr. Ness: I wish to explain my vote. I did not hear my name called before. There's an old saying that prevention is better than cure. Why did Minnesota pass the red flag bill? I know and you know, gentlemen, what is going on east of us, and also west of us. And you know also that we passed a bill here last winter, House Bill 57 that let down the bars to those radicals who are using North Dakota for a dumping ground. Under your laws passed last winter an officer of the law has no right or authority to interfere in any red flag riot until property is actually destroyed, windows broken in, doors broken in or such things. The police have no authority to protect property in Bismarck

or in the outskirts of the other cities under this law until damage has been done. Therefore I vote "aye."

#### REPORTS OF STANDING COMMITTEES

The committee on Enrollment and Engrossment made the following report:

Mr. Speaker: Your committee on Enrollment and Engrossment have examined the following bills:

House Bill No. 59.

"A Bill for an Act remitting and reducing the amount of state taxes levied for General Fund for the year 1919."

House Bill No. 16.

"A Bill for an Act to amend and re-enact Section 1190 of the Compiled Laws of North Dakota for 1913, as amended by Chapter 199 of the Session Laws for 1919, relating to the consolidation of schools and transportation of pupils and providing for a board of arbitration."

House Bill No. 7.

"A Bill for an Act to amend and re-enact sections 2, 3, 4, 5 and 6 of Chapter 6 of the Session Laws of the State of North Dakota for the year 1919, relating to the licensing and inspection of pool halls, billiard rooms, ball and pin alleys, dance halls, theaters, moving picture shows, taxicab stands and places where soft drinks are sold."

House Bill No. 57.

"A Bill for an Act making appropriation for the maintenance, improvements, improvements and repairs, new buildings, equipments and miscellaneous expenses of the North Dakota Reform School; amending and re-enacting Section 1 of Chapter 57 of the Laws of North Dakota for the year 1919; repealing all acts and parts of acts in conflict therewith; and declaring an emergency."

House Bill No. 44.

"A Bill for an Act to amend and re-enact sub-divisions Numbers 3, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 23, 25, 33, 38, 39, 40, 41, 42, 45 and 46; and repealing sub-divisions Numbers 19, 24 and 26 of Chapter 16 of the Session Laws of North Dakota for the year 1919, relating to the General Budget Appropriation; repealing all acts and parts of acts in conflict therewith; and declaring and emergency."

And find the same correctly enrolled.

J. H. KUNKEL,  
Chairman.

Mr. Kunkel moved that the report be adopted, which motion prevailed and the report was adopted.

#### SIGNING OF BILLS

The Chief Clerk announced that the Speaker was about to sign

House Bill No. 7.

"A Bill for an Act to amend and re-enact Sections 2, 3, 4, 5 and 6 of Chapter 6 of the Session Laws of the State of North Dakota for the year 1919, relating to the licensing and



inspection of pool halls, billiard rooms, ball and pin alleys, dance halls, theaters, moving picture shows, taxicab stands and paces where soft drinks are sold."

House Bill No. 16.

"A Bill for an Act to amend and re-enact Section 1190 of the Compiled Laws of North Dakota for 1913, as amended by Chapter 199 of the Session Laws for 1919, relating to the consolidation of schools and transportation of pupils and providing for a board of arbitration."

House Bill No. 44.

"A Bill for an Act to amend and re-enact subdivisions Numbers 3, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 23, 25, 33, 38, 39, 40, 41, 42, 45 and 46; and repealing subdivisions Numbers 19, 24 and 26 of Chapter 16 of the Session Laws of North Dakota for the year 1919, relating to the General Budget Appropriation; repealing all acts and parts of acts in conflict therewith; and declaring an emergency."

House Bill No. 57.

"A Bill for an Act making appropriation for the maintenance, improvements, improvements and repairs, new buildings, equipments and miscellaneous expenses of the North Dakota Reform School; amending and re-enacting Section 1 of Chapter 57 of the Laws of North Dakota for the year 1919; repealing all acts and parts of acts in conflict therewith; and declaring an emergency."

House Bill No. 59.

"A Bill for an Act remitting and reducing the amount of state taxes levied for General Fund for the year 1919."

The Speaker signed the same in the presence of the House.

#### MESSAGE FROM THE SENATE

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
December 11, 1919.

Mr. Speaker: I have the honor to inform you that the Senate has declined to accept the report of the conference committee on House Bill No. 55 and the President has appointed as a new conference committee Senators Church, Murphy and Benson.

Very respectfully,

W. J. PRATER,  
Secretary.

Mr. Patterson moved that the Speaker appoint a committee of three to confer with the Committee from the Senate on H. B. 55, which motion prevailed and the Speaker appointed as such committee Representatives Harding, Miller and Nesvig.

#### REPORTS OF SELECT COMMITTEE

Mr. Speaker: Your committee on Conference to whom was referred House Bill No. 55, "A Bill for an Act for Feeble Minded Institution at Grafton."

Have had the same under consideration and no agreement.

House: Fay Harding, J. C. Miller and Oscar Nesvig.

Senate Committee: W. J. Church, John W. Benson and P. J. Murphy.

And when so amended recommend the same do pass.

Mr. Twichell moved that the House recede from its amendment to H. B. 55, which motion prevailed.

#### ROLL CALL

The question being on final passage of House Bill No. 55 as amended by the Senate, the roll was called and there were ayes 106, nays 0, absent and not voting 7.

Ayes: Arnold, Alberts, Bailey, Brady, Brostuen, Bratsberg, Bryans, Bollinger, Bjerke, Burntess, Burkhart, Byrne, Caddell, Carr, Donner, Dungan, Durkee, Engen, Ferguson, Fredrickson, Gunhus, Haines, Hall, Hammond, Hanson, Hardt, Harding, Harris, Herbert, Hoare, Humphreys, Ivers, Johnson of Dickey, Johnson of Steele, Johnson of Cass, Johnson of Pembina, Johnston, Kamrath, Kelder, Kell, Kellogg, Kelly, Keitzman, Koller, Kunkel, Larson of Ransom, Larson of Stutsman, Larson of Pierce, Larkin, Lazier, Lowe, Maddock of Mountrail, Maddock of Benson, Malone, Magnuson, Marshall, Martin of Slope, Martin of Bottineau, Maxwell, McDonnell, McGauvran, McLarty, McLaughlin, McManus, Mikkelson, Miller, Moen, Murtha, Nathan of Sheridan, Nathan of Logan, Ness, Nesvig, Nims, O'Brien, O'Connor of Pembina, O'Connor of Grand Forks, Olsen of Ramsey, Olson of Ward, Olson of Barnes, Olsgard, Opland, Patterson, Petterson, Pleasance, Prater, Randall, Riba, Reid, Reishus, Renauld, Robinson, Roquette, Rusch, Severson, Sherman, Strain, Strom, Turner, Twichell, Wadeson, Walker, Weld of Wells, Whipple, Wog, Yeater, Mr. Speaker.

Absent and not voting: Cleven, Eckert, Hemmi, Klein, Krueger, Uglum, Weld of Kidder.

And the House receded.

#### SIGNING OF BILLS

The Chief Clerk announced that the Speaker was about to sign

Senate Bill No. 41.

"A Bill for an Act to amend and re-enact Section 2223 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Chapter 233 of the Laws of North Dakota for the year 1919, relating to the redemption of land sold for taxes, and providing for the furnishing of notice of the expiration of the time for redemption upon all mortgagees and assignees of all unsatisfied recorded mortgages."

Senate Bill No. 27.

"A Bill for an Act to amend and re-enact Section 1 of Chapter 214, Laws of North Dakota, 1919, relating to the limitation of tax levies."

Emergency on Senate Bill No. 27.

Senate Bill No. 51.

"A Bill for an Act to amend and re-enact Sections 3, 5, 9,

11, 12, 13, 16, 17, 23 and 24 of Chapter 160, Session Laws of 1919, Regular Session, establishing a system of Hail Insurance and Hail Insurance Department in the office of the Commissioner of Insurance."

Emergency on Senate Bill No. 51.

Senate Bill No. 36.

"A Bill for an Act providing for the distraint of property for the payment of delinquent taxes due to the state."

Senate Bill No. 2.

"A Bill for an Act to amend and re-enact Section 2 of Chapter 172 of the laws of the State of North Dakota for the year 1919, and providing the Time in Which the Provisions of Said Section Shall be Complied with relating to furnishing shelter to Employees of Common Carriers."

Senate Bill No. 3.

"A Bill for an Act to amend and re-enact Section 2185, Compiled Laws of North Dakota for the year 1913, relating to real estate taxes due and delinquent, and penalty and interest thereon."

Emergency on Senate Bill No. 3.

Senate Bill No. 12.

"A Bill for an Act to amend and re-enact Sections 7, 8 and 9, and Sub-section (e) of Section 13 of Chapter 224, Sessions Laws of North Dakota, 1919, relating to income taxes."

Emergency on Senate Bill No. 12.

Senate Bill No. 23.

"A Bill for an Act to amend and re-enact Sections 1445 and 1446 of the Session Laws of 1917 for North Dakota relating to Apportionment of State Aid funds to Rural Schools, Their Inspection and Administration. And to Repeal all Acts and Parts of Acts in Conflict Therewith."

Emergency on Senate Bill No. 23.

Senate Bill No. 56.

"A Bill for an Act to amend and re-enact Chapter 216 of the Compiled Laws of North Dakota for the year 1919 relating to the tax of one mill on the dollar on taxable property for the school districts of the county."

Senate Bill No. 53.

"A Bill for an Act to amend and re-enact Section 1341 of the Compiled Laws of North Dakota for 1913, providing for the bonding of school districts for the building of school houses when warrants have been issued."

Emergency on Senate Bill No. 53.

Senate Bill No. 48.

"A Bill for an Act to amend and re-enact Chapter 91 of the Session Laws of 1919, being an act to amend Section 183 of Article 12 of the Constitution of North Dakota providing for debt limit of any county, township, city, town, school district and any other political subdivision."

Senate Bill No. 42, "A Bill for an Act to appropriate funds to be placed at the disposal of the State Emergency Commis-

sion and to be used as provided by Chapters 26 and 152 of the Session Laws of North Dakota for 1915 in the amount of \$25,000."

Senate Bill No. 58.

"A Bill for an Act making appropriation for the salary of the Secretary and members of the State Highway Commission, for the Clerk Hire and other assistance of the Commission, postage, office supplies, furniture and fixtures, printing, miscellaneous and traveling expenses of the Commission; amending and re-enacting Section 1 of Chapter 42 of the Laws of North Dakota for the year 1919; repealing all acts and parts of acts in conflict therewith; and declaring an emergency."

Senate Bill No. 30.

"A Bill for an Act for the purpose of encouraging and promoting the dairy industry of the state; authorizing counties to issue bonds and with the proceeds to purchase dairy cows for needy farmers; authorizing the formation of Dairy Associations; and making appropriation therefor."

Senate Bill No. 32.

"A Bill for an Act to amend and re-enact Section 2144 of the Compiled Laws of North Dakota for the year 1913, relating to the assessment of express, telegraph and telephone companies, freight line and car equipment companies, and to impose a gross earnings tax on freight line and car equipment companies, and repealing all acts and parts of acts in conflict herewith."

Senate Bill No. 55.

"A Bill for an Act to amend and re-enact Section 2095 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 229, Laws of North Dakota, 1917, as amended by Chapter 229, Laws of North Dakota, 1919, relating to revenue and taxation and fixing the situs of personal property for tax purposes."

Senate Bill No. 49.

"A Bill for an Act to provide for the licensing of ferries; the collection of fees therefor and the disposition thereof; to provide penalties for the violation thereof; and to repeal Section 2062 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 129 of the laws passed at the 16th Session of the Legislative Assembly, being the Session Laws of 1919, Sections 2063, 2067, 2068 and 9777 of the Compiled Laws of the State of North Dakota for the year 1913, and all other Acts or parts of Acts in conflict with the provisions thereof."

Senate Bill No. 50.

"A Bill for an Act repealing statutes imposing certain restrictions upon foreign corporations."

Senate Bill No. 9.

"A Bill for an Act to amend and re-enact Article 16 of Chapter 11, Compiled Laws of North Dakota, 1913, relating to absent voters."

And the Speaker signed the same in the presence of the House.

## MESSAGE FROM THE SENATE

Mr. Speaker the Senate wishes to inform you that the Senate has completed its labor and is ready to adjourn.

## SIGNING OF BILLS

The Chief Clerk announced that the Speaker was about to sign Senate Concurrent Resolution.

The Speaker signed the same in the presence of the House.

## REPORTS OF STANDING COMMITTEES

The Committee on Enrollment and Engrossment made the following report:

Mr. President: Your committee on Enrollment and Engrossment have examined the following bills:

House Bill No. 55.

"A Bill for an Act to amend and re-enact Section 2095 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 229, Laws of North Dakota, 1917, as amended by Chapter 229, Laws of North Dakota, 1919, relating to revenue and taxation and fixing the situs of personal property for tax purposes."

Emergency on House Bill No. 55.

And find the same correctly enrolled.

J. H. KUNKEL,  
Chairman.

Mr. Kunkel moved that the report be adopted, which motion prevailed and the report was adopted.

## SIGNING OF BILLS

The Chief Clerk announced that the Speaker was about to sign

House Bill No. 55.

"A Bill for an Act to amend and re-enact Section 2095 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 229, Laws of North Dakota, 1917, as amended by Chapter 229, Laws of North Dakota, 1919, relating to revenue and taxation and fixing the situs of personal property for tax purposes."

Emergency on house Bill No. 55.

And the Speaker signed the same in the presence of the House.

Mr. Miller moved that a committee of three be appointed to notify the Senate that the House was ready to adjourn, which motion carried and the Speaker appointed as such committee Representatives Miller, Maddock and Johnson.

Mr. Miller moved that a committee of three be appointed to notify the Governor that the House was ready to adjourn, which motion prevailed and the Speaker appointed as such committee Representatives Walker, Ivers and Haynes.

Mr. Speaker: Your committee have notified the Senate that the House is ready to adjourn.

Mr. Speaker: Your committee have notified the Governor that the House is ready to adjourn.

Mr. O'Connor moved the House adjourn sine die, which motion prevailed, and the House adjourned sine die.

# INDEX

## GENERAL INDEX

ADDRESS BY GOVERNOR—

4

ADJURNMENT—

462.

BUDGET—

21.

COMMITTEE ON BILLS, JOURNALS AND CALENDARS—

71, 360, 393, 400, 402, 415.

COMMITTEE ON EMPLOYMENT—

7, 398.

COMMUNICATIONS, Miscel.—

16.

COMMUNICATIONS FROM THE GOVERNOR—

362, 414.

CONSTITUTIONAL AMENDMENT—

10, 202.

DELAYED BILLS—

49, 112, 167, 168, 192, 207.

FEEBLE MINDED INSTITUTION—

176.

INDEX—

396.

JOINT SESSION—

3, 19, 29.

MILEAGE AND PER DIEM—

55.

MOTIONS—

89, 189, 218, 238, 363.

PETITIONS AND COMMUNICATIONS—

24, 33, 43, 46, 76, 84, 93, 117, 124, 169, 223, 248, 414.

PROCLAMATION—

1.

REFORM SCHOOL—

170.

RESOLUTIONS—

Ole N. Clevon, Memorial.....	9
Limit introduction of bills.....	12
Dr. Edward M. Darrow.....	23
To pay rental of committee rooms.....	19
Flood Control Delegates to Canada.....	184
Amendment to Constitution.....	202
Railroad Commissioners to Investigate.....	240, 361

Woodrow Wilson .....	247
House Bill .....	183, 394
Resignation of Attorney General.....	403

## RULES—

2, 103, 209.

## SIGNING OF BILLS—

93, 171, 182, 188, 206, 237, 238, 338, 412, 415, 420, 422, 425.

## TOPICAL INDEX

APPROPRIATION—	
Executive Mansion .....	10
Motor Vehicle Registration Department.....	13
Special Assistant Attorney General.....	14
Adjutant General .....	17
Industrial Commission .....	17
State Publication and Printing Commission and office State Printer .....	20
Executive Department of State .....	23
Institution of Feeble Minded .....	170
Official Tests of Milk, Butterfat, etc. ....	173
Reform School .....	170
Flood Control Delegates to Canada .....	184
State Highway Commission .....	170
AMERICAN LEGION—	
Offices Provided .....	14
Addressed Joint Session.....	29
Address .....	69
ASSESSORS—	
Compensation .....	26
ATTORNEY GENERAL—	
Special Assistant .....	14
Appointment of Inspectors .....	21
License Fees .....	21
BANKS—	
Regulating display .....	13
BOARDS—	
Board of Supervisors, creation .....	17
State Board of Education, creation .....	18
Administration, transferring duties.....	18
CONSTITUTION, U. S.—	
Amendment (Woman's Suffrage) .....	10
CO-OPERATIVE ASSOCIATION—	
Act Amended .....	15
COURTS—	
Grant injunctions .....	17
Bailiffs—appointment .....	18
DANCE HALLS—	
Licensing—repeal of .....	12
Inspection—repeal of .....	12
Disposition of fees .....	15
DELINQUENT TAXES—	
Notice of Sale .....	20
EIGHT HOUR LAW—	
Amendment .....	12
Repeal .....	23
ELECTIONS—	
National Committeemen .....	14
Nonpartisan, State, County, etc. ....	18



EMERGENCY COMMISSION—	
Membership .....	23
FEEBLE MINDED INSTITUTION—	
Improvements .....	170
Appropriation .....	170
FLAGS—	
Regulating display .....	15
GRAINS—	
Issuance of bonds .....	10
Procure .....	22
HIGHWAY COMMISSION—	
Appropriation for .....	170
INDUSTRIAL COMMISSION—	
Salaries of employes .....	15
Qualifications .....	17
INVESTIGATION COMMITTEE—	
Creation .....	22
Duties .....	22
LIBRARY COMMISSION—	
Unexpended appropriation .....	14
MILK—	
Samples .....	170
Appropriation .....	170
MONEY AND CREDITS—	
Exempted .....	15
MOTION PICTURE SHOWS—	
Licensing, Repeal of .....	12
Inspection .....	12
Disposition of fees .....	15
MOTOR VEHICLE REGISTRATION DEPARTMENT—	
Operation of .....	13
PRECINCT—	
Definition of .....	21
POOL HALLS—	
Licensing, repeal of .....	12
Inspection, repeal of .....	12
Disposition of fees .....	15
PUBLIC BUILDINGS—	
Joint ownership and use .....	15
PUBLIC GROUNDS—	
Joint ownership and use .....	15
PUBLIC PRINTING—	
Newspaper chosen .....	18
Required publication .....	18
RAILROAD COMMISSIONERS—	
Investigate trade .....	22
Increase compensation .....	23
REPEALS—	
Chapter 11, Session Laws 1919 .....	18

<b>SCHOOLS—</b>	
Consolidation .....	14
Transportation of pupils .....	14
Payment of tuition .....	29
District Treasurers, file report .....	21
<b>SMOKING—</b>	
Minors .....	23
<b>STATE BANKING BOARD—</b>	
Examination .....	18
<b>SOLDIERS—</b>	
Returned Soldiers' Fund .....	19
Fund—extending purposes .....	19
<b>SOFT DRINK PLACES—</b>	
Licensing, repeal of .....	12
Inspection, repeal of .....	12
Disposition of fees .....	15
<b>STATE LIBRARY—</b>	
Investigating committee .....	32
Attorney for .....	93
Report .....	253
<b>STATE SHERIFF—</b>	
Creating office .....	57
<b>STATE SUPT. OF PUBLIC INSTRUCTION—</b>	
Determining powers .....	17
<b>STREET CAR—</b>	
Extension of line .....	10
<b>SUPREME COURT—</b>	
Advance case .....	22
<b>SYNDICALISM—</b>	
Penalty .....	17
<b>TAXES—</b>	
Returned Soldiers' Fund .....	17
State and Municipal levies .....	22
Judge Robinson .....	30
Remitting amount .....	170
<b>TAX SUPERVISOR—</b>	
Repeal of county office .....	15
<b>THEATRES—</b>	
Licensing, repeal of .....	12
Inspection, repeal of .....	12
Disposition of fees .....	15
<b>WEEDS—</b>	
Removing of .....	21
Duties of officers .....	21
<b>WOMAN'S SUFFRAGE—</b>	
Amendment .....	10
<b>WORKMEN'S COMPENSATION FUND—</b>	
Amendment of .....	22

## WORLD WAR VETERANS—

Offices Provided .....	14
Addressed Joint Session .....	19
Address .....	53

## SENATE BILLS

**Senate Bill No. 1.**

A joint resolution, ratifying a proposed amendment to the Constitution of the United States.

Received from the Senate, 12.

First and second reading, 12.

Reference 12.

Reported back, 25, 26.

Third Reading, 38.

Passed, 38.

Signed, 93.

**Senate Bill No. 3.**

A Bill for an Act to amend and re-enact Section 2185, Compiled Laws of North Dakota for the year 1913, relating to real estate taxes due and delinquent, and penalty and interest thereon.

Received from the Senate, 234.

First and Second reading, 236.

Reference, 236.

Reported back, 245, 247.

Amended 245.

Third Reading, 371.

Passed, 372.

Other action, 384, 413.

**Senate Bill No. 4.**

A Bill for an Act to Repeal Chapter 67 of the Session Laws of North Dakota, 1919, authorizing the appointment of Special Assistant Attorneys General, and designating the fund out of which the compensation of such Assistant Attorneys General may be paid.

Received from the Senate, 77.

First and second reading, 84.

Reference, 84.

Reported back, 99.

Third Reading, 138.

Passed, 138.

**Senate Bill No. 5.**

A Bill for an Act to amend and re-enact Chapter 182 of the 1919 Session Laws to provide for the taxing and licensing of motor vehicles, the creation of a Motor Vehicle Registration Department of the State Highway Commission and the appointment of a Registrar as head of the same, defining his duties and compensation; establishing the method of distributing the fees received therefrom; fixing penalties for the violation of this act and providing an appropriation for administering the same and for the use of the State Highway Commission; and repealing Chapter 156 of the Laws of North Dakota, 1917, and all acts and parts of acts in conflict therewith.

First and second reading, 195.

Reference, 195.

Reported back, 222.

Third Reading, 363.

Passed, 364.

**Senate Bill No. 7.**

A Bill for an Act to amend and re-enact Section 2 of Chapter 243 of the Laws of North Dakota for the year 1919 relating to the destruction of predatory animals.

Received from the Senate, 26.  
First and second reading, 26.  
Reference, 26.  
Reported back, 34.  
Third Reading, 58.  
Passed, 68.  
Signed, 33.

**Senate Bill No. 9.**

A Bill for an Act to amend and re-enact Article 16 of Chapter 11, Compiled Laws of North Dakota, 1913, relating to absent voters.  
Received from the Senate, 184.  
First and second reading, 193.  
Reference, 193.  
Third Reading, 272.  
Passed, 272.

**Senate Bill No. 10.**

A Bill for an Act to amend and re-enact Section 1 and Section 2 of Chapter 227, Laws of North Dakota, 1919, relating to the taxation of petroleum products or by-products.  
Received from the Senate, 240.  
First and second reading, 244.  
Reference, 244.  
Reported back, 367.  
Third Reading, 373.  
Passed, 374.

**Senate Bill No. 11.**

A Bill for an Act authorizing the Bank of North Dakota to make loans to various state departments, industries and institutions, and providing the manner under which loans shall be made and providing for the repayment of such loans and directing the state auditor to issue warrants against such funds so loaned.  
Received from the Senate, 100.  
Reported back, 167.

**Senate Bill No. 12.**

A Bill for an Act to amend and re-enact Sections 7, 8 and 9, and Sub-section (e) of Section 13 of Chapter 224, Session Laws of North Dakota, 1919, relating to income taxes.  
Received from the Senate, 240.  
First and second reading, 244.  
Reference, 244.  
Reported back, 367.  
Third Reading, 374.  
Passed, 374.

**Senate Bill No. 13.**

A Bill for an Act to amend and re-enact Section 160 of the Compiled Laws of North Dakota, for the year 1913 as amended and re-enacted by Chapter 66 of the Laws of North Dakota for the year 1919, relating to the appointment of assistant attorneys general.  
Received from the Senate, 86.  
First and second reading, 87.  
Reference, 87.  
Reported back, 99.  
Third Reading, 140.  
Passed, 140.

**Senate Bill No. 14.**

A Bill for an Act to amend and re-enact Chapter 58, Laws of North Dakota, 1917, relating to registration of licensed architects and the regulation of the practice of architecture as a profession in the State of North Dakota.

Received from the Senate, 100.

First and second reading, 108.

Reference, 108.

Third Reading, 203.

Passed, 204.

**Senate Bill No. 16.**

A Bill for an Act to amend and re-enact Sections 625, 626 and 627 of the Compiled Laws of North Dakota for the year 1913 as amended by Chapter 252 of the Session Laws of 1917.

Received from the Senate, 183.

First and second reading, 193.

Reference, 194.

Reported back, 213.

Third Reading, 311.

Passed, 377.

**Senate Bill No. 19.**

A Bill for an Act providing for the exemption from taxation of the income from moneys deposited by non-residents in banks within the State.

Received from the Senate, 84.

First and second reading, 84.

Reference, 84.

Reported back, 91.

Third Reading, 141.

Passed, 141.

**Senate Bill No. 20.**

A Bill for an Act making it a felony for any state official to wilfully publish false statements with reference to any state department, institution or industry and providing the manner in which such cases under the provisions of this act shall be tried; and providing the penalty therefor.

Received from the Senate, 105, 193.

First and second reading, 108.

Reference, 108.

Reported back, 113.

Third Reading, 173.

Passed, 174.

Other action, 188.

**Senate Bill No. 22.**

A Bill for an Act to amend and re-enact Section 780, Compiled Laws of North Dakota for the year 1913, relating to compensation of court stenographers.

Received from the Senate, 54.

First and second reading, 58.

Reference, 58.

Reported back, 115.

Third Reading, 179.

Passed, 180.

**Senate Bill No. 23.**

A Bill for an Act to amend and re-enact Sections 1445 and 1446 of the Session Laws of 1917 for North Dakota rela

ing to Apportionment of State Aid Funds to Rural Schools, their Inspection and Administration, and to repeal all acts and parts of acts in conflict therewith.

Received from the Senate, 100, 243.

First and second reading, 108.

Reference, 108.

Reported back, 147, 211.

Amended, 147, 211.

Third Reading, 378.

Passed, 378.

Other action, 240, 384.

**Senate Bill No. 26.**

A Bill for an Act to amend and re-enact Section 2141 of the Compiled Laws of North Dakota for the year 1913 providing for the substitution of the commissioner of insurance as a member of the state board of equalization and as secretary thereof instead of the state auditor.

Received from the Senate, 86.

First and second reading, 87.

Reference, 87.

Reported back, 97.

Third Reading, 141.

Passed, 141.

**Senate Bill No. 27.**

A Bill for an Act to amend and re-enact Section 1 of Chapter 224, Laws of North Dakota, 1919, relating to the limitation of tax levies.

Received from the Senate, 240.

First and second reading, 243.

Reference, 243.

Reported back, 367.

Third Reading, 378.

Passed, 373.

**Senate Bill No. 29.**

A Bill for an Act to amend and re-enact Section 2 of Chapter 172 of the Laws of the State of North Dakota for the year 1919, and providing the time in which the provisions of said section shall be complied with.

Received from the Senate, 54.

First and second reading, 58.

Reference, 58.

Reported back, 72.

Third Reading, 109.

Passed, 109.

**Senate Bill No. 30.**

A Bill for an Act for the purpose of encouraging and promoting the dairy industry of the state; authorizing counties to issue bonds and with the proceeds to purchase dairy cows for needy farmers; authorizing the formation of Dairy Associations; and making appropriation therefor.

Received from the Senate, 195.

First and second reading, 196.

Reference, 136.

Reported back, 209.

Third Reading, 379.

Passed, 380.

Other action, 394.

**Senate Bill No. 31.**

A Bill for an Act authorizing the Governor as Commander-in-Chief of the Military and Naval Forces of this state, to take over and operate any coal mines or other public utility in any emergency where necessary for the protection of life and property.

Received from the Senate, 87.

First and second reading, 87.

Reference, 87.

Reported back, 99.

Third Reading, 142.

Passed, 142

**Senate Bill No. 32.**

A Bill for an Act to amend and re-enact Section 2144 of the Compiled Laws of North Dakota for the year 1913, relating to the assessment of express, telegraph and telephone companies, freight line and car equipment companies, and to impose a gross earnings tax on freight line and car equipment companies, and repealing all acts and parts of acts in conflict herewith.

Received from the Senate, 240.

First and second reading, 244.

Reference, 244.

Reported back, 368.

Third Reading, 375.

Passed, 375.

**Senate Bill No. 33.**

A Bill for an Act to appropriate \$225,000.00 for the purpose of aiding in the construction of a bridge across the Missouri River from Burleigh County to Morton County in the State of North Dakota, and the further sum of \$35,000.00 for the construction of a bridge across the Red River at Pembina, Pembina County, and Kittsen County, Minnesota, under the provisions of Chapter 73 of the Laws passed at the Sixteenth Session of the Legislative Assembly of North Dakota, approved March 5, 1919; and such appropriations be made from the State Highway Fund.

Received from the Senate, 195.

First and second reading, 196.

Reference, 196.

Reported back, 245.

Third Reading, 375.

Passed, 376.

**Senate Bill No. 34.**

A Bill for an Act to amend and re-enact Section 12 of Chapter 150 of the Laws of North Dakota for the year 1919, being an act declaring the purpose of the State of North Dakota to engage in the enterprise of providing homes for residents of this State and to that end to establish a business system operated by the State under the name of the Home Building Association of North Dakota; defining the scope and manner of its operation and the powers and duties of the persons charged with its management; making an appropriation therefor; and providing that the Association may retain the title to property when more than twenty percent has been paid thereon, and give the buyer a contract for a deed therefor.

Received from the Senate, 143.



First and second reading, 145.  
Reference, 145, 186.  
Reported back, 191.  
Third Reading, 376.  
Passed, 377.  
Other action, 185.

**Senate Bill No. 35.**

A Bill for an Act to amend Section 4441 of the Revised Codes of North Dakota for the year 1913, and all acts or parts of acts amendatory thereto.  
Received from the Senate, 100.  
First and second reading, 108.  
Reference, 108.  
Reported back, 112.  
Third Reading, 201.  
Passed, 201.  
Other action, 181.

**Senate Bill No. 36.**

A Bill for an Act providing for the distraint of property for the payment of delinquent taxes due to the state.  
Received from the Senate, 240.  
First and second reading, 243.  
Reference, 243.  
Reported back, 368.  
Third Reading, 383.  
Passed, 383.

**Senate Bill No. 37.**

A Bill for an Act to provide for an appropriation for the purpose of carrying out the provisions of the State Hall Insurance Law.  
Received from the Senate, 87.  
First and second reading, 87.  
Reference, 87.  
Reported back, 165.  
Third Reading, 204.  
Passed, 204.

**Senate Bill No. 40.**

A Bill for an Act to amend and re-enact Section 375 of the Compiled Laws, State of North Dakota, for the year 1913, as amended by Chapter 227 of the Session Laws of 1915, relating to the State Auditing Board, its duties, and the membership thereof.  
Received from the Senate, 87.  
First and second reading, 87.  
Reference, 87.  
Reported back, 97.  
Third Reading, 145.  
Passed, 146.

**Senate Bill No. 41.**

A Bill for an Act to amend and re-enact Section 2223 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Chapter 233 of the Laws of North Dakota for the year 1919, relating to the redemption of land sold for taxes, and providing for the furnishing of notice of the expiration of time for redemption upon all mortgagees and assignees of unsatisfied recorded mortgages.

Received from the Senate, 184.  
 First and second reading, 194.  
 Reference, 194.  
 Reported back, 222.  
 Third Reading, 386.  
 Passed, 387.

**Senate Bill No. 42.**

A Bill for an Act to appropriate funds to be placed at the disposal of the State Emergency Commission and to be used as provided by Chapters 26 and 152 of the Session Laws of North Dakota for 1915 in the amount of \$25,000.  
 Received from the Senate, 100.  
 First and second reading, 108.  
 Reference, 108.  
 Reported back, 151, 218.  
 Amended, 151.  
 Third Reading, 384.  
 Passed, 385.

**Senate Bill No. 43.**

A Bill for an Act making effective Section 9, Chapter 167 Session Laws of North Dakota, for the year 1919, as regards expenses of district judges, by making an appropriation therefor.  
 Received from the Senate, 100.  
 First and second reading, 108.  
 Reference, 108.  
 Reported back, 165.  
 Third Reading, 205.  
 Passed, 205.

**Senate Bill No. 44**

A Bill for an Act providing for the issuing of bonds of the State of North Dakota in a sum not exceeding two million dollars to be known as "Bonds of North Dakota Home Building Series;" prescribing the terms and stating the purpose thereof; providing for a tax and making other provisions for payment of interest and principal of said bonds and to carry into effect the provisions of this act; and declaring this act to be emergency measure.  
 Received from the Senate, 184.  
 First and second reading, 194.  
 Reference, 194.  
 Reported back, 223, 239.  
 Amended, 223.  
 Third Reading, 242.  
 Passed, 245.  
 Other action, 240 247.

**Senate Bill No. 48**

A Bill for an Act to amend and re-enact Chapter 91 of the Session Laws of 1919, being an act to amend Section 183 of Article 12 of the Constitution of North Dakota providing for debt limit of any county, township, city, town, school district and any other political sub-division.  
 Received from the Senate, 234.  
 First and second reading, 236.  
 Reference, 236.  
 Reported back, 244.  
 Third Reading, 385.  
 Passed, 386.

**Senate Bill No. 49.**

A Bill for an Act to provide for the licensing of ferries; the collection of fees therefor and the disposition thereof; to provide penalties for the violation thereof; and to repeal Section 2062 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 129 of the laws passed at the 16th Session of the Legislative Assembly being the Session Laws of 1919, Sections 2063, 2067, 2068, and 9777 of the Compiled Laws of the State of North Dakota for the year 1913, and all other acts or parts of acts in conflict with the provisions thereof.

Received from the Senate, 183.

First and second reading, 194.

Reference, 194.

Reported back, 221.

Third Reading, 387.

Passed, 387.

**Senate Bill No. 50.**

A Bill for an Act repealing statutes imposing certain restrictions upon foreign corporations.

Received from the Senate, 100.

First and second reading, 108.

Reference, 108.

Reported back, 132.

Amended, 191.

Third Reading, 389.

Passed, 389.

**Senate Bill No. 51.**

A Bill for an Act to amend and re-enact Sections 3, 5, 9, 11, 12, 13, 16, 17, 23, and 24 of Chapter 160, Session Laws of 1919, Regular Session, establishing a system of Hail Insurance and Hail Insurance Department in the office of the Commissioner of Insurance.

Received from the Senate, 179.

First and second reading, 181.

Reference, 181.

Reported back, 185.

Third Reading, 390.

Passed, 390.

**Senate Bill No. 53.**

A Bill for an Act to amend and re-enact Section 1341 of the Compiled Laws of North Dakota for 1913, providing for the bonding of school districts for the building of school houses when warrants have been issued.

Received from the Senate, 234.

First and second reading, 236.

Reference, 236.

Reported back, 244.

Third Reading, 391.

Passed, 391.

**Senate Bill No. 55.**

A Bill for an Act to amend and re-enact Section 2095 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 229, Laws of North Dakota, 1917, as amended by Chapter 229, Laws of North Dakota, 1913, relating to revenue and taxation and fixing the situs of personal property for tax purposes.

Received from the Senate, 184.

First and second reading, 194.

Reference, 194.  
Reported back, 221.  
Third Reading, 391.  
Passed, 392.

**Senate Bill No. 56.**

A Bill for an Act to amend and re-enact Chapter 216 of the Compiled Laws of North Dakota for the year 1919, relating to the tax of one mill on the dollar on taxable property for the school districts of the county.

Received from the Senate, 183.

First and second reading, 194.

Reference, 194.

Reported back, 209.

Third Reading, 392.

Passed, 392.

**Senate Bill No. 57.**

A Bill for an Act appropriating the sum of Five Thousand Dollars for the relief of Alice Bixby.

Received from the Senate, 134.

First and second readings, 138.

Reference, 138.

Reported back, 163.

Third Reading, 205.

Passed, 205.

**Senate Bill No. 58.**

A Bill for an Act making appropriation for the salary of the Secretary and members of the State Highway Commission, for the clerk hire and other assistance of the Commission, postage, office supplies, furniture and fixtures, printing, miscellaneous and traveling expenses of the Commission; amending and re-enacting Section 1 of Chapter 42 of the Laws of North Dakota for the year 1919; repealing all acts and parts of acts in conflict therewith; and declaring an emergency.

Received from the Senate, 183.

First and second reading, 194.

Reference, 195.

Reported back, 222.

Third Reading, 392.

Passed, 393.

## HOUSE BILLS

**House Bill No. 1. (State Affairs Com.)**

A joint resolution ratifying a proposed amendment to the Constitution of the United States.

Introduction, first and second reading, 10.

Reference, 10.

Reported back, 25.

Amended, 24.

Indefinitely postponed, 39.

**House Bill No. 2. (State Affairs.)**

A Bill for an Act to amend and re-enact Section 1 and Section 3 of Chapter 206 of the Session Laws of 1919, relating to the levying of a tax of one-half of one mill upon each dollar of assessed valuation of all taxable property within the state for each year for the purpose of creating a fund to be known as the "Returned Soldiers' Fund;" providing for the payment thereof to returned soldiers; defining the powers and duties of the Adjutant General and of the Industrial Commission with reference thereto.

Introduction, first and second reading, 10.

Reference, 10.

Reported back, 25, 55, 78, 146.

Amended, 25, 98, 235.

Amendment Adopted, 235.

Third Reading, 197.

Passed, 197.

Received from the Senate 235.

Indefinitely postponed, 39.

Enrollment and Engrossment, 75, 187, 251.

**House Bill No. 3. (Nims.)**

A Bill for an Act extending the purpose for which the tax levied pursuant to the provisions of Section 1, Chapter 206, Session Laws of 1919, may be used by returned soldiers, and providing for the issuance of warrants for the payment of the same in anticipation of taxes levied for that purpose and fixing the rate of interest upon such warrants and defining the duties of the State Auditor, Adjutant General, Governor and State Treasurer with respect thereto.

Introduction, first and second reading, 10.

Reference, 10.

Indefinitely postponed, 25.

**House Bill No. 4. (Maddock.)**

A Bill for an Act to amend and re-enact Section 3471 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Section 1 of Chapter 13 of the Laws of the Special Session of the State of North Dakota for the year 1913; amending and re-enacting Section 3473 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Section 3 of Chapter 13 of the Laws of the Special Session of the State of North Dakota for the year 1913; and amending and re-enacting Section 3481 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Section 9, Chapter 13 of the Laws of the Special Session of the State of North Dakota for the year 1913

and as amended and re-enacted by Section 1 of Chapter 177 of the Laws of North Dakota for the year 1919, relating to the issuance of bonds and warrants to procure seed grain and feed for needy inhabitants; making an appropriation therefor; and repealing all acts and parts of acts in conflict therewith.

Introduction, first and second reading, 10.

Reference, 10.

Reported back, 147, 210.

Amended, 147, 210.

Third Reading, 225.

Passed, 226.

Received from the Senate, 342.

Enrollment and Engrossment, 214, 396.

#### House Bill No. 5. (Wog.)

A Bill for an Act making an appropriation for general repairs and improvements of the Executive Mansion.

Introduction, first and second reading, 10.

Reference, 10.

Reported back, 42.

Third Reading, 78.

Passed, 78.

Received from the Senate, 117.

Enrollment and Engrossment, 75, 150.

#### House Bill No. 6. (Renauld.)

A Bill for an Act to repeal Chapter 207 of the Session Laws of North Dakota, 1919, relating to the extension of the State Street Car Line and providing for an appropriation therefor.

Introduction, first and second reading, 10.

Reference, 11.

Reported back, 42.

Third Reading, 78.

Passed, 79.

Received from the Senate, 117.

Enrollment and Engrossment, 75, 151.

#### House Bill No. 7. (Nathan.)

A Bill for an Act relating to the licensing and regulation of pool and billiard rooms, ball and pin alleys, dance halls, theaters, moving picture shows, taxi cab stands and places where soft drinks are sold, and repealing Chapter 6 of the Session Laws of North Dakota for the year 1919 and all acts and parts of acts inconsistent therewith and declaring an emergency and transferring all moneys from the Attorney General Inspector License Fund to the General Fund.

Introduction first and second reading, 12.

Reference, 12.

Reported back, 31, 98, 146, 221.

Amended, 31, 98, 220, 343.

Amendment Adopted, 370.

Third Reading, 197, 241.

Lost, 198.

Other Actions, 32, 218, 240, 343.

Enrollment and Engrossment, 187, 420.

Passed, 242, 370.

#### House Bill No. 8. (Wadson.)

A Bill for an Act to amend and re-enact Chapter 170 of the

- Compiled Laws of North Dakota for the year 1919 regulating and fixing the hours of labor for females and providing penalties for the violation thereof.  
 Introduction, first and second reading, 12.  
 Reference, 12.  
 Indefinitely postponed, 116.
- House Bill No. 9. (Maddock.)**  
 AN ACT to appropriate forty-one thousand eight hundred sixty-six dollars and seventy-seven cents for the operation of the Motor Vehicle Registration Department being additional to that already appropriated for salary of Registrar, clerk hire, special agents, traveling expenses, printing, and 1921 license tags.  
 Introduction, first and second reading, 13.  
 Reference, 13.  
 Reported back, 172, 210, 213.  
 Amended, 172, 210.  
 Amendment Adopted, 371.  
 Third Reading, 226.  
 Passed, 227.  
 Received from the Senate, 342.  
 Enrollment and Engrossment, 397.
- House Bill No. 10. (Bailey.)**  
 A Bill for an Act to amend and re-enact Section 5170 of the Compiled Laws, State of North Dakota, for the year 1913, as amended by Chapter 58 of the Session Laws of 1915, relating to the legal reserve fund of banking corporations and associations.  
 Introduction, first and second reading, 13.  
 Reference, 13.  
 Reported back, 57.  
 Third Reading, 79.  
 Passed, 79.  
 Received from the Senate, 193.  
 Other Action, 56.  
 Enrollment and Engrossment, 75, 213.
- House Bill No. 11. (Ness.)**  
 A Bill for an Act regulating the display of flags, ensigns, banners, and standards within the State of North Dakota; making the display of certain flags, ensigns, banners and standards a misdemeanor, and providing a penalty therefor.  
 Introduction, first and second reading, 13.  
 Reference, 13.  
 Other Action, 416.
- House Bill No. 12. (Martin.)**  
 A Bill for an Act to amend and re-enact Sections 4 and 8 of Chapter 211, Laws of North Dakota, 1919; to abolish the offices of the State Library Commission and the Secretary of the State Library Commission; and providing for the disposal of the unexpended portion of the appropriation to the State Library Commission for the fiscal period beginning July 1st, 1919, and ending July 1st, 1921; and to repeal all acts and parts of acts in conflict herewith.  
 Introduction, first and second reading, 14.  
 Reference, 14.  
 Indefinitely postponed, 41.

**House Bill No. 13. (Hardt.)**

A Bill for an Act providing for the appointment of Special Assistant Attorneys General by the Governor; making an appropriation therefor; and repealing all acts and parts of acts in conflict therewith.

Introduction, first and second reading, 14.

Reference, 14.

Reported back, 74, 109.

Amended, 74.

Third Reading, 120.

Passed, 121.

Received from Senate, 193.

Enrollment and Engrossment, 119, 214.

**House Bill No. 14. (Hoare.)**

A Bill for an Act to provide office rooms for the State Headquarters of the North Dakota Unit of World War Veterans, (Northwest Division) and the North Dakota Branch of the American Legion.

Introduction, first and second reading, 14.

Reference, 14.

Reported back, 164.

Indefinitely postponed, 190.

**House Bill No. 15. (Reishus.)**

A Bill to amend and re-enact Section §10 of the Compiled Laws of North Dakota for the year 1913, relating to the selection of delegates to national conventions, presidential electors and national committeemen.

Introduction, first and second reading, 14.

Reference, 14.

Indefinitely postponed, 54.

**House Bill No. 16. (Nathan.)**

A Bill for an Act to amend and re-enact Chapter 199 of the Session Laws of 1919 of the State of North Dakota, relating to the consolidation of schools and transportation of pupils.

Introduction, first and second reading, 14.

Reference, 14, 92.

Reported back, 164.

Amended, 544.

Amendment Adopted, 401.

Third Reading, 198.

Passed, 199, 401.

Received from the Senate, 344.

Other Action, 91, 371, 384.

Enrollment and Engrossment, 187, 420.

**House Bill No. 17. (Randall.)**

A Bill for an Act to repeal Chapter 219 of the Laws of North Dakota for the year 1919, being the law creating the office of County Tax Supervisor and defining his powers and duties.

Introduction, first and second reading, 15.

Reference, 15.

Reported back, 31, 41, 86, 91, 167.

Amended, 41, 165.

Third Reading, 227.

Passed, 227.

Received from the Senate, 362.

Other Action, 32, 227.



Enrollment and Engrossment, 95, 214, 397.

**House Bill No. 18.** (Burtness.)

A Bill for an Act to amend and re-enact Section 6 of Chapter 6 of the Session Laws for the year 1919, relating to the disposition and disbursement of license fees obtained from the licensing and inspection of pool-halls, theatres, etc.

Introduction, first and second reading, 15.

Reference, 15.

Reported back, 31.

Other Action, 31.

Indefinitely postponed, 99.

**House Bill No. 19.** (Martin Larson.)

A Bill for an Act to provide for the joint ownership and use of public buildings and grounds by villages and townships.

Introduction, first and second reading, 15.

Reference, 15.

Reported back, 92, 146.

Amended, 92.

Third Reading, 199.

Passed, 200.

Received from the Senate, 233.

Enrollment and Engrossment, 187, 251.

**House Bill No. 20.** (Hoare, Burkhart, Wadson.)

A Bill for an Act to exempt "money" and "credits" from taxation except as herein provided, and repealing Chapter 255 of the Laws of North Dakota for the year 1915, and Chapter 230 of the Laws of North Dakota for the year 1917 as amended by Chapter 226 of the Laws of North Dakota for the year 1919 and all other acts and parts of acts in conflict with the provisions of this act.

Introduction, first and second reading, 15.

Reference, 15.

Reported back, 73, 109.

Amended, 73.

Third reading, 134.

Passed, 135.

Received from the Senate, 193.

Enrollment and Engrossment, 119, 214.

**House Bill No. 21.** (Whipple.)

A Bill for an Act to amend Sections Eight (8) and Thirteen (13) of Chapter Ninety-seven (97) of the Laws of 1917 as amended by Section Two (2) of Chapter 99 of the Laws of 1919.

Introduction, first and second reading, 15.

Reference, 15.

Reported back, 42, 86.

Amended, 42, 179.

Third Reading, 101.

Passed, 101.

Other Action, 181.

Enrollment and Engrossment, 95, 186.

**House Bill No. 22.** (Olsgard.)

A Bill for an Act relating to the salaries of persons employed in any of the industries, enterprises or business projects of the State under the control, management or

supervision of the Industrial Commission of the State of North Dakota.

Introduction, first and second reading, 15.

Reference, 15.

Indefinitely postponed, 35.

**House Bill No. 23.** (Peterson Olsgard.)

A Bill for an Act to amend Chapter two hundred six (206), of the Session Laws of 1919, relating to the levying of one-half of one mill on each dollar of assessed valuation of all taxable property within the state for each year for the purpose of creating a fund to be known as the "Returned Soldiers' Fund;" providing for the payment thereof to returned soldiers; defining the powers and duties of the Adjutant General and of the Industrial Commission with reference thereto; making an appropriation therefor; so as to make the said fund payable to said returned soldier, immediately and without any conditions thereto

attached.

Introduction, first and second reading, 17.

Reference, 17.

Indefinitely postponed, 73.

**House Bill No. 24.** (Durkee, Mikkleson.)

A Bill for an Act authorizing and directing the Bank of North Dakota to make loans upon post dated checks to North Dakota drouth stricken farmers.

Introduction, first and second reading, 17.

Reference, 17.

Reported back, 91.

Third Reading, 136.

Lost, 137.

Other Action, 91, 92.

Enrollment and Engrossment, 119.

**House Bill No. 25.** (Hanson.)

A Bill for an Act repealing Chapter 171 of the Session Laws of North Dakota for the year 1919; limiting the power of courts to grant injunctions.

Introduction, first and second reading, 17.

Reference, 17.

Indefinitely postponed, 32.

**House Bill No. 26.** (Herbert.)

A Bill for an Act defining criminal syndicalism, prohibiting the advocacy thereof and the advocacy of crime, sabotage, violence, or other unlawful methods of terrorism as a means of accomplishing industrial ends, and assemblage for the purpose of such advocacy; and providing penalties for the violations of the provisions thereof.

Introduction, first and second reading, 17.

Reference, 17.

Indefinitely postponed, 34.

**House Bill No. 27.** (Harris.)

A Bill for an Act relating to the qualifications of persons appointed, elected or employed as an officer, manager, clerk, stenographer or employee or to any other position in any of the industries, enterprises and business projects of the State of North Dakota under the control, management or supervision of the Industrial Commission

- of the State of North Dakota, and providing a penalty for a violation.
- Introduction, first and second reading, 17.
- Reference, 11.
- Indefinitely postponed, 37.
- House Bill No. 28. (Harris.)**  
 A Bill for an Act creating the "Board of Supervisors" for the general supervision and administration of all state, penal, charitable and educational institutions of higher learning in the State of North Dakota, and fixing and determining the powers and duties of the State Superintendent of Public Instruction with respect to the high schools and common schools of the state, and providing for the creation of a State Board of Education, fixing its duties and powers, and transferring the powers and duties of the Board of Administration, and to repeal Chapter 71, Session Laws of 1919.
- Introduction, first and second reading, 17.
- Reference, 18.
- Other Action, 32, 48, 359.
- Indefinitely postponed, 359.
- House Bill No. 29. (Severson.)**  
 A Bill for an Act to amend and re-enact Section 3550 of the Compiled Laws of North Dakota for 1913, relating to the appointment of District Court Bailiffs and the compensation thereof.
- Introduction, first and second reading, 18.
- Reference, 18.
- Indefinitely postponed, 33.
- House Bill No. 30. (Severson.)**  
 A Bill for an Act empowering the State Banking Board to make examinations of the Bank of North Dakota.
- Introduction, first and second reading, 18.
- Reference, 18.
- Indefinitely postponed, 55.
- House Bill No. 31. (Burtness, J. F. T. O'Connor.)**  
 A Bill for an Act to provide for the Nonpartisan nomination and election of all elective state and county officers, members of the legislative assembly and judges of the supreme and district courts, and to repeal Sections 904, 905, 906, 907, 908, 909, 1917, 1918 and 1919, of the Compiled Laws of the State of North Dakota, Compiled Laws of 1913, and Chapter 117 of the Session Laws of 1919.
- Introduction, first and second reading, 18.
- Reference, 18.
- Other Action, 51.
- Indefinitely postponed, 51.
- House Bill No. 32. (Harris.)**  
 A Bill for an Act to amend and re-enact Section 5 of Chapter 187 of the Session Laws of the State of North Dakota for the year 1919.
- Introduction, first and second reading, 18.
- Reference, 18.
- Indefinitely postponed, 120.
- House Bill No. 33. (Harris.)**  
 A Bill for an Act to amend and re-enact Section Four of Chapter 185 of the Session Laws of the State of North

Dakota for the year 1919.  
Introduction, first and second reading, 18.  
Reference, 15.  
Indefinitely postponed, 120.

**House Bill No. 34. (Krueger.)**

A Bill for an Act to amend and re-enact Section 4219, Compiled Laws of North Dakota for 1913, relating to the compensation of assessors.  
Introduction, first and second reading, 20.  
Reference, 20.  
Reported back, 86.  
Amended, 85.  
Indefinitely postponed, 110.

**House Bill No. 35. (Olson of Ward.)**

A Bill for an Act to repeal Chapter 142 of the Session Laws of 1915, relating to the payment of tuition for attendance at any model high or grade or elementary school which is operated, maintained or in any manner connected with the state university, any normal school or any educational institution of higher learning.  
Introduction, first and second reading, 20.  
Reference, 20.  
Reported back, 57.  
Third Reading, 138.  
Passed, 158.  
Other Action, 234.  
Enrollment and Engrossment, 119.

**House Bill No. 36. (Walker.)**

A Bill for an Act to amend and re-enact Section 1 of Chapter 152 of the Session Laws of 1915, relating to the Emergency Commission, and membership thereof.  
Introduction, first and second reading, 20.  
Reference, 20.  
Reported back, 74.  
Third Reading, 102.  
Passed, 107.  
Received from the Senate, 179.  
Enrollment and Engrossment, 96, 186.

**House Bill No. 37. (Uglum.)**

A Bill for an Act amending and re-enacting Section 2189 of the Compiled Laws of North Dakota for the year 1913, relating to auditor's notice of sale of delinquent taxes.  
Introduction, first and second reading, 20.  
Reference, 20.  
Reported back, 75.  
Other Action, 106.  
Enrollment and Engrossment, 96.  
Indefinitely postponed, 164.

**House Bill No. 38. (O'Brien.)**

A Bill for an Act appropriating the sum of \$6,000.00 to provide clerk hire, telephone, telegraph, postage, furniture and fixtures and other necessary items of office expenses for the State Publication and Printing Commission, and the office of State Printer.  
Introduction, first and second reading, 20.  
Reference, 20.  
Reported back, 165, 211.

Amended, 135, 211.  
 Third Reading, 227.  
 Passed, 228.  
 Received from the Senate, 342.  
 Enrollment and Engrossment, 215, 397.

**House Bill No. 39.** (O'Brien.)

A Bill for an Act to appropriate money for the expenses of the executive department of the state to cover expenses in meeting certain emergencies.

Introduction, first and second reading, 20.  
 Reference, 21.  
 Reported back, 74.  
 Received from the Senate, 193.  
 Enrollment and Engrossment, 96, 214.

**House Bill No. 40.** (Marshall.)

A Bill for an Act to amend Section 1218, Compiled Laws of North Dakota, 1913, requiring school district treasurers to file a copy of their annual report with the Bank of North Dakota.

Introduction, first and second reading, 21.  
 Reference, 21.  
 Reported back, 114.  
 Third Reading, 173.  
 Passed, 173.  
 Received from the Senate, 233.  
 Enrollment and Engrossment, 150, 251.

**House Bill No. 41.** (Wadeson.)

A Bill for an Act to provide for the cutting and removing of weeds and grasses along the public highways, streets and alleys, prescribing the duties of township supervisors, road overseers and county commissioners with reference thereto, and providing for the payment of the expense thereof.

Introduction, first and second reading, 21.  
 Reference, 21.  
 Reported back, 85, 110.  
 Amended, 85.  
 Third Reading, 135.  
 Passed, 135.  
 Received from the Senate, 234.  
 Enrollment and Engrossment, 119, 251.

**House Bill No. 42.** (Malone.)

A Bill for an Act defining the word "precinct" as used in the laws of the State of North Dakota, relating to elections and providing for the formation of voting districts and the designating of voting places within such voting districts.

Introduction, first and second reading, 21.  
 Reference, 21.  
 Reported back, 54.  
 Third Reading, 80.  
 Passed, 81.  
 Received from the Senate, 178.  
 Enrollment and Engrossment, 75, 186.

**House Bill No. 43.** (Burtness.)

A Bill for an Act to amend and re-enact Sections 4, 5 and 7 of Chapter 6 of the Session Laws of North Dakota for 1919.

Introduction, first and second reading, 21.  
Reference, 21.  
Indefinitely postponed, 99.

**House Bill No. 44. (McLarty.)**

A Bill for an Act to amend and re-enact Sub-division Number 7 Number 8, Number 11, Number 18, and Number 33, of Chapter 16 of the Session Laws of 1919, relating to the general budget appropriation.

Introduction, first and second reading, 21.  
Reference, 21.

Reported back, 151, 217.

Amended, 151, 217, 345.

Amendment Adopted, 369.

Third Reading, 228.

Passed, 228, 369.

Received from the Senate, 345.

Other Action, 211, 227, 368.

Enrollment and Engrossment, 397, 420.

**House Bill No. 45. (Miller.)**

A Bill for an Act to amend and re-enact Section 3471 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Section 1 of Chapter 13 of the Laws of the Special Session of the State of North Dakota for the year 1918; and amending and re-enacting Section 3473 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Section 3 of Chapter 13 of the laws of the Special Session of the State of North Dakota for the year 1918; and amending and re-enacting Section 3481 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Section 9 Chapter 13 of the Laws of the Special Session of the State of North Dakota for the year 1918, and as amended and re-enacted by Section 1 of Chapter 177 of the laws of North Dakota for the year 1919, relating to the issuance of bonds and warrants to procure seed grain and feed for needy inhabitants; making an appropriation therefor, and repealing all acts and parts of acts in conflict therewith.

Introduction, first and second reading, 21.

Reference, 22.

Indefinitely postponed, 114.

**House Bill No. 46. (Malone.)**

A Bill for an Act to amend and re-enact Section 4 of Chapter 167 of the Session Laws of 1919 relating to Workmen's Compensation Fund.

Introduction, first and second reading, 22.

Reference, 22.

Reported back, 42, 86.

Amended, 41, 86.

Third Reading, 106.

Passed, 107.

Received from the Senate, 179.

Enrollment and Engrossment, 96, 187.

**House Bill No. 47. (Paul Johnson.)**

A Bill for an Act to cut down and reduce all state and municipal tax levies for the year 1919.

Introduction, first and second reading, 22.

Reference, 22.

Indefinitely postponed. 73.

**House Bill No. 43. (State Affairs Com.)**

A Joint Resolution creating an investigation committee; defining its rights and powers and authorizing it to investigate all efforts to destroy or injure the property or rights of individuals, corporations, or any of the industries, enterprises or utilities owned by the State, or the credit of the State, or to unlawfully influence or corrupt elections or results thereof and to report the results of such examination to the Governor, to the Legislative Assembly and State's Attorneys; and making an appropriation therefor.

Introduction, first and second reading, 22.

Reference, 22.

Reported back, 40, 212, 215.

Amended, 117, 212, 215.

Amendment Adopted, 209.

Third Reading, 21.

Passed, 81.

Received from the Senate, 117.

Other Action, 138, 390.

Enrollment and Engrossment, 76, 251.

**House Bill No. 49. (State Affairs Com.)**

A Joint Resolution requesting the Supreme Court of the United States to advance case of John W. Scott et al. vs. Lynn J. Frazier, et al., on the Calendar.

Introduction, first and second reading, 22.

Reference, 22.

Reported back, 55.

Third Reading, 83.

Passed, 83.

Received from the Senate, 117.

Enrollment and Engrossment, 76, 151.

**House Bill No. 50. (Prater.)**

A Bill for an Act authorizing the Board of Railroad Commissioners to investigate trade and commerce, profiteering, hoarding and speculation in food, clothing and shelter, in co-operation with the Federal Trade Commission.

Introduction, first and second reading, 22.

Reference, 22.

Reported back, 73, 218.

Amended, 73.

Other Action, 110.

Indefinitely postponed, 190.

**House Bill No. 51. (McDonnell.)**

A Bill for an Act requiring the Board of Railroad Commissioners to devote each his entire time to his respective office, and to increase the compensation thereof.

Introduction, first and second reading, 23.

Reference, 23.

Reported back, 12.

Received from the Senate, 179.

Enrollment and Engrossment, 96, 186.

**House Bill No. 52. (Kellog, Hardt.)**

A Bill for an Act to prohibit the use of cigarettes by minors; prohibiting the supplying of cigarettes, cigarette papers, cigarette wrappers, or cigarette tobacco to minors; prohibiting the sale of cigarettes, cigarette tobacco,

cigarette papers, or cigarette wrappers, without a license; providing for licensing the sale, barter, or giving away of cigarettes, cigarette tobacco, cigarette papers or cigarette wrappers, and making the violation thereof a criminal offense; and providing penalties therefor.

Introduction, first and second reading, 23.

Reference, 23.

Reported back, 115.

Amended, 115.

Other Action, 89.

Indefinitely postponed, 74, 182.

**House Bill No. 53. (Hanson.)**

A Bill for an Act repealing Chapter 170 of the Session Laws of 1919, relating to hours for females.

Introduction, first and second reading, 23.

Reference, 23.

Indefinitely postponed, 113.

**House Bill No. 54. (Alberts.)**

A Bill for an Act to provide for the better enforcement of the laws of this State, constituting the County Sheriffs of this State a State Constabulary and defining their duties; creating the office of State Sheriff and defining his duties; making an appropriation therefor and repealing all acts and parts of acts in conflict herewith.

Introduction, first and second reading, 57.

Reference, 57.

Reported back, 164.

Third Reading, 200.

Passed, 300.

Received from the Senate, 233.

Enrollment and Engrossment, 187, 251.

**House Bill No. 55. (Delayed Bills Com.)**

A Bill for an Act making an appropriation for maintenance, improvement, repairs and equipments for the Institution of the Feeble Minded at Grafton, North Dakota; amending and re-enacting Section 1 of Chapter 32 of the Laws of North Dakota for the year 1919; repealing all acts and parts of acts in conflict therewith and declaring an emergency.

Introduction, first and second reading, 170.

Reference, 170.

Reported back, 188.

Amended, 343.

Third Reading, 229.

Passed, 229, 422.

Received from the Senate, 343.

Other Action, 370, 384, 420.

Enrollment and Engrossment, 215, 416, 425.

**House Bill No. 56. (Delayed Bills Com.)**

A Bill for an Act amending and re-enacting Section 7 of Chapter 108 of the Laws of North Dakota for the year 1919, relating to the care of samples of milk and cream and for obtaining official tests of butter fat; making an appropriation therefor and repealing all acts and parts of acts in conflict therewith, and declaring an emergency.

Introduction, first and second reading, 170.

Reference, 170.

Reported back, 186.



Third Reading, 229.  
 Passed, 230.  
 Received from the Senate, 342.  
 Enrollment and Engrossment, 215, 397.

**House Bill No. 57. (Delayed Bills Com.)**

A Bill for an Act making appropriation for the maintenance, improvements and repairs, new buildings, equipments and miscellaneous expenses of the North Dakota Reform School; amending and re-enacting Section 1 of Chapter 57 of the Laws of North Dakota for the year 1919; repealing all acts and parts of acts in conflict therewith; and declaring an emergency.

Introduction, first and second reading, 170.

Reference, 170.

Reported back, 190.

Amended, 363.

Amendment Adopted, 370.

Third Reading, 230.

Passed, 231, 370.

Received from the Senate, 363.

Enrollment and Engrossment, 215, 420.

**House Bill No. 58. (Delayed Bills Com.)**

A Bill for an Act making appropriations for the salary of the secretary and members of the State Highway Commission, for clerk hire and other assistance of the commission, postage, office supplies, furniture and fixtures, printing, miscellaneous and traveling expenses of the commission; amending and re-enacting Section 1 of Chapter 42 of the Laws of North Dakota for the year 1919; repealing all acts and parts of acts in conflict therewith, and declaring an emergency.

Introduction, first and second reading, 170.

Reference, 170.

Reported back, 186.

Third Reading, 231.

Passed, 231.

Received from the Senate, 342.

Enrollment and Engrossment, 215, 397.

**House Bill No. 59. (Delayed Bills Com.)**

A Bill for an Act remitting the amount of state taxes for the year 1919.

Introduction, first and second reading, 170.

Reference, 170.

Reported back, 189, 218.

Amended, 185, 394.

Third Reading, 231.

Passed, 232.

Received from the Senate, 394.

Other Action, 211.

Enrollment and Engrossment, 252, 420.

**House Bill No. 60. (Delayed Bills Com.)**

A Bill for an Act declaring and defining the time within which laws passed at any Special Session of the Legislative Assembly shall take effect.

Introduction, first and second reading, 210.

Reference, 210.

Reported back, 221.

Third Reading, 232.

Passed, 232.

Received from the Senate, 343.

Other Action, 252.

Enrollment and Engrossment, 252, 397.